



AK PT/OT Board - Regulations Committee Mtg - December 19, 2025

Alaska Division of Corporations, Business and Professional Licensing
Videoconference
2025-12-19 09:00 - 12:00 AKST

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Eliza Ellsworth
Tori Daugherty

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11/03/2025 - The baseline number of requirements for PHY is 333. 316 of these requirements are from the regulations, and 17 requirements are from documents adopted by reference in the regulations. The 25% target is against the 333 number.

25% of 316 = Minimum 79 reductions in regulations to meet goal.

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BOARD OF P

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OMMITTEE MEET NG

THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING, HEREBY ANNOUNCES THE FORTHCOMING MEETING:

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY – REGULATIONS COMMITTEE MEETING. December 19, 2025. 9:00am. Teleconference/videoconference to conduct a regulations committee meeting. Participants must register to attend. The Zoom link to attend is

<https://us02web.zoom.us/meeting/register/TOKLLSyUQym5s8MxIdGX3A>

or more information, visit:

www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy/BoardMeetingDatesAgenda

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call the Director of Corporations, Business and Professional Licensing, (907) 465-2550, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Commerce, Community, and Economic Development to accommodate your needs.

Attachments, History, Details

Attachments

None

Revision History

Created 11/14/2025 9:42:08 AM by KLCAMPBELL

Details

Department:	Commerce, Community, and Economic Development
Category:	Boards and Commissions
Sub-Category:	Physical Therapy and Occupational Therapy Board, State
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Archive Date:	12/20/2025
Events/Deadlines:	



AK PT/OT Board - Regulations Committee Mtg - December 19, 2025

Alaska Division of Corporations, Business and Professional Licensing
Friday, December 19, 2025 at 9:00 AM AKST to 12:00 PM AKST
Videoconference

Meeting Details: <https://us02web.zoom.us/meeting/register/TOKLLSyUQym5s8MxIdGX3A>

Additional Meeting Details: Registration required

Agenda

- 1. Call to Order/Roll Call** **9:00 AM**
Committee Members:
Valerie Phelps
Eliza Ellsworth
Tori Daugherty
- 2. Review/Approve Agenda** **9:05 AM**
- 3. Approve Minutes - 09/26/2025** **9:08 AM**
- 4. Public Comment** **9:10 AM**
- 5. Regulations Projects**
 - A. AO360 Regulation Reduction Plan** **9:25 AM**

11/03/2025 - The baseline number of requirements for PHY is 333. 316 of these requirements are from the regulations, and 17 requirements are from documents adopted by reference in the regulations. The 25% target is against the 333 number.
25% of 316 = Minimum 79 reductions in regulations to meet goal.

 - i. PHY AO360 DRAFTS**
 - ii. Resources**
- 6. Next Steps** **11:55 AM**
- 7. Adjourn** **12:00 PM**



AK PT/OT Board - Regulations Committee Mtg - September 26, 2025 Minutes

Alaska Division of Corporations, Business and Professional Licensing

9/26/2025 9:00 AM AKDT

Videoconference

These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

1. Call to Order/Roll Call

Committee Members: Valerie Phelps; Alternate - Tori Daugherty

The Physical Therapy and Occupational Therapy Board Regulations Committee meeting was called to order on Friday, September 26, 2025 at 9:06 am by Valerie Phelps.

Roll call taken:

Committee members present: Valerie Phelps and Tori Daugherty.

Staff present: Shane Bannarbie, Program Coordinator, and Sheri Ryan, Licensing Examiner.

Guest: Kristen Neville, State Affairs Manager, AOTA

2. Review/Approve Agenda

Agenda amended to move #7D - Questions from Examiner to after #5 - Dry Needling Position Statement. Amended agenda for 09/26/2025 accepted by consensus.

3. Approve Minutes - 08/15/2025

Motion to approve minutes from August 15, 2025 as submitted. All in favor; none opposed. Motion passes unanimously.

4. Public Comment

No public comment given.

5. Dry Needling Position Statement

Acupuncture Association sent a letter to the AKOTA Task Force voicing their concerns that "dry needling is acupuncture". A draft board position statement was reviewed by committee members that that dry needling is not acupuncture. Modifications were made to the draft to present to the full board at the October 2-3, 2025 meeting for review with the recommendation to approve and have reviewed by the Department of Law. If the review is favorable, post both the letter and review in OnBoard for board approval. If edits required, convene board meeting to discuss, review and approve.

Action items:

- Tori Daugherty to send updated draft position statement to staff to put on letterhead and add to October 2-3, 2025 board meeting for review.

6. Questions from Examiner

- Late renewal/reinstatement penalty fee – recommend adopting regulations project to board
- Add “teaching” to 12 AAC 405(c) and 12 AAC 54.705(c) – recommend adopting regulations project to board
- Separate number for temporary permits and permanent licenses – staff to do additional research and bring question back to committee
- Require license verifications if licensed as any provider type PT/PTA or OT/OTA – add to agenda at October 2-3, 2025 board meeting for discussion. No regulations project required if staying within same therapy practice. Regulations project required if requiring both PT and OT license verifications.
- 12 AAC 54.420(c) + 12 AAC 54.715(c) – refer to Continuing Competency Committee for consideration with future changes
- Require registration of Persons who practice in AK Tribal Health Program due to Federal Licensure Exemptions – recommend adopting regulations project to board

Action Items:

- Valerie Phelps to include recommendations and discussion items in Regulation Committee Report for October 2-3, 2025 board meeting.
- Staff to research separate number for temporary permits and permanent licenses
- Staff to refer 12 AAC 54.420(c) + 12 AAC 54.715(c) to Continuing Competency Committee for consideration with future changes

7. 12 AAC 54.610 - Foreign-Educated Occupational Therapy Applicants

Committee discussed conflict between AS 08.84.032(b) and 12 AAC 54.610 where there appears to be no provision for someone to apply by examination because 12 AAC 54.610(3) requires current license in good standing in another state. There also does not include pathway for someone who does not have work history in the past 24 months. Committee drafted regulatory language to recommend at Oct. 2025 board meeting to adopt a regulations project to clarify pathway for foreign-educated OT applicants by examination for licensure and with no work history. Concern expressed that [NBCOT OTED](#) does not allow for foreign educated OTA to apply to take the COTA. See FAQ – OTED Review Results – “Since I have a bachelor’s degree in OT from my country, am I eligible to take the NBCOT Certified Occupational Therapy Assistant

(COTA®) examination? No. Only individuals who have an occupational therapy assistant (OTA) degree from an accredited OTA school in the U.S. are eligible to take the COTA examination.

Action Items:

- Valerie Phelps to forward draft regulatory language to staff to add to October, 2025 board meeting for review.

8. Regulations Projects

- A. OTA/PTA Supervision - Review of previous Board Actions + Materials – tabled/no discussion.
- B. OTA/PTA supervision discussion - tabled/no discussion.
- C. Definition of Employment and Professional Reference Requirements for licensure by credentials - PT and OT – previously completed; to be recommended to the board at October 2-3, 2025 meeting.

9. Next Steps

- A. Tori Daugherty to send updated draft position statement to staff to put on letterhead and add to October 2-3, 2025 board meeting for review.
- B. Valerie Phelps to include recommendations and discussion items in Regulation Committee Report for October 2-3, 2025 board meeting.
- C. Staff to research separate number for temporary permits and permanent licenses.
- D. Staff to refer 12 AAC 54.420(c) + 12 AAC 54.715(c) to Continuing Competency Committee for consideration with future changes.
- E. Valerie Phelps to forward draft regulatory language to staff to add to October, 2025 board meeting for review.

10. Adjourn

The Physical Therapy and Occupational Therapy Board Regulations Committee meeting was adjourned at 10:55 am on Friday, September 26, 2025.

Next meeting scheduled for Friday, November 21, 2025 at 10:00 am.

From: [Mitchell S](#)
To: [Board of Physical and Occupational Therapy \(CED sponsored\)](#)
Subject: Public Comment on AS.360
Date: Friday, November 21, 2025 11:11:25 AM
Attachments: [Regulatory Reform Written Comment Form StClair Mitchell.pdf](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Board of Physical Therapy and Occupational Therapy,

My name is Mitchell St. Clair, a practicing physical therapist in Alaska for over 4 years. I was one of the individuals that stepped in to observe and listen to the PT/OT Board meeting today on 11/21/2025. I found it very insightful and I hope to attend future visits and possibly grow in my involvement when appropriate. On that note, seeing as the board has yet to formally establish a committee to work on the AS.360 response, I hope it is not too late to submit a comment and propose a statute or regulation change. If so, I would like the board to receive my comment here, over email, and submit it to formal record as allowed. I have attached a pdf. file using the suggested proposal form that was due on November 7th 2025 to the state. Here is also a text response of that:

As an active member of the physical therapy profession, and in effort to assist in the reduction of perceived burdensome or unnecessary regulations, I am proposing a term change in our profession as defined in the Statutes and Regulations of Physical Therapy and Occupational Therapy section 08.84.190 (7).

Currently, the language includes that "...for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; 'physical therapy' does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes..." I am proposing the language be changed to strike that condition and instead be read "...for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; 'physical therapy' does not include the use of electricity for surgical purposes..."

While the term 'roetgen rays' and the subsequent radiological studies that are performed using these terms are currently most often ordered by physicians, nurse practitioners, chiropractors, and other health professionals, I feel that our advanced profession should not be burdened with this unnecessary hurdle. Physical and Occupational Therapists are often described as the 'movement specialists', and deal directly with the musculoskeletal system. X-rays performed by allowing physical therapists to interact, or more specifically order roetgen rays would allow us to perform our jobs at the highest level.

If patient safety is of concern here, it should be noted that many if not all physical therapy programs already include education in this area and that those currently allowed to order imaging can include an 'over read' of these studies from radiologists with more expertise. I feel that this language change will help our professional safely provide quicker and more transparent safe clinical care at the highest level we are trained for.

Thank you for your volunteer time and the chance to be heard.

Mitchell St. Clair, PT, DPT, OCS, CSCS

Statutes and Regulations **Physical Therapy and Occupational Therapy**

March 2025



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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CHAPTER 84.
PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS

Article

- 1. State Physical Therapy and Occupational Therapy Board (§§ 08.84.010, 08.84.020)**
- 2. Licensing (§§ 08.84.030 – 08.84.120)**
- 3. Unlawful Acts (§§ 08.84.130 – 08.84.180)**
- 4. Interstate Physical Therapy Licensure Compact (§ 08.84.188)**
- 5. General Provisions (§§ 08.84.190, 08.84.200)**

ARTICLE 1.
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

Section

- 10. Creation and membership of board**
- 20. Applicability of Administrative Procedure Act**

Sec. 08.84.010. Creation and membership of board. (a) There is created the State Physical Therapy and Occupational Therapy Board, which consists of seven members. The membership consists of three physical therapists licensed in the state or two physical therapists and one physical therapist assistant licensed in the state, three occupational therapists licensed in the state or two occupational therapists and one occupational therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be United States citizens domiciled in the state.

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue temporary permits and licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter, including regulations establishing qualifications for licensure and renewal of licensure under this chapter;
- (7) implement the Interstate Physical Therapy Licensure Compact under AS 08.84.188.

Sec. 08.84.020. Applicability of Administrative Procedure Act. The board shall comply with AS 44.62 (Administrative Procedure Act).

ARTICLE 2.
LICENSING

Section

- 30. Qualifications for licensing**
- 32. Foreign-educated applicants**
- 34. Exemption from criminal justice information and criminal history record check**
- 40. Application for license**
- 50. Fees**
- 60. Licensure by acceptance of credentials**
- 65. Temporary permit**
- 75. Limited permit**
- 80. Examinations**
- 90. Licensure**
- 100. Renewal of license**
- 120. Refusal, revocation, and suspension of license; discipline**

Sec. 08.84.030. Qualifications for licensing. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

- (1) have graduated from a professional physical therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;

(2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapist assistant, or be entitled to licensure without examination as provided in AS 08.84.060;

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(4) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant, unless a graduate of a foreign school of occupational therapy located outside the United States, shall

(1) have graduated from a professional occupational therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;

(2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board or an examination recognized by a national accreditation agency approved by the board to determine the applicant's fitness for practice as an occupational therapist or occupational therapy assistant, or be entitled to licensure without examination under AS 08.84.060;

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(4) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.84.032. Foreign-educated applicants. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant who is a graduate of a school of physical therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional physical therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, an internship under the continuous direction and immediate supervision of a physical therapist in an institution that ordinarily provides physical therapy and is approved by the board, for that period of time specified by the board, and furnish documentary evidence of compliance with this paragraph;

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's physical therapist or physical therapist assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass the examination approved by the board under AS 08.84.030(a)(2);

(6) pay the fee required under AS 08.84.050;

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(8) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant who is a graduate of a school of occupational therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional occupational therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's occupational therapist or occupational therapy assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass an examination approved by the board under AS 08.84.030(b);

(6) pay the fee required under AS 08.84.050;

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(8) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.84.034. Exemption from criminal justice information and criminal history record check. A physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant holding a valid license under this chapter on July 1, 2024, is exempt from the requirements of AS 08.84.030(a)(4) and (b)(4) and 08.84.032(a)(8) and (b)(8), but is otherwise subject to this chapter.

Sec. 08.84.040. Application for license. To be licensed under this chapter to practice physical therapy or occupational therapy, an applicant shall apply to the board on a form prescribed by the board. An applicant shall include in the application evidence under oath that the applicant possesses the qualifications required by AS 08.84.030 or 08.84.032.

Sec. 08.84.050. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) license by examination;
- (3) license by acceptance of credentials;
- (4) renewal;
- (5) temporary permit;
- (6) limited permit;
- (7) compact privilege.

Sec. 08.84.060. Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under the laws of another state, if the requirements for licensure in that state were, at the date of the applicant's licensure, substantially equal to the requirements in this state.

Sec. 08.84.065. Temporary permit. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who

- (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4); and

- (2) pays the required fee.

(b) A temporary permit issued to an applicant for licensure by acceptance of credentials is valid for eight months or until the board considers the applicant's application for acceptance of credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure as a physical therapist or physical therapist assistant by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which the applicant is scheduled, the applicant's temporary permit lapses the day of the examination.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy or occupational therapy located outside the United States is valid until the results of the first examination for which the applicant is scheduled are published following completion of the internship required under AS 08.84.032.

(e) A temporary permit issued to an applicant for licensure as an occupational therapist or occupational therapy assistant by examination is valid for eight months or until the results of the examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an examination for which the applicant is scheduled the applicant's temporary permit lapses on the day of the examination.

Sec. 08.84.070. Registration fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.075. Limited permit. (a) The board may issue a limited permit to a person to practice occupational therapy in the state as a visiting, nonresident occupational therapist or occupational therapy assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied occupational therapy licensure in the state;
- (3) is licensed to practice occupational therapy in another state or satisfies the requirements for certification by the American Occupational Therapy Association;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical therapist assistant, if the person

- (1) applies on the form provided by the board;

- (2) has not previously been denied physical therapy licensure in the state;
- (3) is licensed to practice physical therapy in another state;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.
- (c) A limited permit is valid for a period of 120 consecutive days in a calendar year.
- (d) A person may not receive more than
 - (1) one limited permit to practice occupational therapy or physical therapy in a 12-month period; and
 - (2) three limited permits to practice occupational therapy or physical therapy during the person's lifetime.

Sec. 08.84.080. Examinations. The board shall examine applicants for licensure under this chapter at the times and places it determines.

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter and shall issue a license certificate to each person licensed. A license certificate is prima facie evidence of the right of the person to hold out as a licensed physical therapist, licensed physical therapist assistant, licensed occupational therapist, or licensed occupational therapy assistant.

Sec. 08.84.100. Renewal of license. (a) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(b) If the license remains lapsed for more than three years, the board may require the applicant to submit proof, satisfactory to the board, of continued competency.

(c) A license may not be renewed unless the applicant submits proof of continued competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b).

Sec. 08.84.110. Renewal fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.120. Refusal, revocation, and suspension of license; discipline. (a) The board may refuse to license an applicant, may refuse to renew the license of a person, may discipline a person, and may suspend or revoke the license of a person who

- (1) has obtained or attempted to obtain a license by fraud or material misrepresentation;
 - (2) uses drugs or alcohol in any manner that affects the person's ability to practice physical therapy or occupational therapy competently and safely;
 - (3) has been convicted of a state or federal felony or other crime that effects the person's ability to practice competently and safely;
 - (4) is guilty, in the judgement of the board, of gross negligence or malpractice or has engaged in conduct contrary to the recognized standards of ethics of the physical therapy profession or the occupational therapy profession;
 - (5) has continued to practice physical therapy or occupational therapy after becoming unfit because of physical or mental disability;
 - (6) has failed to refer a patient to another qualified professional when the patient's condition is beyond the training or ability of the person;
 - (7) as a physical therapist assistant, has attempted to practice physical therapy that has not been initiated, supervised, and terminated by a licensed physical therapist;
 - (8) as an occupational therapy assistant, has attempted to practice occupational therapy that has not been supervised by a licensed occupational therapist; or
 - (9) has failed to comply with this chapter, a regulation adopted under this chapter, or an order of the board.
- (b) The refusal or suspension of a license may be modified or rescinded if the person has been rehabilitated to the satisfaction of the board.
- (c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if the licensee
- (1) or another licensed health care provider is available to provide follow-up care;
 - (2) requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
 - (3) meets the requirements established by the board in regulation.
- (d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

ARTICLE 3. UNLAWFUL ACTS

Section

- 130. False claim of license prohibited**
- 140. Penalty for fraud in obtaining license**
- 150. License required; exceptions**
- 160. Scope of authorized practice**
- 180. Investigation**

Sec. 08.84.130. False claim of license prohibited. (a) A person not licensed as a physical therapist, or whose license is suspended or revoked or has lapsed, who uses in connection with the person's name the words or letters "P.T.," "Physical Therapist," "L.P.T.," "Licensed Physical Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed physical therapist, or who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist, is guilty of a class B misdemeanor.

(b) A person not licensed as a physical therapist assistant, or whose license is suspended or revoked or has lapsed, who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist assistant is guilty of a class B misdemeanor.

(c) A person not licensed as an occupational therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words "Licensed Occupational Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed occupational therapist, or who orally or in writing, directly or by implication, holds out as a licensed occupational therapist is guilty of a class B misdemeanor.

(d) A person not licensed as an occupational therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who orally or in writing, directly or by implication, holds out as a licensed occupational therapy assistant is guilty of a class B misdemeanor.

Sec. 08.84.140. Penalty for fraud in obtaining license. A person who willfully makes a false oath or affirmation or who obtains or attempts to obtain a license by a fraudulent representation is guilty of a class B misdemeanor.

Sec. 08.84.150. License required; exceptions. (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited physical therapy program;
- (2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist;
- (3) issued a limited permit under AS 08.84.075; or
- (4) granted a compact privilege under AS 08.84.188.

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited occupational therapy program or in a supervised field work program;
- (2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;
- (3) an occupational therapist or occupational therapy assistant employed by the United States Government while in the discharge of official duties;
- (4) granted a limited permit under AS 08.84.075;
- (5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

- (i) be an occupational therapist or occupational therapy assistant; and
- (ii) practice occupational therapy.

Sec. 08.84.160. Scope of authorized practice. This chapter does not authorize a person to practice medicine, osteopathy, chiropractic, or other method of healing, but only to practice physical therapy or occupational therapy.

Sec. 08.84.170. Penalty. *[Repealed, Sec. 7 ch 46 SLA 1986.]*

Sec. 08.84.180. Investigation. The board shall request appropriate authorities to conduct investigations of every supposed violation of this chapter coming to its notice and shall report all cases that in the judgment of the board warrant prosecution to the proper law enforcement officials.

Sec. 08.84.185. Limits or conditions on license; discipline. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

ARTICLE 4. INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT

Sec. 08.84.188. Compact enacted. The Interstate Physical Therapy Licensure Compact as contained in this section is enacted into law and entered into on behalf of the state with all other states and jurisdictions legally joining it in a form substantially as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

- (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
- (2) Enhance the states' ability to protect the public's health and safety;
- (3) Encourage the cooperation of member states in regulating multistate physical therapy practice;
- (4) Support spouses of relocating military members;
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 1211.
- (2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
- (3) "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes substance abuse issues.
- (4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient or client is located at the time of the patient/client encounter.
- (5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
- (6) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
- (7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
- (8) "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- (9) "Home state" means the member state that is the licensee's primary state of residence.
- (10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
- (11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
- (12) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
- (13) "Member state" means a state that has enacted the Compact.
- (14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
- (15) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
- (16) "Physical therapist assistant" means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.
- (17) "Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
- (18) "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.
- (19) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.
- (20) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

- (21) "Rule" means a regulation, principle, or directive promulgated by the Commission that has the force of law.
- (22) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- (a) To participate in the Compact, a state must:
- (1) Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;
 - (2) Have a mechanism in place for receiving and investigating complaints about licensees;
 - (3) Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;
 - (4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with Section 3(b);
 - (5) Comply with the rules of the Commission;
 - (6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and
 - (7) Have continuing competence requirements as a condition for license renewal.
- (b) Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. §534 and 34 U.S.C. §40316.
- (c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.
- (d) Member states may charge a fee for granting a compact privilege.

SECTION 4. COMPACT PRIVILEGE

- (a) To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall
- (1) Hold a license in the home state;
 - (2) Have no encumbrance on any state license;
 - (3) Be eligible for a compact privilege in any member state in accordance with Section 4(d), (g) and (h);
 - (4) Have not had any adverse action against any license or compact privilege within the previous 2 years;
 - (5) Notify the Commission that the licensee is seeking the compact privilege within a remote state;
 - (6) Pay any applicable fees, including any state fee, for the compact privilege;
 - (7) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and
 - (8) Report to the Commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.
- (b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of Section 4(a) to maintain the compact privilege in the remote state.
- (c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
- (d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.
- (e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:
- (1) The home state license is no longer encumbered; and
 - (2) Two years have elapsed from the date of the adverse action.
- (f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4(a) to obtain a compact privilege in any remote state.
- (g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:
- (1) The specific period of time for which the compact privilege was removed has ended;
 - (2) All fines have been paid; and
 - (3) Two years have elapsed from the date of the adverse action.
- (h) Once the requirements of Section 4(g) have been met, the licensee must meet the requirements in Section 4(a) to obtain a compact privilege in a remote state.

SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- (1) Home of record;
- (2) Permanent Change of Station (PCS); or
- (3) State of current residence if it is different than the PCS state or home of record.

SECTION 6. ADVERSE ACTIONS

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.
(b) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(c) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

- (1) Take adverse actions as set forth in Section 4(d) against a licensee's compact privilege in the state;
- (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) Joint Investigations

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(a) The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission.

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the Commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The Commission shall have the following powers and duties:

- (1) Establish the fiscal year of the Commission;
- (2) Establish bylaws;
- (3) Maintain its financial records in accordance with the bylaws;
- (4) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

- (5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;
 - (6) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;
 - (7) Purchase and maintain insurance and bonds;
 - (8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;
 - (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 - (10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
 - (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;
 - (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
 - (13) Establish a budget and make expenditures;
 - (14) Borrow money;
 - (15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
 - (16) Provide and receive information from, and cooperate with, law enforcement agencies;
 - (17) Establish and elect an Executive Board; and
 - (18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.
- (d) The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.
- (1) The Executive Board shall be composed of nine members:
 - (A) Seven voting members who are elected by the Commission from the current membership of the Commission;
 - (B) One ex-officio, nonvoting member from the recognized national physical therapy professional association; and
 - (C) One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.
 - (2) The ex-officio members will be selected by their respective organizations.
 - (3) The Commission may remove any member of the Executive Board as provided in bylaws.
 - (4) The Executive Board shall meet at least annually.
 - (5) The Executive Board shall have the following duties and responsibilities:
 - (A) Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;
 - (B) Ensure Compact administration services are appropriately provided, contractual or otherwise;
 - (C) Prepare and recommend the budget;
 - (D) Maintain financial records on behalf of the Commission;
 - (E) Monitor Compact compliance of member states and provide compliance reports to the Commission;
 - (F) Establish additional committees as necessary; and
 - (G) Other duties as provided in rules or bylaws.
- (e) Meetings of the Commission
- (1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 9.
 - (2) The Commission or the Executive Board or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Board or other committees of the Commission must discuss:
 - (A) Non-compliance of a member state with its obligations under the Compact;
 - (B) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - (C) Current, threatened, or reasonably anticipated litigation;
 - (D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - (E) Accusing any person of a crime or formally censuring any person;
 - (F) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - (G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (H) Disclosure of investigative records compiled for law enforcement purposes;

(I) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

(J) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

(f) Financing of the Commission

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) Qualified Immunity, Defense, and Indemnification

(1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 8. DATA SYSTEM

(a) The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

(1) Identifying information;

(2) Licensure data;

- (3) Adverse actions against a license or compact privilege;
 - (4) Non-confidential information related to alternative program participation;
 - (5) Any denial of application for licensure, and the reason(s) for such denial; and
 - (6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.
- (c) Investigative information pertaining to a licensee in any member state will only be available to other party states.
 - (d) The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.
 - (e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
 - (f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 9. RULEMAKING

- (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.
- (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
 - (1) On the website of the Commission or other publicly accessible platform; and
 - (2) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.
- (e) The Notice of Proposed Rulemaking shall include:
 - (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 - (2) The text of the proposed rule or amendment and the reason for the proposed rule;
 - (3) A request for comments on the proposed rule from any interested person; and
 - (4) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- (f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - (1) At least twenty-five (25) persons;
 - (2) A state or federal governmental subdivision or agency; or
 - (3) An association having at least twenty-five (25) members.
- (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.
 - (1) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
 - (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - (3) All hearings will be recorded. A copy of the recording will be made available on request.
 - (4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- (i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- (j) If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.
- (k) The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures

provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of Commission or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

(3) The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination

(1) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

- (A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
- (B) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute Resolution

(1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief

sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

(a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any member state may withdraw from this Compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

ARTICLE 5. GENERAL PROVISIONS

Section

190. Definitions

200. Short title

Sec. 08.84.190. Definitions. In this chapter, unless the context otherwise requires,

- (1) "board" means the State Physical Therapy and Occupational Therapy Board;
- (2) "occupational therapist" means a person who practices occupational therapy;
- (3) "occupational therapy" means, for compensation, the use of purposeful activity, evaluation, treatment, and consultation with human beings whose ability to cope with the tasks of daily living are threatened with, or impaired by developmental deficits, learning disabilities, aging, poverty, cultural differences, physical injury or illness, or psychological and social disabilities to maximize independence, prevent disability, and maintain health; "occupational therapy" includes
 - (A) developing daily living, play, leisure, social, and developmental skills;
 - (B) facilitating perceptual-motor and sensory integrative functioning;
 - (C) enhancing functional performance, prevocational skills, and work capabilities using specifically designed exercises, therapeutic activities and measure, manual intervention, and appliances;
 - (D) design, fabrication, and application of splints or selective adaptive equipment;
 - (E) administering and interpreting standardized and nonstandardized assessments, including sensory, manual muscle, and range of motion assessments, necessary for planning effective treatment; and
 - (F) adapting environments for the disabled;
- (4) "occupational therapy assistant" means a person who assists in the practice of occupational therapy under the supervision of an occupational therapist;

(5) “physical therapist” means a person who practices physical therapy;

(6) “physical therapist assistant” means a person who assists in the practice of physical therapy or an aspect of physical therapy as initiated, supervised, and terminated by a licensed physical therapist; the responsibilities of a physical therapist assistant do not include evaluation;

(7) “physical therapy” means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; “physical therapy” does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.

Sec. 08.84.200. Short Title. This chapter may be cited as the Physical Therapists and Occupational Therapists Practice Act.

**CHAPTER 54.
STATE PHYSICAL THERAPY AND OCCUPATIONAL
THERAPY BOARD.**

Article

1. **Physical Therapy Licensure by Examination (12 AAC 54.010 – 12 AAC 54.080)**
2. **Physical Therapy Licensure by Credentials (12 AAC 54.100 – 12 AAC 54.130)**
3. **Physical Therapy License Renewal and Continuing Competency Requirements (12 AAC 54.200 – 12 AAC 54.440)**
4. **Physical Therapy Standards of Practice (12 AAC 54.500 – 12 AAC 54.590)**
5. **Occupational Therapy Licensure (12 AAC 54.600 – 12 AAC 54.660)**
6. **Occupational Therapy License Renewal and Continuing Competency Requirements (12 AAC 54.700 – 12 AAC 54.725)**
7. **Occupational Therapy Standards of Practice (12 AAC 54.800 – 12 AAC 54.890)**
8. **General Provisions (12 AAC 54.900 – 12 AAC 54.990)**

**ARTICLE 1.
PHYSICAL THERAPY LICENSURE BY EXAMINATION.**

Section

10. **(Repealed)**
20. **(Renumbered)**
30. **Requirements for physical therapy license by examination**
40. **Foreign-educated physical therapy applicants**
50. **Physical therapist temporary permits and scope of practice under those permits**
55. **(Repealed)**
60. **(Repealed)**
70. **Supervised field work**
80. **Passing scores**

12 AAC 54.010. OFFICERS OF THE BOARD. Repealed 9/26/91.

12 AAC 54.020. BOARD MEETINGS. Renumbered as 12 AAC 54.960, 9/26/91.

12 AAC 54.030. REQUIREMENTS FOR PHYSICAL THERAPY LICENSE BY EXAMINATION. (a) An applicant for a physical therapist or a physical therapist assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside of the United States, shall submit a completed application on a form prescribed by the board with

- (1) payment of the fees established in 12 AAC 02.320;
- (2) the applicant's certified transcript sent directly to the department from a physical therapy school meeting the requirements of AS 08.84.030(a)(1);
- (3) a signed letter of professional reference sent directly to the department on a form provided by the department from

(A) the head of the physical therapy school; or

(B) an instructor, physician, supervising physical therapist, or supervisor;

~~(4) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter;~~
and

~~(5) proof of passing examination scores, sent directly to the department from the Federation of State Boards of Physical Therapy (FSBPT).~~

(b) Repealed 8/7/2021.

(c) An applicant who has applied for, but not yet received, licensure in another state and who has passed the national physical therapy examination in that state may have the examination scores transferred to the board and may apply for licensure by examination under (a) of this section.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.040

12 AAC 54.040. FOREIGN-EDUCATED PHYSICAL THERAPY APPLICANTS. (a) A physical therapist or physical therapist assistant applicant for license by examination who received an education and qualifying degree outside of the United States must meet all requirements for licensure under AS 08.84. An applicant under this section must be a graduate from a school of physical therapy with a resident course of study and professional instruction that is

~~(1) substantially equivalent to a professional physical therapy education program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE); and~~

- (2) evaluated by one of the following board-approved credential evaluation services:
- (A) International Consultants of Delaware (ICD);
 - (B) Foreign Credentialing Commission on Physical Therapy (FCCPT);
 - (C) International Education Research Foundation (IERF); or
 - (D) an equivalent nationally recognized company as approved by the board.
- (b) To apply for a physical therapist or physical therapist assistant license by examination under this section, an applicant must submit
- (1) a completed application on the form prescribed by the board;
 - (2) payment of the fees established in 12 AAC 02.320;
 - (3) a professional reference letter on a form provided by the department; the form must be signed and sent directly to the department from
 - (A) the head of the applicant's physical therapy school; or
 - (B) a professional who has knowledge of the applicant's competency, including a current or former instructor, supervising physician or physical therapist, or other supervisory professional;
 - ~~(4) the jurisprudence questionnaire covering the provisions of AS 08.84 and this chapter as prepared by the board;~~
 - (5) verification that the applicant
 - (A) completed the internship requirements under (c) of this section; and
 - (B) passed the National Physical Therapy Examination; the applicant's passing scores must be sent directly to the department from the Federation of State Boards of Physical Therapy (FSBPT).
- ~~(c) A foreign-educated physical therapist or physical therapist assistant applicant shall complete an internship under the on-site supervision of a currently licensed physical therapist in an institution that meets the requirements of (d) of this section and AS 08.84.032(a)(2). The board will not consider internship hours claimed before the date the board pre-approves the internship. A foreign-educated physical therapist or physical therapist assistant applicant shall complete an internship based on~~
- ~~(1) a minimum of six months of full-time work, averaging not less than 35 hours per week; or~~
 - ~~(2) part-time work averaging less than 35 hours per week, but equivalent to the total minimum number of hours required under (1) of this subsection.~~
- ~~(d) An institution used for an internship must have at least two full-time physical therapists on the staff licensed under this chapter and be in a clinic setting providing a varied case load to be approved by the board. A government service hospital may be used if the hospital meets the requirements of this subsection.~~
- ~~(e) A licensed physical therapist who serves as a preceptor to a foreign-educated intern applicant shall assume responsibility for the intern's experience and the safety and welfare of the patient.~~
- ~~(f) A licensed physical therapist who serves as a preceptor under this section shall directly submit a national performance evaluation tool that is recognized by the board to the department. On the tool, the preceptor shall attest to the applicant's~~
- ~~(1) satisfactory or unsatisfactory completion of the internship; and~~
 - ~~(2) level of skill in completion of evaluation, program planning, therapeutic practice, potential ability to practice safely while unsupervised with sound professional judgment, and ethics related to the practice of physical therapy.~~
- ~~(g) If a licensed physical therapist who serves as a preceptor will not recommend to the board that the applicant is qualified to work unsupervised at the end of an internship under (e) of this section, the board may require the applicant to arrange for another internship equivalent to six months or less. The board must approve any change in a preceptor before the change takes effect. If the applicant is not recommended by a preceptor as qualified to work independently at the end of a second internship, the board may deny licensure.~~
- ~~(h) If a licensed physical therapist who serves as a preceptor determines that an applicant is unqualified to continue the internship, nothing in this section obligates the preceptor or the preceptor's facility to either complete a six-month internship or provide a second internship for that applicant. A preceptor who terminates the internship of an applicant before the scheduled completion date must notify the board in writing and state the reason for the termination. Either an intern or a preceptor may request an advisory review of the internship by the board.~~
- ~~(i) After an applicant has satisfactorily completed an internship and has been scheduled for the National Physical Therapy Examination, the applicant may apply for a temporary permit under AS 08.84.065 and 12 AAC 54.050.~~
- ~~(j) To receive credit for an internship, an applicant must take and pass the National Physical Therapy Examination either before completing the internship or not later than one year after completing the internship.~~
- (k) Verification of achieving a passing score, as set out in 12 AAC 54.080, on the national examination, meets the English language proficiency requirements of AS 08.84.032(a)(3).
- ~~(l) In this section, "preceptor" means a currently licensed physical therapist under this chapter who provides on-site supervision for an individual who is completing an internship under this section.~~

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.065

12 AAC 54.050. PHYSICAL THERAPIST TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) The board or department will issue a temporary permit to an applicant for a physical

therapist or physical therapist assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.030(a);
- (4) a signed and notarized statement of responsibility from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant.

~~(b) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by credentials, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:~~

- ~~(1) a complete application on a form provided by the department;~~
- ~~(2) the temporary permit fee established in 12 AAC 02.320;~~
- ~~(3) all items required under 12 AAC 54.100.~~

(c) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by examination who is a graduate of a school of physical therapy that is located outside the United States and demonstrates compliance with AS 08.84.032(a)(1) and 08.84.065(a) to the satisfaction of the board. A temporary permit issued under this subsection expires on the date the scores are posted to the board. The following items documenting compliance with 12 AAC 54.040 must be on file with the department before the temporary permit is issued:

- (1) a complete application on a form provided by the department;
- (2) an official copy of a
 - (A) credentials evaluation sent directly to the department from an agency approved by the board; or
 - (B) transcript indicating compliance with AS 08.84.032(a)(1) if the degree was obtained from a foreign program accredited by a board-approved accrediting agency;
- (3) a signed letter of professional reference on a form provided by the department and sent directly to the department from
 - (A) the head of a physical therapy school; or
 - (B) an instructor, physician, supervising physical therapist, or supervisor;
- (4) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant;
- (5) a copy of the confirmation from the testing center indicating the date that the applicant is scheduled to take the national physical therapy examination;
- ~~(6) a signed letter of verification sent directly to the department on a form provided by the department from the preceptor attesting to the applicant's satisfactory completion of the internship;~~
- (7) the application, license, and temporary permit fees established in 12 AAC 02.320;
- (8) repealed 3/27/2024.

(d) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by credentials who is a graduate of a school of physical therapy that is located outside the United States if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.110.

~~(e) The board will review an applicant for a physical therapist or physical therapist assistant temporary permit in accordance with 12 AAC 54.915.~~

(f) An applicant for a physical therapist or physical therapist assistant license who is waiting to take the next scheduled examination and who has been issued a temporary permit under AS 08.84.065 may practice only under the supervision of a licensed physical therapist and may not act as a supervisor until a permanent license is issued.

(g) The holder of a temporary permit as a physical therapist, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, may practice without supervision.

(h) The holder of a temporary physical therapist assistant permit issued according to the provisions of AS 08.84.065(b) who is awaiting licensure by acceptance of credentials shall practice in accordance with 12 AAC 54.510.

Authority: AS 08.84.010 AS 08.84.065

12 AAC 54.055. LICENSURE OF APPLICANTS. Repealed 9/26/91.

12 AAC 54.060. ADMINISTRATION OF EXAMINATION. Repealed 10/20/99.

~~**12 AAC 54.070. SUPERVISED FIELD WORK.** As used in AS 08.84.030(a)(1), "supervised field work" means the clinical education experience portion of a CAPTE-accredited educational program to be completed under the supervision of a licensed physical therapist.~~

Authority: ~~AS 08.84.010~~ AS 08.84.030

~~12 AAC 54.080. PASSING SCORES. (a) To pass the national examination an applicant must achieve at least the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy for that examination. The passing score will equal a scaled score of 600 based on a scale ranging from 200 to 800.~~

~~(b) Repealed 10/20/99.~~

~~(c) Repealed 8/7/2021.~~

Authority: AS 08.84.010

~~AS 08.84.080~~

ARTICLE 2. PHYSICAL THERAPY LICENSURE BY CREDENTIALS.

Section

100. Application for licensure by credentials

110. Foreign-educated applicants

120. Military-trained therapy assistant

130. Temporary military courtesy license

12 AAC 54.100. APPLICATION FOR LICENSURE BY CREDENTIALS. An application for licensure by credentials as a physical therapist or a physical therapist assistant must be submitted to the department on a form prescribed by the board with

- ~~(1) all items required under 12 AAC 54.030(a);~~
- (2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant has or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;
- (4) other evidence considered necessary by the board to determine if the requirements of the other jurisdiction were, at the date of issuance, substantially equal to the requirements of this state;
- (5) verification sent directly to the department from the source that the applicant has
 - ~~(A) been employed in physical therapy at least 60 hours within the 24 months immediately preceding the date the application is received;~~
 - (B) passed the national physical therapy examination within the 24-month period immediately preceding the date the application is received; or
 - (C) satisfactorily completed an internship of 150 hours approved by the board.

Authority: AS 08.84.010
AS 08.84.030

AS 08.84.040

AS 08.84.060

12 AAC 54.110. FOREIGN-EDUCATED APPLICANTS. An applicant for a physical therapist or physical therapist assistant license by credentials who received an education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1) and (4), and this section, and shall submit an application to the department on a form provided by the department. The application must include

- (1) transcripts evaluated in accordance with 12 AAC 54.040(a)(2);
- (2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;
- ~~(4) satisfactory evidence sent directly to the department on a form provided by the department from a supervising therapist of~~
 - ~~(A) a minimum six months of supervised work experience while licensed as a physical therapist or physical therapist assistant in another state, another territory, or the District of Columbia; or~~
 - ~~(B) satisfactory completion of an internship that meets the requirements of 12 AAC 54.040(c), (e), and (f);~~
- ~~(5) other evidence determined necessary by the board to determine if the applicant's out-of-state license is substantially equal to the license requirements of this state;~~
- (6) verification of achieving a passing score, as set out in 12 AAC 54.080, on the national examination, shall meet the English language proficiency requirements of AS 08.84.032(a)(3);
- (7) a signed letter of professional reference sent directly to the department on a form provided by the department from
 - (A) the head of the physical therapy school from which the applicant graduated; or

(B) an instructor, physician, or physical therapist other than the physical therapist preceptor described in 12 AAC 54.040(e) and (f); and

- (8) verification sent directly to the department from the source that the applicant has
~~(A) been employed in physical therapy at least 60 hours during the 24 months immediately preceding the date the application is received; or~~
(B) passed the national physical therapy examination during the 24-month period immediately preceding the date the application is received.

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.060

12 AAC 54.120. MILITARY-TRAINED THERAPY ASSISTANT. A military-trained physical therapist assistant may apply to the board for license by credentials only and must submit verification of a current and valid certificate, license, or other evidence of qualification issued under the laws of another state.

Authority: AS 08.84.010 AS 08.84.060

12 AAC 54.130. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a physical therapist or physical therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license under this section
- (1) must submit an application on a form provided by the department;
 - ~~(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;~~
 - (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - (4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;
 - (5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the examination required under 12 AAC 54.030(a)(5) as a condition of licensure; and
 - (6) may not have been convicted of a crime that affects the applicant's ability to practice as a physical therapist or physical therapy assistant competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.
- (e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

Authority: AS 08.01.062 AS 08.01.063 AS 08.84.010

ARTICLE 3. PHYSICAL THERAPY LICENSE RENEWAL AND CONTINUING COMPETENCY REQUIREMENTS.

Section

200. (Repealed)
210. (Repealed)
220. (Repealed)
230. (Repealed)
400. Physical therapy license renewal requirements
405. Physical therapy continuing professional practice requirements and alternatives to those requirements
410. Physical therapy continuing education requirements
420. Approved physical therapy courses and activities
430. Audit of physical therapy continuing competency requirements
435. Exemption from continuing education requirements for active duty military service
440. (Repealed)

12 AAC 54.200. APPLICATION FOR LICENSURE BY CREDENTIALS. Repealed 10/1/88.

12 AAC 54.210. APPLICATION FOR LICENSE RENEWAL. Repealed 6/3/89.

12 AAC 54.220. INACTIVE STATUS. Repealed 6/3/89.

12 AAC 54.230. INTERNSHIP. Repealed 6/3/89.

12 AAC 54.400. PHYSICAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of a physical therapist or physical therapist assistant license shall

- (1) complete the renewal application on a form prescribed by the board;
- (2) pay the license renewal fee established in 12 AAC 02.320; and
- (3) document continuing competency by submitting proof of having completed
 - (A) the continuing professional practice requirements or an alternative under 12 AAC 54.405; and
 - (B) the continuing education contact hours required under 12 AAC 54.410.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.405. PHYSICAL THERAPY CONTINUING PROFESSIONAL PRACTICE REQUIREMENTS AND ALTERNATIVES TO THOSE REQUIREMENTS. ~~(a) An applicant for renewal of a physical therapist or physical therapist assistant license shall document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.84 and this chapter, and shall also document~~

- (1) having provided physical therapy services for at least 60 hours during the concluding licensing period; or
- (2) successful completion during the concluding licensing period of at least one of the following:
 - (A) the national physical therapy examination sponsored by the Federation of State Boards of Physical Therapy;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.410 and 12 AAC 54.420, 40 contact hours of continuing education consistent with the requirements of 12 AAC 54.410 and 12 AAC 54.420;

~~(C) a review course sponsored by a school of physical therapy approved by the American Physical Therapy Association;~~

(D) a physical therapy internship of 150 hours approved by the board.

(b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute physical therapy services under this section, the applicant may request board approval before submitting the application for license renewal.

(c) In this section, "physical therapy services" includes work and volunteer service under a position title other than physical therapist or physical therapist assistant if the applicant documents that the position required the use of physical therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

Editor's note: A list of schools of physical therapy approved by the American Physical Therapy Association may be obtained from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314; website at www.apta.org. Information on the national physical therapy examination may be obtained from the Federation of State Boards of Physical Therapy, 124 West Street South, Third Floor, Alexandria, VA 22314; website at www.fsbpt.org.

12 AAC 54.410. PHYSICAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.435, an applicant for renewal of a physical therapist or physical therapist assistant license who has been licensed for 12 months or more of the concluding licensing period shall have completed 24 contact hours of continuing education during that period. An applicant for renewal of a physical therapist or physical therapist assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

- (1) completed during that period 12 contact hours of continuing education; or
- (2) passed the national physical therapy examination within 12 months immediately before the date that the applicant's license is due to lapse.

(b) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.420(a).

(c) For the purposes of this section,

- (1) one "contact hour" equals a minimum of 50 minutes of instruction;
- (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
- (3) one academic semester credit hour equals 15 contact hours; and
- (4) one academic quarter credit hour equals 10 contact hours.

~~(d) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.430. Records must be retained for three years from the date the contact hours were obtained.~~

- (e) The following activities will not be accepted for continuing education contact hours under this section:
- (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.420. APPROVED PHYSICAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Physical Therapy Association;
 - (B) the American Physical Therapy Association (APTA);
 - (C) the Federation of State Boards of Physical Therapy (FSBPT);
 - (D) other state physical therapy associations; or
 - (E) other state physical therapy licensing boards;
- (2) American Medical Association category one and two continuing education courses that involve physical therapy;
- (3) continuing education activities sponsored by a professional organization or university approved by the Alaska Physical Therapy Association or the American Physical Therapy Association.

(b) Repealed 9/29/2019.

(c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of a physical therapist or physical therapist assistant and must be directly related to the skills and knowledge required to implement the principles and methods of physical therapy within the meaning given in AS 08.84.190.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.430. AUDIT OF PHYSICAL THERAPY CONTINUING COMPETENCY REQUIREMENTS.

(a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.400 - 12 AAC 54.430.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation of completion of contact hours required by 12 AAC 54.410 and physical therapy service hours or an alternative required by 12 AAC 54.405.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.435. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) A physical therapist or physical therapist assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.400 - 12 AAC 54.430 as specified in this section. An exemption under this section applies to the renewal of the physical therapist or physical therapist assistant license for the biennial licensing period immediately following a period of service by the physical therapist or physical therapist assistant, during which the physical therapist or physical therapist assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, a physical therapist or physical therapist assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- ~~(1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and~~
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

**ARTICLE 4.
PHYSICAL THERAPY STANDARDS OF PRACTICE.**

Section

- 500. Physical therapy standards**
- 510. Supervision of physical therapist assistants**
- 520. Supervision of non-licensed personnel**
- 530. Standards for practice of telerehabilitation by physical therapist**
- 535. Physical therapy internship standards**
- 590. Definitions related to physical therapy**

12 AAC 54.500. PHYSICAL THERAPY STANDARDS. (a) Services may not be stated or implied as being physical therapy unless performed by a licensed physical therapist or under the supervision of a licensed physical therapist.

~~(b) A license or permit issued by the board, or a copy of the license or permit, must be posted in a conspicuous location in the licensee's place of business, for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.~~

(c) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapists shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(d) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapist assistants shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(e) A physical therapist may not supervise more than three aides, assistants, students, foreign-educated candidates, or permittees in any combination at the same time.

Authority: AS 08.84.010 AS 08.84.150

~~**Editor's note:** The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: <https://www.commerce.alaska.gov/web/cbpl/main>. A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice* described in 12 AAC 54.500 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580; website at <http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.~~

12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS. (a) A physical therapist assistant shall work under the supervision of a licensed physical therapist.

(b) A licensed physical therapist is responsible for and shall participate in a patient's care.

(c) Except as specified in 12 AAC 54.500(e), a physical therapist may supervise a maximum of three physical therapist assistants.

(d) A licensed physical therapist assistant shall have written treatment plans formulated by the licensed physical therapist in possession for each patient under the care of the physical therapist assistant. Treatment plans must be revised following periodic evaluations by the licensed physical therapist.

(e) At least once a month, a supervising physical therapist shall provide periodic supervision to a physical therapist assistant while the physical therapist assistant being supervised implements a treatment plan with a patient. Supervision shall be conducted on site or by video or teleconference when in-person supervision is not reasonably practicable. The supervising physical therapist shall be available for consultation with the physical therapist assistant by telephone, verbally, or in writing.

(f) Nothing in this chapter restricts public health service or military personnel engaged in the practice of physical therapy in programs administered by federal agencies.

(g) If a licensed physical therapist agrees to supervise a physical therapist assistant, the supervising physical therapist shall

(1) determine the frequency and manner of consultations with the physical therapist assistant, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the physical therapist assistant;

(2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the physical therapist assistant's place of employment; and

(3) countersign the patient treatment record each time the supervising physical therapist is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the physical therapist assistant being supervised.

Authority: AS 08.84.010

12 AAC 54.520. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed physical therapist is solely responsible for the treatment and management of all aspects of physical therapy care of the patient.

(b) A licensed physical therapist or physical therapist assistant may use non-licensed personnel in the delivery of patient-related duties and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of physical therapy.

(c) A licensed physical therapist shall assure the training of non-licensed personnel under the supervision of the physical therapist or physical therapist assistant and shall document that training.

(d) A supervising physical therapist or physical therapist assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

Authority: AS 08.84.010

12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter in order to provide physical therapy to patients who are located in this state and do not have access to a physical therapist in person due to geographic constraints or health and safety constraints.

(b) A physical therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) Repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.500(c) and (d);

(3) must comply with the requirements of 12 AAC 54.510 for any licensed physical therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010 AS 08.84.120

~~**12 AAC 54.535. PHYSICAL THERAPY INTERNSHIP STANDARDS.** (a) This section establishes the standards for a physical therapy internship required under 12 AAC 54.100(5)(C), 12 AAC 54.405(a)(2)(D), or 12 AAC 54.950(e).~~

~~(b) An internship must be served~~

~~(1) under the continual on-site supervision of a physical therapist licensed under this chapter; and~~

~~(2) in an institution that ordinarily provides physical therapy, has a varied caseload, and has on staff at least one physical therapist licensed under this chapter.~~

~~(c) A licensed physical therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.~~

~~(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's~~

~~(1) satisfactory or unsatisfactory completion of the internship; and~~

~~(2) level of skill in~~

~~(A) completion of evaluation;~~

~~(B) program planning;~~

~~(C) therapeutic practice;~~

~~(D) potential ability to practice safely while unsupervised with sound professional judgment; and~~

~~(E) ethics related to the practice of physical therapy.~~

~~(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.~~

~~(f) In this section, "preceptor" means a physical therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.~~

Authority: AS 08.84.010 AS 08.84.040 AS 08.84.060
AS 08.84.030

12 AAC 54.590. DEFINITIONS RELATED TO PHYSICAL THERAPY. (a) In 12 AAC 54.030 – 12 AAC 54.590,

- (1) "continual on-site supervision" means the supervising physical therapist or physical therapist assistant
 - (A) is present in the department or facility where services are being provided;
 - (B) is immediately available to the non-licensed personnel being supervised; and
 - (C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;
 - ~~(2) "internship" means postgraduate on-the-job training of a physical therapist or physical therapist assistant, approved by the board;~~
 - (3) "non-licensed personnel"
 - (A) means personnel who are
 - (i) used by a licensed physical therapist or physical therapist assistant to deliver patient-related duties and non-patient related duties related to the practice of physical therapy; and
 - (ii) trained under the direction of a licensed physical therapist or physical therapist assistant to perform designated non-patient related duties and patient-related duties related to the practice of physical therapy;
 - (B) includes personnel who are referred to as "aides", "technicians", or "techs";
 - (4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;
 - (5) "patient-related duties" means routine tasks that do not require the education, skill, and training of a physical therapist or physical therapist assistant, and for which the
 - (A) outcome anticipated for the task is predictable;
 - (B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and
 - (C) task routine and process have been clearly established;
 - (6) "supervision" means
 - (A) the licensed physical therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and
 - (B) the licensed physical therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.
- (b) In AS 08.84.190, "physical therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 5. OCCUPATIONAL THERAPY LICENSURE.

Section

- 600. Occupational therapy license requirements**
- 610. Foreign-educated occupational therapy applicants**
- 620. Supervised field work**
- 630. (Repealed)**
- 640. Occupational therapy temporary permits and scope of practice under those permits**
- 650. (Repealed)**
- 660. Temporary military courtesy license**

~~**12 AAC 54.600. OCCUPATIONAL THERAPY LICENSE REQUIREMENTS.** An applicant for an occupational therapist license or occupational therapy assistant license, other than an applicant who is a graduate of a school of occupational therapy that is located outside the United States, shall submit~~

- ~~(1) a completed application on the form prescribed by the board;~~
- ~~(2) the fees established in 12 AAC 02.320;~~
- ~~(3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;~~
- ~~(4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;~~
- ~~(5) proof of initial certification sent directly to the department from the National Board for Certification in Occupational Therapy (NBCOT) as evidence of having met the requirements of AS 08.84.030(b);~~
- ~~(6) verification that, during the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source;~~

~~(B) passed the NBCOT examination; or~~
~~(C) satisfactorily completed an internship of 150 hours approved by the board, the verification must be sent directly to the department on a form provided by the department from the agency or source; and~~
~~(7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.~~

Authority: AS 08.84.010 AS 08.84.060 AS 08.84.120
AS 08.84.030

12 AAC 54.610. FOREIGN-EDUCATED OCCUPATIONAL THERAPY APPLICANTS. (a) A foreign-educated occupational therapist or occupational therapy assistant applicant must have graduated from a resident course of study and professional instruction substantially equivalent to a professional occupational therapy education program that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE). A foreign-educated occupational therapist or occupational therapy assistant applicant shall submit

- (1) a completed application on the form prescribed by the board;
- (2) the fees established in 12 AAC 02.320;
- (3) verification of licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;
- (4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (5) evidence of meeting each of the requirements of AS 08.84.032(b);
- ~~(6) verification that, within the 24 months immediately before the date the application is received by the department, the applicant~~
 - ~~(A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source; or~~
 - ~~(B) passed the NBCOT examination; and~~
 - ~~(7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.~~
- (b) An applicant who has been certified by the National Board for Certification in Occupational Therapy (NBCOT) meets the requirements of AS 08.84.032(b)(1) - (5).
- (c) An applicant who has passed the NBCOT examination meets the requirements of AS 08.84.032(b)(3) and (5).

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.120
AS 08.84.030

~~**12 AAC 54.620. SUPERVISED FIELD WORK.** As used in AS 08.84.030(b)(1), 08.84.032(b)(2), and 08.84.150(b)(1), "supervised field work" means the portion of an ACOTE-accredited professional occupational therapy education program to be completed by an applicant under the supervision of a licensed occupational therapist.~~

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.630. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. Repealed 5/21/97.

12 AAC 54.640. OCCUPATIONAL THERAPY TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) An applicant for an occupational therapist or occupational therapy assistant license by examination who is scheduled for the next NBCOT examination or who has taken the NBCOT examination and is waiting for the results of the examination may apply for a temporary permit. A temporary permit will be issued if the following are on file:

- (1) a complete application on a form provided by the department;
- (2) a signed professional reference letter sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (3) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising occupational therapist; the statement must indicate that the supervising occupational therapist will assume the full responsibility for supervising the applicant;
- (4) a letter verifying
 - (A) the applicant's scheduled examination date sent directly to the department from NBCOT; or
 - (B) that the applicant has taken the examination and is waiting for the results to be sent directly to the department from NBCOT;
- (5) the application fee established in 12 AAC 02.320;
- (6) the license fee established in 12 AAC 02.320;
- (7) the temporary permit fee established in 12 AAC 02.320.
- (b) An applicant for an occupational therapist or occupational therapy assistant license who is or was initially certified with the NBCOT may qualify for a temporary permit by

- (1) meeting the requirements of (a)(1), (2), (5), (6), and (7) of this section;
- (2) submitting verification that the applicant is certified or was initially certified with the NBCOT;
- (3) providing verifications of licensure from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy; at least one verification must be of a current license in good standing in another state; and
- ~~(4) providing verification that, during the 24 months immediately before the date the application is received by the department, the applicant~~
 - ~~(A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be on a form provided by the department; or~~
 - ~~(B) passed the NBCOT examination.~~
- (c) The verifications required in (b)(2) and (3) of this section must be sent directly to the board from NBCOT or the licensing agency for the other jurisdiction.
- (d) An applicant for an occupational therapist or occupational therapy assistant license, who is waiting to take an examination or for the results of the examination, and who has been issued a temporary permit under AS 08.84.065 shall work under the supervision of a licensed occupational therapist and may not act as a supervisor until a permanent license is issued.
- (e) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapist, who is waiting for licensure by acceptance of credentials, may practice without supervision.
- (f) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapy assistant, who is waiting for licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.810.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

12 AAC 54.650. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE. Repealed 5/21/97.

12 AAC 54.660. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as an occupational therapist or occupational therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license under this section
 - (1) must submit an application on a form provided by the department;
 - ~~(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;~~
 - (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - ~~(4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;~~
 - (5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the NBCOT examination as a condition of licensure; and
 - (6) may not have been convicted of a crime that affects the applicant's ability to practice as an occupational therapist or occupational therapy assistant competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.
- (e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

Authority: AS 08.01.062 AS 08.01.063 AS 08.84.010

ARTICLE 6. OCCUPATIONAL THERAPY LICENSE RENEWAL AND CONTINUING COMPETENCY REQUIREMENTS.

Section

- 700. Occupational therapy license renewal requirements**
- 705. Required continuing occupational therapy professional practice and alternatives**
- 710. Occupational therapy continuing education requirements**
- 715. Approved occupational therapy courses and activities**

720. Audit of occupational therapy continuing competency requirements

725. Exemption from continuing education requirements for active duty military service

12 AAC 54.700. OCCUPATIONAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of an occupational therapist license or an occupational therapy assistant license shall submit

- (1) a complete renewal application on a form prescribed by the board;
- (2) the license renewal fee established in 12 AAC 02.320;
- (3) proof of continuing competency by submitting documentation verifying that the applicant has completed
 - (A) the continuing occupational therapy professional practice requirements or an alternative under 12 AAC 54.705; and
 - (B) the continuing education contact hours required under 12 AAC 54.710; and
- ~~(4) a completed jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.~~

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.705. REQUIRED CONTINUING OCCUPATIONAL THERAPY PROFESSIONAL PRACTICE AND ALTERNATIVES. (a) An applicant for renewal of an occupational therapist or occupational therapy assistant license shall document

- (1) having provided occupational therapy services for at least 60 hours during the concluding licensing period; or
 - (2) successful completion during the concluding licensing period of one of the following:
 - (A) the applicable of the following certification examinations sponsored by the National Board for Certification in Occupational Therapy:
 - (i) for an occupational therapist, the Certification Examination for Occupational Therapist, Registered; or
 - (ii) for an occupational therapy assistant, the Certification Examination for Certified Occupational Therapy Assistant;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.710, 40 contact hours of continuing education that is consistent with the requirements of 12 AAC 54.710 - 12 AAC 54.720;
 - ~~(C) a review course sponsored by a school of occupational therapy approved by the American Occupational Therapy Association; or~~
 - (D) an occupational therapy internship of 150 hours approved by the board.
- (b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute occupational therapy services under this section, the applicant may request board approval before submitting the application for license renewal.
- (c) In this section, "occupational therapy services" includes work and volunteer service under a position title other than occupational therapist or occupational therapy assistant if the applicant documents that the position required the use of occupational therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

Editor's note: Information on certification examinations in occupational therapy may be obtained from the National Board for Certification in Occupational Therapy, 12 South Summit Avenue, Suite 100, Gaithersburg, MD 20877-4150; website at www.nbcot.org. Information on approved schools of occupational therapy may be obtained from the American Occupational Therapy Association, 6116 Executive Boulevard, Suite 200, North Bethesda, MD 20824-4929; website at www.aota.org.

12 AAC 54.710. OCCUPATIONAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.725, an applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for 12 months or more of the concluding licensing period shall have

- (1) completed, during that period, 24 contact hours of continuing education; or
- (2) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(b) An applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

- (1) completed, during that period, 12 contact hours of continuing education;
- (2) passed the national occupational therapy examination during the 12 months immediately before the date that the applicant's license is due to lapse; or
- (3) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(c) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.715(a).

(d) For the purposes of this section,

- (1) one "contact hour" equals a minimum of 50 minutes of instruction;
 - (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
 - (3) one academic semester credit hour equals 15 contact hours; and
 - (4) one academic quarter credit hour equals 10 contact hours.
- ~~(e) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.720. Records must be retained for three years from the date the contact hours were obtained.~~
- (f) The following activities will not be accepted for continuing education contact hours under this section:
- (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.
- (g) The board recognizes the maintenance of NBCOT certification as fulfilling the requirements of (a) and (b) of this section.
- ~~(h) To document current certification with the NBCOT, the applicant shall submit a photocopy of the front and back of the applicant's current NBCOT certificate.~~

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.715. APPROVED OCCUPATIONAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Occupational Therapy Association;
 - (B) the American Occupational Therapy Association;
 - (C) the World Federation of Occupational Therapy;
 - (D) the National Board for Certification in Occupational Therapy (NBCOT);
 - (E) other state occupational therapy associations; or
 - (F) other state occupational therapy licensing boards;
 - (2) continuing education activities sponsored by a professional organization or university approved by the Alaska Occupational Therapy Association or the American Occupational Therapy Association.
- (b) Repealed 9/29/2019.
- (c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of an occupational therapist or occupational therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of occupational therapy.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.720. AUDIT OF OCCUPATIONAL THERAPY CONTINUING COMPETENCY REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.700 - 12 AAC 54.720.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation that verifies completion of the contact hours claimed under 12 AAC 54.710 and occupational therapy service hours or an alternative required under 12 AAC 54.705.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.725. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) An occupational therapist or occupational therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.700 – 12 AAC 54.720 as specified in this section for renewal of an occupational therapist or occupational therapy assistant license for the biennial licensing period immediately following a period of service by an occupational therapist or occupational therapy assistant during which an occupational therapist or occupational therapy assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, an occupational therapist or occupational therapy assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

~~(1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and~~
(2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

ARTICLE 7. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE.

Section

- 800. Occupational therapy standards
- 805. Posting of license or permit
- 810. Supervision of occupational therapy assistants
- 815. Supervision of non-licensed personnel
- 820. (Repealed)
- 825. Standards for practice of telerehabilitation by occupational therapy
- 830. Occupational therapy internship standards
- 890. Definitions related to occupational therapy

12 AAC 54.800. OCCUPATIONAL THERAPY STANDARDS. (a) In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, occupational therapists and occupational therapy assistants shall adhere to the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(b) An occupational therapist may not supervise more than three aides, assistants, students, foreign-educated candidates, or permittees at the same time, in any combination.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.150
AS 08.84.030

Editor's note: A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, adopted by reference in 12 AAC 54.800, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580;
<http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.

~~**12 AAC 54.805. POSTING OF LICENSE OR PERMIT.** A license or permit issued under this chapter, or a copy of a license or permit, must be posted in a conspicuous location in the licensee's primary place of business for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.~~

~~**Authority:** AS 08.84.010 AS 08.84.030 AS 08.84.065~~

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm.



12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. (a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. To meet this supervision requirement,

(1) at least once every month, while the occupational therapy assistant being supervised implements a treatment plan for a patient, the occupational therapist supervising the licensed occupational therapy assistant shall be physically present, or shall be present by video or teleconference when in-person supervision is not reasonable or practicable; and

(2) the occupational therapist supervising the occupational therapy assistant shall be available for consultation with the occupational therapy assistant being supervised, through telephone consultations, written reports, or in-person conferences.

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

- (1) determine the frequency and manner of consultations, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the occupational therapy assistant being supervised;
- (2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the occupational therapy assistant's place of employment; and
- (3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the occupational therapy assistant being supervised.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.190

12 AAC 54.815. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed occupational therapist is solely responsible for the treatment and management of all aspects of occupational therapy care of the patient.

(b) A licensed occupational therapist or occupational therapy assistant may use non-licensed personnel in the delivery of patient-related and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of occupational therapy.

(c) A licensed occupational therapist shall assure the training of non-licensed personnel under the supervision of the occupational therapist or occupational therapy assistant, and shall document that training.

(d) The supervising occupational therapist or occupational therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

(e) Nothing in this section restricts the implementation by a teacher or teacher's aide of a program that meets the requirements of AS 08.84.150(b)(6).

Authority: AS 08.84.010

12 AAC 54.820. STANDARDS FOR SUPERVISION. Repealed 6/10/2010.

12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPY. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located in this state and do not have access to an occupational therapist in person due to geographic constraints or health and safety constraints.

(b) An occupational therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) Repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.800;

(3) must comply with the requirements of 12 AAC 54.810 for any licensed occupational therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010 AS 08.84.120

~~**12 AAC 54.830. OCCUPATIONAL THERAPY INTERNSHIP STANDARDS.** (a) This section establishes the standards for an occupational therapy internship required under 12 AAC 54.600(6)(C), 12 AAC 54.705(a)(2)(D), or 12 AAC 54.950(e).~~

~~(b) An internship must be served~~

~~(1) under the continual on-site supervision of an occupational therapist licensed under this chapter; and~~

~~(2) in an institution that ordinarily provides occupational therapy, has a varied caseload, and has on staff at least one occupational therapist licensed under this chapter.~~

~~(c) A licensed occupational therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.~~

~~(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's~~

~~(1) satisfactory or unsatisfactory completion of the internship; and~~

~~(2) level of skill in~~

~~(A) completion of evaluation;~~

~~(B) program planning;~~

~~(C) therapeutic practice;~~

~~(D) potential ability to practice safely while unsupervised with sound professional judgment; and~~

~~(E) ethics related to the practice of occupational therapy.~~

~~(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.~~

~~(f) In this section, "preceptor" means an occupational therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.~~

Authority: ~~AS 08.84.010~~

~~AS 08.84.030~~

~~AS 08.84.060~~

12 AAC 54.890. DEFINITIONS RELATED TO OCCUPATIONAL THERAPY. (a) In 12 AAC 54.600 – 12 AAC 54.890,

(1) "continual on-site supervision" means the supervising occupational therapist or occupational therapy assistant

(A) is present in the department or facility where services are being provided;

(B) is immediately available to the non-licensed personnel being supervised; and

(C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;

~~(2) "internship" means postgraduate on-the-job training of occupational therapists or occupational therapy assistants, approved by the board;~~

(3) "non-licensed personnel"

(A) means personnel who are

(i) used by a licensed occupational therapist or occupational therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of occupational therapy; and

(ii) trained under the direction of a licensed occupational therapist or occupational therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of occupational therapy;

(B) includes personnel who are referred to as "aides", "technicians", or "techs";

(4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;

(5) "patient-related duties" means routine tasks that do not require the education, skill, and training of an occupational therapist or occupational therapy assistant, and for which the

(A) outcome anticipated for the task is predictable;

(B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and

(C) task routine and process have been clearly established;

(6) "supervision" means

(A) the licensed occupational therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and

(B) the licensed occupational therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.

(b) In AS 08.84.190, "occupational therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 8. GENERAL PROVISIONS.

Section

900. Refund of fees and renewals

910. (Renumbered)

915. (Repealed)

920. Change of name or address

930. (Renumbered)

950. Reinstatement of a lapsed license

960. Board meetings

990. Definitions

12 AAC 54.900. REFUND OF FEES AND RENEWALS. (a) Unless an application is considered abandoned under 12 AAC 02.910, an applicant for licensure who requests withdrawal of an application before taking an examination and before action has been taken by the board is entitled to a refund of all fees except the application fee.

(b) Renewal notices will be sent by the department to all current licensees at least 30 days before the end of the current licensing period. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.



Authority: AS 08.84.010(b) AS 08.84.100

12 AAC 54.910. STANDARDS. Renumbered as 12 AAC 54.500, 9/26/91.

12 AAC 54.915. REVIEW OF APPLICATIONS FOR TEMPORARY PERMIT OR LIMITED PERMIT.
Repealed 3/27/2024.

12 AAC 54.920. CHANGE OF NAME OR ADDRESS. (a) It is the responsibility of a licensee to notify the department of a change in the licensee's name or mailing address.

~~(b) A licensee shall notify the department when the licensee's name has changed by submitting a notarized copy of a legal document verifying the change of name.~~

(c) A licensee shall notify the department when the licensee's mailing address has changed in accordance with 12 AAC 02.900.

(d) Upon written request and payment of the fees established in 12 AAC 02.105, a new license or certificate will be printed showing the licensee's new name or address.

Authority: AS 08.84.010(b) AS 08.84.090

12 AAC 54.930. STANDARDS OF PRACTICE OF PHYSICAL THERAPY ASSISTANTS. Renumbered as 12 AAC 54.510, 9/26/91.



12 AAC 54.950. REINSTATEMENT OF A LAPSED LICENSE. (a) A licensee whose license is lapsed for any reason is prohibited from practicing physical therapy or occupational therapy until the license is reinstated by the board.

(b) A license which has been lapsed for less than two years will be reinstated by the board upon submission of

(1) the fees required by 12 AAC 02.105 and 12 AAC 02.320; and

(2) documentation that all continuing competency and continuing education requirements of 12 AAC 54 have been met.

(c) A license that has been lapsed for two but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) an application for reinstatement on a form provided by the department;

(2) the fees required by 12 AAC 02.105 and 12 AAC 02.320 for the entire period the license has been lapsed;

(3) evidence of completion of all continuing competency and continuing education requirements in 12 AAC 54 that would have been required to maintain a current license for the entire period the license has been lapsed;

(4) verification of all physical therapy and occupational therapy licenses held in other jurisdictions for the entire period the Alaska license has been lapsed and a signed statement from a licensing official in each of those jurisdictions verifying that no restrictions have been placed on the license or disciplinary sanctions have been taken against the licensee.

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed and the former licensee will be required to apply for a new license under AS 08.84.030 or 08.84.060 and regulations adopted under them.

(e) An applicant for a new license whose original license in this state was lapsed for five years or more and who has not been actively practicing in another state during that time shall satisfactorily complete an internship approved by the board consisting of 150 hours of training.

Authority: AS 08.01.100 AS 08.84.030 AS 08.84.040
AS 08.84.010

12 AAC 54.960. BOARD MEETINGS. The board will hold at least two meetings a year at times and places designated by the chairman or by majority of the board.

Authority: AS 08.84.010(b)

12 AAC 54.990. DEFINITIONS. In this chapter and in AS 08.84

(1) "board" means the State Physical Therapy and Occupational Therapy Board;

(2) "department" means the Department of Commerce, Community, and Economic Development;

(3) "licensed" has the same meaning as registered, certified, or a similar term used by another licensing jurisdiction.

(4) "NBCOT" means the National Board for Certification in Occupational Therapy.

(5) "HIPAA compliance" means compliance with 42 U.S.C. 300gg (Health Insurance Portability and Accountability Act of 1996);

(6) "interactive telecommunication system"

(A) means audio and video equipment that permits a two-way, real time communication between a therapist licensed under AS 08.84 and this chapter and a patient who is located at a distant site in the state which is

not in close proximity of the therapist;

(B) does not include

- (i) electronic mail;
- (ii) facsimile machine; or
- (iii) telephone;

(7) "telerehabilitation" means the practice of therapy by a person licensed as a therapist under AS 08.84 and this chapter using an interactive telecommunication system;

(8) "CAPTE" means the Commission on Accreditation in Physical Therapy Education;

(9) "ACOTE" means the Accreditation Council for Occupational Therapy Education.

Authority:	AS 08.84.010	AS 08.84.040	AS 08.84.160
	AS 08.84.030	AS 08.84.060	AS 08.84.190
	AS 08.84.032		

Regulation Citation	Nature of the Regulation
<i>Cite the regulation you intend to change. Can also be a section of related regulations.</i>	<i>Briefly describe what the regulation currently does.</i>

12 AAC 54.505 ADDED REGULATION

12 AAC 54.805 ADDED REGULATION
 requires submitting a
 12 AAC 54.030(a)(4) jurisprudence questionnaire
 requires documentation of
 passing national PT examination
 12 AAC 54.030(a)(5) (NPTE)

12 AAC 54.030(a)(6) ADDED REGULATION

12 AAC 54.030(a)(7) ADDED REGULATION
 establishes equivalency for
 foreign-educated physical
 12 AAC 54.040(a)(1) therapists educational programs
 requires submitting a
 12 AAC 54.040(b)(4) jurisprudence questionnaire

12 AAC 54.040(b)(6) ADDED REGULATIONS

12 AAC 54.040(c) - requires foreign educated
(h) PT/PTA to complete 6 month
post graduate internship
establishes criteria for ability to
receive a temporary permit for
foreign educated PT/PTA
12 AAC 54.040(i) applicants
clarifies criteria for internship
credit related to national
12 AAC 54.040(j) examination

12 AAC 54.040(l) establishes definition for
preceptor related to internship

12 AAC 54.050(b) establishes criteria for issuance
of a temporary permit to
PT/PTAs by credentials

12 AAC 54.050(c)(6) requires verification from
preceptor of completion of
internship for issuance of
temporary permit for foreign
educated PT/PTA applicant
requires review of PT/PTA temp
permit per 12 AAC 54.915
(checklists) which was repealed

12 AAC 54.050(e) 3/27/2025
provides definition of
supervised field work related to
physical therapy educational
12 AAC 54.070 programs

12 AAC 54.080 sets minimum passing score
requirement of 600 for national
pt examination

12 AAC 54.100(1) requires all items under 12 AAC 54.030(a) = fees; transcript; PR; JP; NPTE passing scores

12 AAC 54.100(5)(A) requires 60 hours of physical therapy working experience in past 24 months from date of application

allows for completion of 150 hour internship approved by board in place of 60 hour of physical therapy services work experience - PROBLEM - no exemption from license requirement in AS 08.84.150

12 AAC 54.100(6) NEW REGULATION

12 AAC 54.100(7) NEW REGULATION

12 AAC 54.100(8) NEW REGULATION

12 AAC 54.100(9) NEW REGULATION
requires completion of post graduate internship for foreign educated PT/PTA applicants by
12 AAC 54.110(4) credentials

12 AAC 54.110(5) establishes equivalency for foreign-educated physical therapists educational programs

requires 60 hours of physical
therapy working experience in
past 24 months from date of
application

12 AAC 54.110(8)(A)

12 AAC 54.110(9) NEW REGULATION

12 AAC 54.130(b)(2) payment of fees

12 AAC 54.130(b)(7) NEW REGULATION

12 AAC 54.1XX(1) -
(3) NEW REGULATION

12 AAC 54.150 NEW REGULATION

requires completion of the
Jurisprudence questionnaire for
renewal of a PT/PTA license
allows for completion of a
review course by the APTA in
lieu of 60 hours of physical
therapy services for
professional practice
requirement

12 AAC
54.405(a)(2)(C)

allows for completion of a 150
physical therapy internship in
lieu of 60 hours of physical
therapy services for
professional practice
requirement

12 AAC
54.405(a)(2)(D)

12 AAC 54.410(d)	establishes requirements for maintaining CE records provides for exemption from CE for active duty military
12 AAC 54.435(e)(1)	personnel provides for posting of license
12 AAC 54.500(b)	or permit

12 AAC 54.535	establishes standards for PT internship
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12 AAC 54.600	establishes requirements for occupational therapy licensure
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12 AAC 54.600(3)	requires verification of licensure status from other jurisdictions requires verification of initial certification with national occupational therapy
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12 AAC 54.600(5)	examination requires 60 hours of occupational therapy work
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12 AAC 54.600(6)(A)	experience
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12 AAC 54.600 (8)	NEW REGULATION
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12 AAC 54.605(1)	NEW REGULATION
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12 AAC 54.605(2)	NEW REGULATION
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12 AAC 54.605(3)	NEW REGULATION
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12 AAC 54.605(4)	NEW REGULATION
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12 AAC 54.605(5) NEW REGULATION

12 AAC 54.605(6) NEW REGULATION

12 AAC 54.605(7) NEW REGULATION

requires 60 hours of working
experience and passing NBCOT
in past 24 months from date of
application for foreign educated
12 AAC 54.610(a)(6) occupational therapy applicants
requires submitting a
12 AAC 54.610(a)(7) jurisprudence questionnaire

12 AAC 54.610(a)(8) NEW REGULATION

provides definition of
supervised field work related to
occupational therapy
12 AAC 54.620 educational programs
provides for criteria for issuance
of a temporary permit for
12 AAC 54.640(b)(4) OT/OTAs

12 AAC 54.660(b)(2) payment of fees

12 AAC 54.660(b)(4) requirement of verification of
licensure in any jurisdiction
held

12 AAC 54.660(b)(7) NEW REGULATION

12 AAC 54.670 NEW REGULATION

12 AAC 54.700(4) requires submitting a
jurisprudence questionnaire
allows for completion of a
review course by the AOTA in
lieu of 60 hours of occupational
therapy services for

12 AAC
54.705(a)(2)(C) professional practice
requirement

12 AAC 54.710(e) establishes requirements for
maintaining CE records
allows for submission of NBCOT
OTR/COTA certificate in lieu of
certificates of attendance and
establishes criteria for

12 AAC 54.710(h) submission
provides for exemption from CE
for active duty military

12 AAC 54.725(e)(1) personnel
provides for posting of license

12 AAC 54.805 or permit

12 AAC 54.830 establishes standards for OT
internship

12 AAC 54.890(a)(2) definition internship related to
occupational therapy

12 AAC 54.905 NEW REGULATION
requires licensees to submit
notarized copy of legal
document verifying change of
12 AAC 54.920(b) name

12 AAC 54.940 NEW REGULATION

requires licensees whose license
has lapsed for five or more
years and have not actively
been practicing in another state
to complete a 150 hour
internship approved by the
board - PROBLEM - no
exemption from licensure exists
in AS 08.84.150 or ability to
issue temporary permit in AS
12 AAC 54.950(e) 08.84.065 to perform internship

Summary of the Intended Changes	Proposed Regulatory Reduction
<i>Briefly describe what you plan to change to achieve reduction, transparency, ease of government interaction, other reforms.</i>	<i>List the number of reductions from your baseline that you plan to achieve with this change.</i>
establishes minimum standards of practice for dry needling for physical therapists to ensure patient safety	0
establishes minimum standards of practice for dry needling for occupational therapists to ensure patient safety	0
changes requirement to passing jurisprudence exam by 80%	1
puts maximum timeframe limitation when applying by examination of 24 months before application date	1
requires license verification when applying by examination of previous licenses held, if any requires fingerprint information and background reports as set under 12 AAC 54.905 required under AS 08.030(a)(4) per SB74 - statutory requirement	3 statutorily required
clarifies equivalency to all for removal of requirement for post graduate internship in 12 AAC 54.040(c)	not scored in markup
changes requirement to passing jurisprudence exam by 80%	1
requires fingerprint information and background reports as set under 12 AAC 54.905 required under AS 08.032(a)(8) per SB74 - statutory requirement	statutorily required

eliminate requirement entirely	-19
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removes requirement for internship from criteria	not scored in markup
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removes as internship no longer required	-1
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eliminates as internship no longer required	not scored in markup
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clarification	0
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removes requirement as internship no longer required	-3
--	----

eliminate requirement entirely	not scored in markup
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adds clarification for PT practicing with PT compact privilege	not scored in markup
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provides for ability to calculate passing score of national pt examination for those who tested before national standard was 600.	???
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eliminates requirement entirely -9

increases working experience to 36 months
from date of application increase from 2 years to 3 years

eliminate requirement entirely - Limited
Permit option not scored in markup

requires fingerprint information and
background reports as set under 12 AAC
54.905 required under AS 08.030(a)(4) per
SB74 - statutory requirement statutorily required
payment of fees established in 12 AAC
02.320 statutorily required
requires Professional Reference 3
requires submission of jurisprudence exam
and passing by 80% 2

eliminates internship requirement entirely
for foreign educated applicants by
credentials -4

clarifies equivalency to all for removal of
requirement for post graduate internship in
12 AAC 54.040(c) -1

increases working experience to 36 months from date of application	increase from 2 years to 3 years	
requires fingerprint information and background reports as set under 12 AAC 54.905 required under AS 08.032(a)(8) per SB74 - statutory requirement	statutorily required	
adds requirement for payment of fingerprint fees for military courtesy license	statutorily required	
requires fingerprint information and background reports as sent under 12 AAC 54.905 required under AS 08.030(a)(4) per SB74 - statutory requirement	statutorily required	
establishes criteria for Limited Permit Applicants which do not currently exist		6
establishs scope of practice for Compact Privilege applicants	statutorily required - SB74	
removes requirement		-1
removes review course	not scored in markup	
remove option - 12 AAC 54.535 being repealed	not scored in markup	

aligns with centralized regulation 12 AAC 02.960(f)	increase from 3 years to 4 years	
expands military personnel to include Space Force	not scored in markup	
modernizes requirement		0
removes ability to complete 150 internship for professional practice or application by credentials or reinstatement		-17
separates out to licensure by examination for occupational therapy		
clarifies one license does not have to be active - adds "if applicable"		0
clarifies initial certification for application by examination must have been within 24 months of application date		2
removes requirement for application by examination		-4
requires fingerprint information and background reports as sent under 12 AAC 54.905 required under AS 08.030(b)(4) per SB74 - statutory requirement	statutorily required	
separates out licensure by credentials for occupational therapy		
professional reference requirement		3
requires submission of jurisprudence exam and passing by 80%		2
requires verification of initial certification with national occupational therapy examination		2

requires verification of licensure status in
good standing from each jurisdiction, one
active 4

verification of 60 hours of working
experience in past 36 months or initial
certification in past 24 months 3

requires fingerprint information and
background reports as sent under 12 AAC
54.905 required under AS 08.030(b)(4) per
SB74 - statutory requirement statutorily required

changes requirements for working
experience to 36 months and passing NBCOT
examination to 24 months with date of
application increase from 2 years to 3 years
changes requirement to passing
jurisprudence exam by 80% 1

requires fingerprint information and
background reports as sent under 12 AAC
54.905 required under AS 08.032(b)(8) per
SB74 - statutory requirement statutorily required

clarifies definition 0

expands working experience from 24 months
to 36 months increase from 2 years to 3 years

adds requirement for payment of fingerprint
fees for military courtesy license statutorily required

clarifies but be sent directly to the department from the jurisdiction (primary source)	not scored in markup	
requires fingerprint information and background reports as sent under 12 AAC 54.905 required under AS 08.030(b)(4) per SB74 - statutory requirement	statutorily required	
establishes criteria for Limited Permit Applicants which do not currently exist		5
changes requirement to passing jurisprudence exam by 80%		1
removes review course	not scored in markup	
aligns with centralized regulation 12 AAC 02.960(f)	increase from 3 years to 4 years	
modernizes requirement		0
expands military personnel to include Space Force		0
modernizes requirement		0
removes ability to complete 150 internship for professional practice or application by credentials or reinstatement		-15
150 hour internship repealed		0

Criminal justice information - establishes
criteria for collection of fingerprints and
obtaining criminal justice information and
national criminal history record checks
through the Dept. of Public Safety per SB74 statutorily required

aligns with centralized regulation 12 AAC
02.900

-2

Provides for board oversight of interstate
licensure compacts

eliminate requirement

-2

Percentage or Regulatory Reduction	Date of Anticipated Reduction
State the percentage of anticipated reduction from your original baseline. This may be achieved using a simple Excel formula.	State whether you anticipate this reduction will be achieved in 2026 or 2027.

no reduction per markup

5.70%

no reduction per markup

0.30%

no reduction per markup

0

0.90%

no reduction per markup

no reduction per markup

2.70%

0

1.20%

0.30%

0.30%

0

5.10%

4.50%

Date Received	Name and Organization of Commenter
<i>Date of oral or written comment</i>	<i>Include the name and organization of the commenter, if known.</i>

10/29/2025 -
oral comment Kristen Neville

11/12/2025 -
written
comment Jessica Pyatt

11/21/2025 -
written
comment Mitchell St. Clair

Summary of Public Comment

Include as many details about the comment as needed to capture the essence of the request and any specifics about the changes requested, pain points, rationales, etc.

Procedural question - curious what happens with feedback from meetings? Who reviews the regulations? Director Robb responded, providing the procedure in full. Have not decided whether or not they will submit anything in writing or not.

Does not agree with decreasing regulations. Lives in rural community with a lot of travelers of all disciplines. As a patient, needs to trust the processes and regulations ensure licensure requirements are met and providers have the skills to provide the care. Regulations are in place to protect the public and maintain quality health care suggesting modification to AS 08.84.190(7) to remove "the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes"

Relevant Board/Program	Relevant Regulation(s)
<i>List the board/program the regulation relates to</i>	<i>Cite the regulations that are relevant to the request, even if the commenter did not specifically state them.</i>

PHY

None specified

PHY

None specified

PHY

None specified

**Resulting in Changes?
(Yes/No)**

*Type "Yes" if you are adopting
any changes, and "No" if you
are not.*

Agency Response

Summarize the changes the agency proposes to adopt as a result of the comment. Specific language is not required yet.

Additional Notes

Sylvan Robb provided responses to questions on how input will be handled after the meetings - boards will be reviewing input.

Project Priority Number	Drafting Assistance Required?	Tmeline for Submission
<i>Label each regulation with a priority, with 1 as the highest. The priority number indicates the requested grouping of regulations as they will be submitted to LAW for preliminary review.</i>	<i>Indicate whether your staff is requesting drafting assistance from the Department of Law.</i>	<i>To the best of your ability, estimate the timeline for submitting the draft revised regulations to LRLR for review.</i>

Regulation Citation	Relevant Board/Program
<i>Cite the regulation you intend to change. Can also be a section of related regulations.</i>	<i>List the board/program the regulation relates to</i>

Nature of the Regulation

Summary of the Intended Changes

Briefly describe what the regulation or section currently does.

Briefly describe what you plan to change.

Explanation of Intended Changes

Focus on what the change will do to achieve reduction, transparency, ease of government interaction, or other reforms. If the project does not meet those goals, explain why it is necessary for protection of public safety or standards, compliance with legislation, or other goal.

Proposed Regulatory Reduction

List the **number** of reductions from your baseline that you plan to achieve with this change. This could be a reduction of words on a webpage or PDF or pages of a PDF. (Sample reduction number below for the purposes of the formula in column E.)

Percentage of Regulatory Reduction

Date of Anticipated Reduction

State the **percentage** of anticipated reduction from your original baseline. This may be achieved using a simple Excel formula such as " $=SUM(X-Y)*0.001$ " where X equals your baseline and Y equals the cell in column D, then express the column as a percentage. See sample below.

State whether you anticipate this reduction will be achieved in 2026 or 2027.

30%

Regulation Citation

Nature of the Regulation

Cite the regulation you intend to change. Can also be a section of related regulations.

Briefly describe what the regulation currently does.

Summary of the Intended Changes

Proposed Regulatory Reduction

Briefly describe what you plan to change to achieve reduction, transparency, ease of government interaction, other reforms.

*List the **number** of reductions from your baseline that you plan to achieve with this change.*

Percentage or Regulatory Reduction	Date of Anticipated Reduction
State the percentage of anticipated reduction from your original baseline. This may be achieved using a simple Excel formula.	State whether you anticipate this reduction will be achieved in 2026 or 2027.

Physical Therapy and Occupational Therapy Adopted by Reference Requirements:

Document Adopted by Reference	# of Requirements
Principles of Practice – March 2015	17
Total:	17

Principles of Practice – March 2015: 17

Requirement Count by Principle

Principle 1: Patient/Client Safety and Well Being

1. Adhere to national professional core values and ethical standards
2. Act in the best interest of the patient/client
3. Provide services within the practitioner's level of competence
4. Provide supervision for support personnel
5. Provide for continuity of service when transitioning care
→ Total: 5 requirements

Principle 2: Right of Individuals to Self-Determination

6. Respect informed consent, refusal rights, and legal consent when applicable
7. Establish collaborative relationships with recipients and stakeholders
8. Maintain confidentiality across all communication formats
→ Total: 3 requirements

Principle 3: Fair and Equitable Services

9. Advocate for just and fair treatment and encourage ethical compliance
10. Act respectfully regardless of personal or demographic characteristics
→ Total: 2 requirements

Principle 4: Accurate and Objective Information

11. Provide accurate and relevant public information about services and credentials
12. Record and report information accurately and timely per regulations
→ Total: 2 requirements

Principle 5: Respect for Colleagues and Professionals

13. Respect traditions, practices, and responsibilities of related professions

14. Provide appropriate direction and communication with staff

→ Total: 2 requirements

Principle 6: Legal and Regulatory Compliance

15. Comply with all applicable laws and regulations

16. Report unprofessional or illegal behavior to the Board

17. Cooperate with Board investigations, including full responses and document provision

→ Total: 3 requirements

Statutes and Regulations Physical Therapy and Occupational Therapy

March 2025



// = counting "discretionary" regs

pink = docs adopted by reference

yellow = consider remaining

DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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CHAPTER 84.
PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS

Article

1. State Physical Therapy and Occupational Therapy Board (§§ 08.84.010, 08.84.020)
2. Licensing (§§ 08.84.030 – 08.84.120)
3. Unlawful Acts (§§ 08.84.130 – 08.84.180)
4. Interstate Physical Therapy Licensure Compact (§ 08.84.188)
5. General Provisions (§§ 08.84.190, 08.84.200)

ARTICLE 1.
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

Section

10. Creation and membership of board
20. Applicability of Administrative Procedure Act

Sec. 08.84.010. Creation and membership of board. (a) There is created the State Physical Therapy and Occupational Therapy Board, which consists of seven members. The membership consists of three physical therapists licensed in the state or two physical therapists and one physical therapist assistant licensed in the state, three occupational therapists licensed in the state or two occupational therapists and one occupational therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be United States citizens domiciled in the state.

(b) The board shall control all matters pertaining to the licensing of physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue temporary permits and licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter, including regulations establishing qualifications for licensure and renewal of licensure under this chapter;
- (7) implement the Interstate Physical Therapy Licensure Compact under AS 08.84.188.

Sec. 08.84.020. Applicability of Administrative Procedure Act. The board shall comply with AS 44.62 (Administrative Procedure Act).

ARTICLE 2.
LICENSING

Section

30. Qualifications for licensing
32. Foreign-educated applicants
34. Exemption from criminal justice information and criminal history record check
40. Application for license
50. Fees
60. Licensure by acceptance of credentials
65. Temporary permit
75. Limited permit
80. Examinations
90. Licensure
100. Renewal of license
120. Refusal, revocation, and suspension of license; discipline

Sec. 08.84.030. Qualifications for licensing. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

- (1) have graduated from a professional physical therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;

(2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapist assistant, or be entitled to licensure without examination as provided in AS 08.84.060;

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(4) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant, unless a graduate of a foreign school of occupational therapy located outside the United States, shall

(1) have graduated from a professional occupational therapy education program that includes supervised field work and is accredited by a national accreditation agency approved by the board;

(2) pass, to the satisfaction of the board, an examination prepared by a national testing service approved by the board or an examination recognized by a national accreditation agency approved by the board to determine the applicant's fitness for practice as an occupational therapist or occupational therapy assistant, or be entitled to licensure without examination under AS 08.84.060;

(3) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(4) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.84.032. Foreign-educated applicants. (a) To be eligible for licensure by the board as a physical therapist or physical therapist assistant, an applicant who is a graduate of a school of physical therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional physical therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, an internship under the continuous direction and immediate supervision of a physical therapist in an institution that ordinarily provides physical therapy and is approved by the board, for that period of time specified by the board, and furnish documentary evidence of compliance with this paragraph;

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's physical therapist or physical therapist assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass the examination approved by the board under AS 08.84.030(a)(2);

(6) pay the fee required under AS 08.84.050;

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(8) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

(b) To be eligible for licensure by the board as an occupational therapist or occupational therapy assistant, an applicant who is a graduate of a school of occupational therapy that is located outside the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction substantially equivalent to a professional occupational therapy education program that is accredited by a board-approved national accreditation agency in the United States;

(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);

(3) pass an examination recognized by the board that measures the competence of the applicant in the English language if the applicant's occupational therapist or occupational therapy assistant education program was not taught in English;

(4) have met applicable requirements under 8 U.S.C. 1101 – 1503 (Immigration and Nationality Act), unless a United States citizen;

(5) pass an examination approved by the board under AS 08.84.030(b);

(6) pay the fee required under AS 08.84.050;

(7) meet additional qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b); and

(8) have been fingerprinted and have provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

Sec. 08.84.034. Exemption from criminal justice information and criminal history record check. A physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant holding a valid license under this chapter on July 1, 2024, is exempt from the requirements of AS 08.84.030(a)(4) and (b)(4) and 08.84.032(a)(8) and (b)(8), but is otherwise subject to this chapter.

Sec. 08.84.040. Application for license. To be licensed under this chapter to practice physical therapy or occupational therapy, an applicant shall apply to the board on a form prescribed by the board. An applicant shall include in the application evidence under oath that the applicant possesses the qualifications required by AS 08.84.030 or 08.84.032.

Sec. 08.84.050. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) license by examination;
- (3) license by acceptance of credentials;
- (4) renewal;
- (5) temporary permit;
- (6) limited permit;
- (7) compact privilege.

Sec. 08.84.060. Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant licensed under the laws of another state, if the requirements for licensure in that state were, at the date of the applicant's licensure, substantially equal to the requirements in this state.

Sec. 08.84.065. Temporary permit. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who

- (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4); and
- (2) pays the required fee.

(b) A temporary permit issued to an applicant for licensure by acceptance of credentials is valid for eight months or until the board considers the applicant's application for acceptance of credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure as a physical therapist or physical therapist assistant by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which the applicant is scheduled, the applicant's temporary permit lapses the day of the examination.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy or occupational therapy located outside the United States is valid until the results of the first examination for which the applicant is scheduled are published following completion of the internship required under AS 08.84.032.

(e) A temporary permit issued to an applicant for licensure as an occupational therapist or occupational therapy assistant by examination is valid for eight months or until the results of the examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an examination for which the applicant is scheduled the applicant's temporary permit lapses on the day of the examination.

Sec. 08.84.070. Registration fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.075. Limited permit. (a) The board may issue a limited permit to a person to practice occupational therapy in the state as a visiting, nonresident occupational therapist or occupational therapy assistant, if the person

- (1) applies on the form provided by the board;
- (2) has not previously been denied occupational therapy licensure in the state;
- (3) is licensed to practice occupational therapy in another state or satisfies the requirements for certification by the American Occupational Therapy Association;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical therapist assistant, if the person

- (1) applies on the form provided by the board;

- (2) has not previously been denied physical therapy licensure in the state;
- (3) is licensed to practice physical therapy in another state;
- (4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and
- (5) pays the fee required under AS 08.84.050.
- (c) A limited permit is valid for a period of 120 consecutive days in a calendar year.
- (d) A person may not receive more than
 - (1) one limited permit to practice occupational therapy or physical therapy in a 12-month period; and
 - (2) three limited permits to practice occupational therapy or physical therapy during the person's lifetime.

Sec. 08.84.080. Examinations. The board shall examine applicants for licensure under this chapter at the times and places it determines.

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter and shall issue a license certificate to each person licensed. A license certificate is prima facie evidence of the right of the person to hold out as a licensed physical therapist, licensed physical therapist assistant, licensed occupational therapist, or licensed occupational therapy assistant.

Sec. 08.84.100. Renewal of license. (a) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(b) If the license remains lapsed for more than three years, the board may require the applicant to submit proof, satisfactory to the board, of continued competency.

(c) A license may not be renewed unless the applicant submits proof of continued competence to practice physical therapy or occupational therapy in a manner established by the board in regulations adopted under AS 08.84.010(b).

Sec. 08.84.110. Renewal fee. *[Repealed, Sec. 8 ch 49 SLA 1969.]*

Sec. 08.84.120. Refusal, revocation, and suspension of license; discipline. (a) The board may refuse to license an applicant, may refuse to renew the license of a person, may discipline a person, and may suspend or revoke the license of a person who

- (1) has obtained or attempted to obtain a license by fraud or material misrepresentation;
- (2) uses drugs or alcohol in any manner that affects the person's ability to practice physical therapy or occupational therapy competently and safely;
- (3) has been convicted of a state or federal felony or other crime that effects the person's ability to practice competently and safely;
- (4) is guilty, in the judgement of the board, of gross negligence or malpractice or has engaged in conduct contrary to the recognized standards of ethics of the physical therapy profession or the occupational therapy profession;
- (5) has continued to practice physical therapy or occupational therapy after becoming unfit because of physical or mental disability;
- (6) has failed to refer a patient to another qualified professional when the patient's condition is beyond the training or ability of the person;
- (7) as a physical therapist assistant, has attempted to practice physical therapy that has not been initiated, supervised, and terminated by a licensed physical therapist;
- (8) as an occupational therapy assistant, has attempted to practice occupational therapy that has not been supervised by a licensed occupational therapist; or
- (9) has failed to comply with this chapter, a regulation adopted under this chapter, or an order of the board.

(b) The refusal or suspension of a license may be modified or rescinded if the person has been rehabilitated to the satisfaction of the board.

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if the licensee

- (1) or another licensed health care provider is available to provide follow-up care;
- (2) requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

ARTICLE 3. UNLAWFUL ACTS

Section

- 130. False claim of license prohibited
- 140. Penalty for fraud in obtaining license
- 150. License required; exceptions
- 160. Scope of authorized practice
- 180. Investigation

Sec. 08.84.130. False claim of license prohibited. (a) A person not licensed as a physical therapist, or whose license is suspended or revoked or has lapsed, who uses in connection with the person's name the words or letters "P.T.," "Physical Therapist," "L.P.T.," "Licensed Physical Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed physical therapist, or who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist, is guilty of a class B misdemeanor.

(b) A person not licensed as a physical therapist assistant, or whose license is suspended or revoked or has lapsed, who, in any way, orally or in writing, directly or by implication, holds out as a licensed physical therapist assistant is guilty of a class B misdemeanor.

(c) A person not licensed as an occupational therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words "Licensed Occupational Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed occupational therapist, or who orally or in writing, directly or by implication, holds out as a licensed occupational therapist is guilty of a class B misdemeanor.

(d) A person not licensed as an occupational therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who orally or in writing, directly or by implication, holds out as a licensed occupational therapy assistant is guilty of a class B misdemeanor.

Sec. 08.84.140. Penalty for fraud in obtaining license. A person who willfully makes a false oath or affirmation or who obtains or attempts to obtain a license by a fraudulent representation is guilty of a class B misdemeanor.

Sec. 08.84.150. License required; exceptions. (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited physical therapy program;
- (2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist;
- (3) issued a limited permit under AS 08.84.075; or
- (4) granted a compact privilege under AS 08.84.188.

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited occupational therapy program or in a supervised field work program;
- (2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;
- (3) an occupational therapist or occupational therapy assistant employed by the United States Government while in the discharge of official duties;
- (4) granted a limited permit under AS 08.84.075;
- (5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

- (i) be an occupational therapist or occupational therapy assistant; and
- (ii) practice occupational therapy.

Sec. 08.84.160. Scope of authorized practice. This chapter does not authorize a person to practice medicine, osteopathy, chiropractic, or other method of healing, but only to practice physical therapy or occupational therapy.

Sec. 08.84.170. Penalty. *[Repealed, Sec. 7 ch 46 SLA 1986.]*

Sec. 08.84.180. Investigation. The board shall request appropriate authorities to conduct investigations of every supposed violation of this chapter coming to its notice and shall report all cases that in the judgment of the board warrant prosecution to the proper law enforcement officials.

Sec. 08.84.185. Limits or conditions on license; discipline. *[Repealed, Sec. 49 ch 94 SLA 1987.]*

ARTICLE 4. INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT

Sec. 08.84.188. Compact enacted. The Interstate Physical Therapy Licensure Compact as contained in this section is enacted into law and entered into on behalf of the state with all other states and jurisdictions legally joining it in a form substantially as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

- (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
- (2) Enhance the states' ability to protect the public's health and safety;
- (3) Encourage the cooperation of member states in regulating multistate physical therapy practice;
- (4) Support spouses of relocating military members;
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 1211.
- (2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
- (3) "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes substance abuse issues.
- (4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient or client is located at the time of the patient/client encounter.
- (5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
- (6) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
- (7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
- (8) "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- (9) "Home state" means the member state that is the licensee's primary state of residence.
- (10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
- (11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
- (12) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
- (13) "Member state" means a state that has enacted the Compact.
- (14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
- (15) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
- (16) "Physical therapist assistant" means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.
- (17) "Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
- (18) "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.
- (19) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.
- (20) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

- (21) "Rule" means a regulation, principle, or directive promulgated by the Commission that has the force of law.
- (22) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- (a) To participate in the Compact, a state must:
- (1) Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;
 - (2) Have a mechanism in place for receiving and investigating complaints about licensees;
 - (3) Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;
 - (4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with Section 3(b);
 - (5) Comply with the rules of the Commission;
 - (6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and
 - (7) Have continuing competence requirements as a condition for license renewal.
- (b) Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. §534 and 34 U.S.C. §40316.
- (c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.
- (d) Member states may charge a fee for granting a compact privilege.

SECTION 4. COMPACT PRIVILEGE

- (a) To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall
- (1) Hold a license in the home state;
 - (2) Have no encumbrance on any state license;
 - (3) Be eligible for a compact privilege in any member state in accordance with Section 4(d), (g) and (h);
 - (4) Have not had any adverse action against any license or compact privilege within the previous 2 years;
 - (5) Notify the Commission that the licensee is seeking the compact privilege within a remote state;
 - (6) Pay any applicable fees, including any state fee, for the compact privilege;
 - (7) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and
 - (8) Report to the Commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.
- (b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of Section 4(a) to maintain the compact privilege in the remote state.
- (c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
- (d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.
- (e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:
- (1) The home state license is no longer encumbered; and
 - (2) Two years have elapsed from the date of the adverse action.
- (f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4(a) to obtain a compact privilege in any remote state.
- (g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:
- (1) The specific period of time for which the compact privilege was removed has ended;
 - (2) All fines have been paid; and
 - (3) Two years have elapsed from the date of the adverse action.
- (h) Once the requirements of Section 4(g) have been met, the licensee must meet the requirements in Section 4(a) to obtain a compact privilege in a remote state.

SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- (1) Home of record;
- (2) Permanent Change of Station (PCS); or
- (3) State of current residence if it is different than the PCS state or home of record.

SECTION 6. ADVERSE ACTIONS

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(c) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

- (1) Take adverse actions as set forth in Section 4(d) against a licensee's compact privilege in the state;
- (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) Joint Investigations

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(a) The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission.

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the Commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The Commission shall have the following powers and duties:

- (1) Establish the fiscal year of the Commission;
- (2) Establish bylaws;
- (3) Maintain its financial records in accordance with the bylaws;
- (4) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

(5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

(6) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) Purchase and maintain insurance and bonds;

(8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(13) Establish a budget and make expenditures;

(14) Borrow money;

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(16) Provide and receive information from, and cooperate with, law enforcement agencies;

(17) Establish and elect an Executive Board; and

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

(d) The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

(1) The Executive Board shall be composed of nine members:

(A) Seven voting members who are elected by the Commission from the current membership of the Commission;

(B) One ex-officio, nonvoting member from the recognized national physical therapy professional association; and

(C) One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(2) The ex-officio members will be selected by their respective organizations.

(3) The Commission may remove any member of the Executive Board as provided in bylaws.

(4) The Executive Board shall meet at least annually.

(5) The Executive Board shall have the following duties and responsibilities:

(A) Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

(B) Ensure Compact administration services are appropriately provided, contractual or otherwise;

(C) Prepare and recommend the budget;

(D) Maintain financial records on behalf of the Commission;

(E) Monitor Compact compliance of member states and provide compliance reports to the Commission;

(F) Establish additional committees as necessary; and

(G) Other duties as provided in rules or bylaws.

(e) Meetings of the Commission

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 9.

(2) The Commission or the Executive Board or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Board or other committees of the Commission must discuss:

(A) Non-compliance of a member state with its obligations under the Compact;

(B) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

(C) Current, threatened, or reasonably anticipated litigation;

(D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(E) Accusing any person of a crime or formally censuring any person;

(F) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) Disclosure of investigative records compiled for law enforcement purposes;

(I) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

(J) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

(f) Financing of the Commission

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) Qualified Immunity, Defense, and Indemnification

(1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 8. DATA SYSTEM

(a) The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

- (1) Identifying information;
- (2) Licensure data;

- (3) Adverse actions against a license or compact privilege;
 - (4) Non-confidential information related to alternative program participation;
 - (5) Any denial of application for licensure, and the reason(s) for such denial; and
 - (6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.
- (c) Investigative information pertaining to a licensee in any member state will only be available to other party states.
 - (d) The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.
 - (e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
 - (f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 9. RULEMAKING

- (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.
- (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
 - (1) On the website of the Commission or other publicly accessible platform; and
 - (2) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.
- (e) The Notice of Proposed Rulemaking shall include:
 - (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 - (2) The text of the proposed rule or amendment and the reason for the proposed rule;
 - (3) A request for comments on the proposed rule from any interested person; and
 - (4) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- (f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - (1) At least twenty-five (25) persons;
 - (2) A state or federal governmental subdivision or agency; or
 - (3) An association having at least twenty-five (25) members.
- (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.
 - (1) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
 - (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - (3) All hearings will be recorded. A copy of the recording will be made available on request.
 - (4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- (i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- (j) If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.
- (k) The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures

provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of Commission or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

(3) The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination

(1) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

- (A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
- (B) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute Resolution

(1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief

sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

(a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any member state may withdraw from this Compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

ARTICLE 5. GENERAL PROVISIONS

Section

190. Definitions

200. Short title

Sec. 08.84.190. Definitions. In this chapter, unless the context otherwise requires,

(1) "board" means the State Physical Therapy and Occupational Therapy Board;

(2) "occupational therapist" means a person who practices occupational therapy;

(3) "occupational therapy" means, for compensation, the use of purposeful activity, evaluation, treatment, and consultation with human beings whose ability to cope with the tasks of daily living are threatened with, or impaired by developmental deficits, learning disabilities, aging, poverty, cultural differences, physical injury or illness, or psychological and social disabilities to maximize independence, prevent disability, and maintain health; "occupational therapy" includes

(A) developing daily living, play, leisure, social, and developmental skills;

(B) facilitating perceptual-motor and sensory integrative functioning;

(C) enhancing functional performance, prevocational skills, and work capabilities using specifically designed exercises, therapeutic activities and measure, manual intervention, and appliances;

(D) design, fabrication, and application of splints or selective adaptive equipment;

(E) administering and interpreting standardized and nonstandardized assessments, including sensory, manual muscle, and range of motion assessments, necessary for planning effective treatment; and

(F) adapting environments for the disabled;

(4) "occupational therapy assistant" means a person who assists in the practice of occupational therapy under the supervision of an occupational therapist;

(5) "physical therapist" means a person who practices physical therapy;

(6) "physical therapist assistant" means a person who assists in the practice of physical therapy or an aspect of physical therapy as initiated, supervised, and terminated by a licensed physical therapist; the responsibilities of a physical therapist assistant do not include evaluation;

(7) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.

Sec. 08.84.200. Short Title. This chapter may be cited as the Physical Therapists and Occupational Therapists Practice Act.

**CHAPTER 54.
STATE PHYSICAL THERAPY AND OCCUPATIONAL
THERAPY BOARD.**

Article

1. Physical Therapy Licensure by Examination (12 AAC 54.010 – 12 AAC 54.080)
2. Physical Therapy Licensure by Credentials (12 AAC 54.100 – 12 AAC 54.130)
3. Physical Therapy License Renewal and Continuing Competency Requirements (12 AAC 54.200 – 12 AAC 54.440)
4. Physical Therapy Standards of Practice (12 AAC 54.500 – 12 AAC 54.590)
5. Occupational Therapy Licensure (12 AAC 54.600 – 12 AAC 54.660)
6. Occupational Therapy License Renewal and Continuing Competency Requirements (12 AAC 54.700 – 12 AAC 54.725)
7. Occupational Therapy Standards of Practice (12 AAC 54.800 – 12 AAC 54.890)
8. General Provisions (12 AAC 54.900 – 12 AAC 54.990)

**ARTICLE 1.
PHYSICAL THERAPY LICENSURE BY EXAMINATION.**

Section

10. (Repealed)
20. (Renumbered)
30. Requirements for physical therapy license by examination
40. Foreign-educated physical therapy applicants
50. Physical therapist temporary permits and scope of practice under those permits
55. (Repealed)
60. (Repealed)
70. Supervised field work
80. Passing scores

12 AAC 54.010. OFFICERS OF THE BOARD. Repealed 9/26/91.

12 AAC 54.020. BOARD MEETINGS. Renumbered as 12 AAC 54.960, 9/26/91.

12 AAC 54.030. REQUIREMENTS FOR PHYSICAL THERAPY LICENSE BY EXAMINATION. (a) An applicant for a physical therapist or a physical therapist assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside of the United States, shall submit a completed application on a form prescribed by the board with

- (1) payment of the fees established in 12 AAC 02.320;
- (2) the applicant's certified transcript sent directly to the department from a physical therapy school meeting the requirements of AS 08.84.030(a)(1);
- (3) a signed letter of professional reference sent directly to the department on a form provided by the department from
 - (A) the head of the physical therapy school; or
 - (B) an instructor, physician, supervising physical therapist, or supervisor;
- (4) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter; and
- (5) proof of passing examination scores, sent directly to the department from the Federation of State Boards of Physical Therapy (FSBPT).

(b) Repealed 8/7/2021.

(c) An applicant who has applied for, but not yet received, licensure in another state and who has passed the national physical therapy examination in that state may have the examination scores transferred to the board and may apply for licensure by examination under (a) of this section.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.040

12 AAC 54.040. FOREIGN-EDUCATED PHYSICAL THERAPY APPLICANTS. (a) A physical therapist or physical therapist assistant applicant for license by examination who received an education and qualifying degree outside of the United States must meet all requirements for licensure under AS 08.84. An applicant under this section must be a graduate from a school of physical therapy with a resident course of study and professional instruction that is

- (1) substantially equivalent to a professional physical therapy education program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE); and

(2) evaluated by one of the following board-approved credential evaluation services:

- (A) International Consultants of Delaware (ICD);
- (B) Foreign Credentialing Commission on Physical Therapy (FCCPT);
- (C) International Education Research Foundation (IERF); or
- (D) an equivalent nationally recognized company as approved by the board.

(b) To apply for a physical therapist or physical therapist assistant license by examination under this section, an applicant must submit

(1) a completed application on the form prescribed by the board;

(2) payment of the fees established in 12 AAC 02.320;

(3) a professional reference letter on a form provided by the department; the form must be signed and sent directly to the department from

(A) the head of the applicant's physical therapy school; or

(B) a professional who has knowledge of the applicant's competency, including a current or former instructor, supervising physician or physical therapist, or other supervisory professional;

(4) the jurisprudence questionnaire covering the provisions of AS 08.84 and this chapter as prepared by the board;

(5) verification that the applicant

(A) completed the internship requirements under (c) of this section; and

(B) passed the National Physical Therapy Examination; the applicant's passing scores must be sent directly to the department from the Federation of State Boards of Physical Therapy (FSBPT).

(c) A foreign-educated physical therapist or physical therapist assistant applicant shall complete an internship under the on-site supervision of a currently licensed physical therapist in an institution that meets the requirements of (d) of this section and AS 08.84.032(a)(2). The board will not consider internship hours claimed before the date the board pre-approves the internship. A foreign-educated physical therapist or physical therapist assistant applicant shall complete an internship based on

(1) a minimum of six months of full-time work, averaging not less than 35 hours per week; or

(2) part-time work averaging less than 35 hours per week, but equivalent to the total minimum number of hours required under (1) of this subsection.

(d) An institution used for an internship must have at least two full-time physical therapists on the staff licensed under this chapter and be in a clinic setting providing a varied case load to be approved by the board. A government service hospital may be used if the hospital meets the requirements of this subsection.

(e) A licensed physical therapist who serves as a preceptor to a foreign-educated intern applicant shall assume responsibility for the intern's experience and the safety and welfare of the patient.

(f) A licensed physical therapist who serves as a preceptor under this section shall directly submit a national performance evaluation tool that is recognized by the board to the department. On the tool, the preceptor shall attest to the applicant's

(1) satisfactory or unsatisfactory completion of the internship; and

(2) level of skill in completion of evaluation, program planning, therapeutic practice, potential ability to practice safely while unsupervised with sound professional judgment, and ethics related to the practice of physical therapy.

(g) If a licensed physical therapist who serves as a preceptor will not recommend to the board that the applicant is qualified to work unsupervised at the end of an internship under (c) of this section, the board may require the applicant to arrange for another internship equivalent to six months or less. The board must approve any change in a preceptor before the change takes effect. If the applicant is not recommended by a preceptor as qualified to work independently at the end of a second internship, the board may deny licensure.

(h) If a licensed physical therapist who serves as a preceptor determines that an applicant is unqualified to continue the internship, nothing in this section obligates the preceptor or the preceptor's facility to either complete a six-month internship or provide a second internship for that applicant. A preceptor who terminates the internship of an applicant before the scheduled completion date must notify the board in writing and state the reason for the termination. Either an intern or a preceptor may request an advisory review of the internship by the board.

(i) After an applicant has satisfactorily completed an internship and has been scheduled for the National Physical Therapy Examination, the applicant may apply for a temporary permit under AS 08.84.065 and 12 AAC 54.050.

(j) To receive credit for an internship, an applicant must take and pass the National Physical Therapy Examination either before completing the internship or not later than one year after completing the internship.

(k) Verification of achieving a passing score, as set out in 12 AAC 54.080, on the national examination, meets the English language proficiency requirements of AS 08.84.032(a)(3).

(l) In this section, "preceptor" means a currently licensed physical therapist under this chapter who provides on-site supervision for an individual who is completing an internship under this section.

Authority: AS 08.84.010

AS 08.84.032

AS 08.84.065

12 AAC 54.050. PHYSICAL THERAPIST TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) The board or department will issue a temporary permit to an applicant for a physical

therapist or physical therapist assistant license by examination, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.030(a);
- (4) a signed and notarized statement of responsibility from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant.

(b) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by credentials, other than an applicant who is a graduate of a school of physical therapy that is located outside the United States, if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.100.

(c) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by examination who is a graduate of a school of physical therapy that is located outside the United States and demonstrates compliance with AS 08.84.032(a)(1) and 08.84.065(a) to the satisfaction of the board. A temporary permit issued under this subsection expires on the date the scores are posted to the board. The following items documenting compliance with 12 AAC 54.040 must be on file with the department before the temporary permit is issued:

- (1) a complete application on a form provided by the department;
- (2) an official copy of a
 - (A) credentials evaluation sent directly to the department from an agency approved by the board; or
 - (B) transcript indicating compliance with AS 08.84.032(a)(1) if the degree was obtained from a foreign program accredited by a board-approved accrediting agency;
- (3) a signed letter of professional reference on a form provided by the department and sent directly to the department from
 - (A) the head of a physical therapy school; or
 - (B) an instructor, physician, supervising physical therapist, or supervisor;
- (4) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising physical therapist; the statement must indicate that the supervising physical therapist will assume the full responsibility of supervising the applicant;
- (5) a copy of the confirmation from the testing center indicating the date that the applicant is scheduled to take the national physical therapy examination;
- (6) a signed letter of verification sent directly to the department on a form provided by the department from the preceptor attesting to the applicant's satisfactory completion of the internship;
- (7) the application, license, and temporary permit fees established in 12 AAC 02.320;
- (8) repealed 3/27/2024.

(d) The board or department will issue a temporary permit to an applicant for a physical therapist or physical therapist assistant license by credentials who is a graduate of a school of physical therapy that is located outside the United States if the following are on file with the department:

- (1) a complete application on a form provided by the department;
- (2) the temporary permit fee established in 12 AAC 02.320;
- (3) all items required under 12 AAC 54.110.

(e) The board will review an applicant for a physical therapist or physical therapist assistant temporary permit in accordance with 12 AAC 54.915.

(f) An applicant for a physical therapist or physical therapist assistant license who is waiting to take the next scheduled examination and who has been issued a temporary permit under AS 08.84.065 may practice only under the supervision of a licensed physical therapist and may not act as a supervisor until a permanent license is issued.

(g) The holder of a temporary permit as a physical therapist, issued according to the provisions of AS 08.84.065(b), who is awaiting licensure by acceptance of credentials, may practice without supervision.

(h) The holder of a temporary physical therapist assistant permit issued according to the provisions of AS 08.84.065(b) who is awaiting licensure by acceptance of credentials shall practice in accordance with 12 AAC 54.510.

Authority: AS 08.84.010 AS 08.84.065

12 AAC 54.055. LICENSURE OF APPLICANTS. Repealed 9/26/91.

12 AAC 54.060. ADMINISTRATION OF EXAMINATION. Repealed 10/20/99.

12 AAC 54.070. SUPERVISED FIELD WORK. As used in AS 08.84.030(a)(1), "supervised field work" means the clinical education experience portion of a CAPTE-accredited educational program to be completed under the supervision of a licensed physical therapist.

Authority: AS 08.84.010 AS 08.84.030



12 AAC 54.080. PASSING SCORES. (a) To pass the national examination an applicant must achieve at least the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy for that examination. The passing score will equal a scaled score of 600 based on a scale ranging from 200 to 800.

(b) Repealed 10/20/99.

(c) Repealed 8/7/2021.

Authority: AS 08.84.010

AS 08.84.080

ARTICLE 2. PHYSICAL THERAPY LICENSURE BY CREDENTIALS.

Section

100. Application for licensure by credentials

110. Foreign-educated applicants

120. Military-trained therapy assistant

130. Temporary military courtesy license

12 AAC 54.100. APPLICATION FOR LICENSURE BY CREDENTIALS. An application for licensure by credentials as a physical therapist or a physical therapist assistant must be submitted to the department on a form prescribed by the board with

(1) all items required under 12 AAC 54.030(a);

(2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;

(3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant has or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) other evidence considered necessary by the board to determine if the requirements of the other jurisdiction were, at the date of issuance, substantially equal to the requirements of this state;

(5) verification sent directly to the department from the source that the applicant has

(A) been employed in physical therapy at least 60 hours within the 24 months immediately preceding the date the application is received;

(B) passed the national physical therapy examination within the 24-month period immediately preceding the date the application is received; or

(C) satisfactorily completed an internship of 150 hours approved by the board.

Authority: AS 08.84.010

AS 08.84.040

AS 08.84.060

AS 08.84.030

12 AAC 54.110. FOREIGN-EDUCATED APPLICANTS. An applicant for a physical therapist or physical therapist assistant license by credentials who received an education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1) and (4), and this section, and shall submit an application to the department on a form provided by the department. The application must include

(1) transcripts evaluated in accordance with 12 AAC 54.040(a)(2);

(2) a report sent directly to the department from the testing organization of the applicant's national physical therapy examination scores;

(3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice physical therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) satisfactory evidence sent directly to the department on a form provided by the department from a supervising therapist of

(A) a minimum six months of supervised work experience while licensed as a physical therapist or physical therapist assistant in another state, another territory, or the District of Columbia; or

(B) satisfactory completion of an internship that meets the requirements of 12 AAC 54.040(c), (e), and (f);

(5) other evidence determined necessary by the board to determine if the applicant's out-of-state license is substantially equal to the license requirements of this state;

(6) verification of achieving a passing score, as set out in 12 AAC 54.080, on the national examination, shall meet the English language proficiency requirements of AS 08.84.032(a)(3);

(7) a signed letter of professional reference sent directly to the department on a form provided by the department from

(A) the head of the physical therapy school from which the applicant graduated; or

(B) an instructor, physician, or physical therapist other than the physical therapist preceptor described in 12 AAC 54.040(e) and (f); and

(8) verification sent directly to the department from the source that the applicant has

(A) been employed in physical therapy at least 60 hours during the 24 months immediately preceding the date the application is received; or

(B) passed the national physical therapy examination during the 24-month period immediately preceding the date the application is received.

Authority: AS 08.84.010

AS 08.84.032

AS 08.84.060

12 AAC 54.120. MILITARY-TRAINED THERAPY ASSISTANT. A military-trained physical therapist assistant may apply to the board for license by credentials only and must submit verification of a current and valid certificate, license, or other evidence of qualification issued under the laws of another state.

Authority: AS 08.84.010

AS 08.84.060

12 AAC 54.130. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a physical therapist or physical therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

(1) must submit an application on a form provided by the department;

(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;

(3) must submit a copy of

(A) the applicant's current active duty military orders showing assignment to a duty station in this state; or

(B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;

(4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;

(5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the examination required under 12 AAC 54.030(a)(5) as a condition of licensure; and

(6) may not have been convicted of a crime that affects the applicant's ability to practice as a physical therapist or physical therapy assistant competently and safely, as determined by the board.

(c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

(d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.

(e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

Authority: AS 08.01.062

AS 08.01.063

AS 08.84.010

ARTICLE 3. PHYSICAL THERAPY LICENSE RENEWAL AND CONTINUING COMPETENCY REQUIREMENTS.

Section

200. (Repealed)

210. (Repealed)

220. (Repealed)

230. (Repealed)

400. Physical therapy license renewal requirements

405. Physical therapy continuing professional practice requirements and alternatives to those requirements

410. Physical therapy continuing education requirements

420. Approved physical therapy courses and activities

430. Audit of physical therapy continuing competency requirements

435. Exemption from continuing education requirements for active duty military service

440. (Repealed)

12 AAC 54.200. APPLICATION FOR LICENSURE BY CREDENTIALS. Repealed 10/1/88.

12 AAC 54.210. APPLICATION FOR LICENSE RENEWAL. Repealed 6/3/89.

12 AAC 54.220. INACTIVE STATUS. Repealed 6/3/89.

12 AAC 54.230. INTERNSHIP. Repealed 6/3/89.

12 AAC 54.400. PHYSICAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of a physical therapist or physical therapist assistant license shall

- (1) complete the renewal application on a form prescribed by the board;
- (2) pay the license renewal fee established in 12 AAC 02.320; and
- (3) document continuing competency by submitting proof of having completed
 - (A) the continuing professional practice requirements or an alternative under 12 AAC 54.405; and
 - (B) the continuing education contact hours required under 12 AAC 54.410.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.405. PHYSICAL THERAPY CONTINUING PROFESSIONAL PRACTICE REQUIREMENTS AND ALTERNATIVES TO THOSE REQUIREMENTS. (a) An applicant for renewal of a physical therapist or physical therapist assistant license shall document completion of the jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.84 and this chapter, and shall also document

- (1) having provided physical therapy services for at least 60 hours during the concluding licensing period; or
- (2) successful completion during the concluding licensing period of at least one of the following:
 - (A) the national physical therapy examination sponsored by the Federation of State Boards of Physical Therapy;
 - (B) in addition to the contact hours of continuing education required under 12 AAC 54.410 and 12 AAC 54.420, 40 contact hours of continuing education consistent with the requirements of 12 AAC 54.410 and 12 AAC 54.420;

(C) a review course sponsored by a school of physical therapy approved by the American Physical Therapy Association;

(D) a physical therapy internship of 150 hours approved by the board.

(b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute physical therapy services under this section, the applicant may request board approval before submitting the application for license renewal.

(c) In this section, "physical therapy services" includes work and volunteer service under a position title other than physical therapist or physical therapist assistant if the applicant documents that the position required the use of physical therapy skills recognized by the board.

Authority: AS 08.84.010 AS 08.84.100

Editor's note: A list of schools of physical therapy approved by the American Physical Therapy Association may be obtained from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314; website at www.apta.org. Information on the national physical therapy examination may be obtained from the Federation of State Boards of Physical Therapy, 124 West Street South, Third Floor, Alexandria, VA 22314; website at www.fsbpt.org.

12 AAC 54.410. PHYSICAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.435, an applicant for renewal of a physical therapist or physical therapist assistant license who has been licensed for 12 months or more of the concluding licensing period shall have completed 24 contact hours of continuing education during that period. An applicant for renewal of a physical therapist or physical therapist assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

- (1) completed during that period 12 contact hours of continuing education; or
- (2) passed the national physical therapy examination within 12 months immediately before the date that the applicant's license is due to lapse.

(b) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.420(a).

(c) For the purposes of this section,

- (1) one "contact hour" equals a minimum of 50 minutes of instruction;
- (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
- (3) one academic semester credit hour equals 15 contact hours; and
- (4) one academic quarter credit hour equals 10 contact hours.

(d) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.430. Records must be retained for three years from the date the contact hours were obtained.

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- (e) The following activities will not be accepted for continuing education contact hours under this section:
- (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.420. APPROVED PHYSICAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Physical Therapy Association;
 - (B) the American Physical Therapy Association (APTA);
 - (C) the Federation of State Boards of Physical Therapy (FSBPT);
 - (D) other state physical therapy associations; or
 - (E) other state physical therapy licensing boards;
 - (2) American Medical Association category one and two continuing education courses that involve physical therapy;
 - (3) continuing education activities sponsored by a professional organization or university approved by the Alaska Physical Therapy Association or the American Physical Therapy Association.
- (b) Repealed 9/29/2019.
- (c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of a physical therapist or physical therapist assistant and must be directly related to the skills and knowledge required to implement the principles and methods of physical therapy within the meaning given in AS 08.84.190.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.430. AUDIT OF PHYSICAL THERAPY CONTINUING COMPETENCY REQUIREMENTS.

- (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.400 - 12 AAC 54.430.
- (b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation of completion of contact hours required by 12 AAC 54.410 and physical therapy service hours or an alternative required by 12 AAC 54.405.
- (c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.435. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) A physical therapist or physical therapist assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.400 - 12 AAC 54.430 as specified in this section. An exemption under this section applies to the renewal of the physical therapist or physical therapist assistant license for the biennial licensing period immediately following a period of service by the physical therapist or physical therapist assistant, during which the physical therapist or physical therapist assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, a physical therapist or physical therapist assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.410, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

**ARTICLE 4.
PHYSICAL THERAPY STANDARDS OF PRACTICE.**

Section

- 500. Physical therapy standards**
- 510. Supervision of physical therapist assistants**
- 520. Supervision of non-licensed personnel**
- 530. Standards for practice of telerehabilitation by physical therapist**
- 535. Physical therapy internship standards**
- 590. Definitions related to physical therapy**

12 AAC 54.500. PHYSICAL THERAPY STANDARDS. (a) Services may not be stated or implied as being physical therapy unless performed by a licensed physical therapist or under the supervision of a licensed physical therapist.

(b) A license or permit issued by the board, or a copy of the license or permit, must be posted in a conspicuous location in the licensee's place of business, for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

(c) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapists shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(d) To maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, physical therapist assistants shall adhere to the ethical standards set out in the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(e) A physical therapist may not supervise more than three aides, assistants, students, foreign-educated candidates, or permittees in any combination at the same time.

Authority: AS 08.84.010 AS 08.84.150

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: <https://www.commerce.alaska.gov/web/cbp/main>. A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice* described in 12 AAC 54.500 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580; website at <http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.

12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS. (a) A physical therapist assistant shall work under the supervision of a licensed physical therapist.

(b) A licensed physical therapist is responsible for and shall participate in a patient's care.

(c) Except as specified in 12 AAC 54.500(e), a physical therapist may supervise a maximum of three physical therapist assistants.

(d) A licensed physical therapist assistant shall have written treatment plans formulated by the licensed physical therapist in possession for each patient under the care of the physical therapist assistant. Treatment plans must be revised following periodic evaluations by the licensed physical therapist.

(e) At least once a month, a supervising physical therapist shall provide periodic supervision to a physical therapist assistant while the physical therapist assistant being supervised implements a treatment plan with a patient. Supervision shall be conducted on site or by video or teleconference when in-person supervision is not reasonably practicable. The supervising physical therapist shall be available for consultation with the physical therapist assistant by telephone, verbally, or in writing.

(f) Nothing in this chapter restricts public health service or military personnel engaged in the practice of physical therapy in programs administered by federal agencies.

(g) If a licensed physical therapist agrees to supervise a physical therapist assistant, the supervising physical therapist shall

(1) determine the frequency and manner of consultations with the physical therapist assistant, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the physical therapist assistant;

(2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the physical therapist assistant's place of employment; and

(3) countersign the patient treatment record each time the supervising physical therapist is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the physical therapist assistant being supervised.

Authority: AS 08.84.010

12 AAC 54.520. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed physical therapist is solely responsible for the treatment and management of all aspects of physical therapy care of the patient.

(b) A licensed physical therapist or physical therapist assistant may use non-licensed personnel in the delivery of patient-related duties and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of physical therapy.

(c) A licensed physical therapist shall assure the training of non-licensed personnel under the supervision of the physical therapist or physical therapist assistant and shall document that training.

(d) A supervising physical therapist or physical therapist assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

Authority: AS 08.84.010

12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter in order to provide physical therapy to patients who are located in this state and do not have access to a physical therapist in person due to geographic constraints or health and safety constraints.

(b) A physical therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) Repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.500(c) and (d);

(3) must comply with the requirements of 12 AAC 54.510 for any licensed physical therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010

AS 08.84.120

12 AAC 54.535. PHYSICAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for a physical therapy internship required under 12 AAC 54.100(5)(C), 12 AAC 54.405(a)(2)(D), or 12 AAC 54.950(e).

(b) An internship must be served

(1) under the continual on-site supervision of a physical therapist licensed under this chapter; and

(2) in an institution that ordinarily provides physical therapy, has a varied caseload, and has on staff at least one physical therapist licensed under this chapter.

(c) A licensed physical therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.

(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's

(1) satisfactory or unsatisfactory completion of the internship; and

(2) level of skill in

(A) completion of evaluation;

(B) program planning;

(C) therapeutic practice;

(D) potential ability to practice safely while unsupervised with sound professional judgment; and

(E) ethics related to the practice of physical therapy.

(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.

(f) In this section, "preceptor" means a physical therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010

AS 08.84.040

AS 08.84.060

AS 08.84.030

12 AAC 54.590. DEFINITIONS RELATED TO PHYSICAL THERAPY. (a) In 12 AAC 54.030 – 12 AAC 54.590,

- (1) "continual on-site supervision" means the supervising physical therapist or physical therapist assistant
 - (A) is present in the department or facility where services are being provided;
 - (B) is immediately available to the non-licensed personnel being supervised; and
 - (C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;
 - (2) "internship" means postgraduate on-the-job training of a physical therapist or physical therapist assistant, approved by the board;
 - (3) "non-licensed personnel"
 - (A) means personnel who are
 - (i) used by a licensed physical therapist or physical therapist assistant to deliver patient-related duties and non-patient related duties related to the practice of physical therapy; and
 - (ii) trained under the direction of a licensed physical therapist or physical therapist assistant to perform designated non-patient related duties and patient-related duties related to the practice of physical therapy;
 - (B) includes personnel who are referred to as "aides", "technicians", or "techs";
 - (4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;
 - (5) "patient-related duties" means routine tasks that do not require the education, skill, and training of a physical therapist or physical therapist assistant, and for which the
 - (A) outcome anticipated for the task is predictable;
 - (B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and
 - (C) task routine and process have been clearly established;
 - (6) "supervision" means
 - (A) the licensed physical therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and
 - (B) the licensed physical therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.
- (b) In AS 08.84.190, "physical therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 5. OCCUPATIONAL THERAPY LICENSURE.

Section

- 600. Occupational therapy license requirements**
- 610. Foreign-educated occupational therapy applicants**
- 620. Supervised field work**
- 630. (Repealed)**
- 640. Occupational therapy temporary permits and scope of practice under those permits**
- 650. (Repealed)**
- 660. Temporary military courtesy license**

12 AAC 54.600. OCCUPATIONAL THERAPY LICENSE REQUIREMENTS. An applicant for an occupational therapist license or occupational therapy assistant license, other than an applicant who is a graduate of a school of occupational therapy that is located outside the United States, shall submit

- (1) a completed application on the form prescribed by the board;
- (2) the fees established in 12 AAC 02.320;
- (3) verification of the applicant's licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;
- (4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (5) proof of initial certification sent directly to the department from the National Board for Certification in Occupational Therapy (NBCOT) as evidence of having met the requirements of AS 08.84.030(b);
- (6) verification that, during the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source;

- (B) passed the NBCOT examination; or
- (C) satisfactorily completed an internship of 150 hours approved by the board; the verification must be sent directly to the department on a form provided by the department from the agency or source; and
- (7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010 AS 08.84.060 AS 08.84.120
AS 08.84.030

12 AAC 54.610. FOREIGN-EDUCATED OCCUPATIONAL THERAPY APPLICANTS. (a) A foreign-educated occupational therapist or occupational therapy assistant applicant must have graduated from a resident course of study and professional instruction substantially equivalent to a professional occupational therapy education program that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE). A foreign-educated occupational therapist or occupational therapy assistant applicant shall submit

- (1) a completed application on the form prescribed by the board;
- (2) the fees established in 12 AAC 02.320;
- (3) verification of licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license, one of which must indicate a current license in good standing; each verification from each jurisdiction where the applicant holds or has ever held a license must include an explanation of any disciplinary actions taken against the licensee;

(4) a signed letter of professional reference sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;

(5) evidence of meeting each of the requirements of AS 08.84.032(b);

(6) verification that, within the 24 months immediately before the date the application is received by the department, the applicant

(A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be sent directly to the department on a form provided by the department from the agency or source; or

(B) passed the NBCOT examination; and

(7) the jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

(b) An applicant who has been certified by the National Board for Certification in Occupational Therapy (NBCOT) meets the requirements of AS 08.84.032(b)(1) - (5).

(c) An applicant who has passed the NBCOT examination meets the requirements of AS 08.84.032(b)(3) and (5).

Authority: AS 08.84.010 AS 08.84.032 AS 08.84.120
AS 08.84.030

12 AAC 54.620. SUPERVISED FIELD WORK. As used in AS 08.84.030(b)(1), 08.84.032(b)(2), and 08.84.150(b)(1), "supervised field work" means the portion of an ACOTE-accredited professional occupational therapy education program to be completed by an applicant under the supervision of a licensed occupational therapist.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.060

12 AAC 54.630. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. Repealed 5/21/97.

12 AAC 54.640. OCCUPATIONAL THERAPY TEMPORARY PERMITS AND SCOPE OF PRACTICE UNDER THOSE PERMITS. (a) An applicant for an occupational therapist or occupational therapy assistant license by examination who is scheduled for the next NBCOT examination or who has taken the NBCOT examination and is waiting for the results of the examination may apply for a temporary permit. A temporary permit will be issued if the following are on file:

- (1) a complete application on a form provided by the department;
- (2) a signed professional reference letter sent directly to the department on a form provided by the department from a physician, instructor, supervisor, or official of the applicant's occupational therapy school;
- (3) a signed and notarized statement of responsibility sent directly to the department on a form provided by the department from the supervising occupational therapist; the statement must indicate that the supervising occupational therapist will assume the full responsibility for supervising the applicant;

(4) a letter verifying

(A) the applicant's scheduled examination date sent directly to the department from NBCOT; or

(B) that the applicant has taken the examination and is waiting for the results to be sent directly to the department from NBCOT;

(5) the application fee established in 12 AAC 02.320;

(6) the license fee established in 12 AAC 02.320;

(7) the temporary permit fee established in 12 AAC 02.320.

(b) An applicant for an occupational therapist or occupational therapy assistant license who is or was initially certified with the NBCOT may qualify for a temporary permit by

- (1) meeting the requirements of (a)(1), (2), (5), (6), and (7) of this section;
- (2) submitting verification that the applicant is certified or was initially certified with the NBCOT;
- (3) providing verifications of licensure from each jurisdiction where the applicant holds or has ever held a license to practice occupational therapy; at least one verification must be of a current license in good standing in another state; and
- (4) providing verification that, during the 24 months immediately before the date the application is received by the department, the applicant
 - (A) performed at least 60 hours of occupational therapy service; the verification of at least 60 hours of occupational therapy service must be on a form provided by the department; or
 - (B) passed the NBCOT examination.
- (c) The verifications required in (b)(2) and (3) of this section must be sent directly to the board from NBCOT or the licensing agency for the other jurisdiction.
- (d) An applicant for an occupational therapist or occupational therapy assistant license, who is waiting to take an examination or for the results of the examination, and who has been issued a temporary permit under AS 08.84.065 shall work under the supervision of a licensed occupational therapist and may not act as a supervisor until a permanent license is issued.
- (e) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapist, who is waiting for licensure by acceptance of credentials, may practice without supervision.
- (f) The holder of a temporary permit under AS 08.84.065(b) as an occupational therapy assistant, who is waiting for licensure by acceptance of credentials, shall practice in accordance with 12 AAC 54.810.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

12 AAC 54.650. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE. Repealed 5/21/97.

12 AAC 54.660. TEMPORARY MILITARY COURTESY LICENSE. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as an occupational therapist or occupational therapy assistant to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

- (b) An applicant for a temporary military courtesy license under this section
 - (1) must submit an application on a form provided by the department;
 - (2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
 - (3) must submit a copy of
 - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
 - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
 - (4) must submit documentation showing the applicant is currently licensed and in good standing in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;
 - (5) must demonstrate that the licensing jurisdiction of the applicant's current licensure required a passing score on the NBCOT examination as a condition of licensure; and
 - (6) may not have been convicted of a crime that affects the applicant's ability to practice as an occupational therapist or occupational therapy assistant competently and safely, as determined by the board.
- (c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.
- (d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.84 and this chapter.
- (e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.84.120.

Authority: AS 08.01.062 AS 08.01.063 AS 08.84.010

**ARTICLE 6.
OCCUPATIONAL THERAPY LICENSE RENEWAL AND
CONTINUING COMPETENCY REQUIREMENTS.**

Section

- 700. Occupational therapy license renewal requirements**
- 705. Required continuing occupational therapy professional practice and alternatives**
- 710. Occupational therapy continuing education requirements**
- 715. Approved occupational therapy courses and activities**

720. Audit of occupational therapy continuing competency requirements

725. Exemption from continuing education requirements for active duty military service

12 AAC 54.700. OCCUPATIONAL THERAPY LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of an occupational therapist license or an occupational therapy assistant license shall submit

- (1) a complete renewal application on a form prescribed by the board;
- (2) the license renewal fee established in 12 AAC 02.320;
- (3) proof of continuing competency by submitting documentation verifying that the applicant has completed
 - (A) the continuing occupational therapy professional practice requirements or an alternative under 12 AAC 54.705; and
 - (B) the continuing education contact hours required under 12 AAC 54.710; and
- (4) a completed jurisprudence questionnaire prepared by the board covering the provisions of AS 08.84 and this chapter.

Authority: AS 08.84.010

AS 08.84.100

12 AAC 54.705. REQUIRED CONTINUING OCCUPATIONAL THERAPY PROFESSIONAL PRACTICE AND ALTERNATIVES. (a) An applicant for renewal of an occupational therapist or occupational therapy assistant license shall document

- (1) having provided occupational therapy services for at least 60 hours during the concluding licensing period;
- or

- (2) successful completion during the concluding licensing period of one of the following:

(A) the applicable of the following certification examinations sponsored by the National Board for Certification in Occupational Therapy:

- (i) for an occupational therapist, the Certification Examination for Occupational Therapist, Registered;
- or

(ii) for an occupational therapy assistant, the Certification Examination for Certified Occupational Therapy Assistant;

(B) in addition to the contact hours of continuing education required under 12 AAC 54.710, 40 contact hours of continuing education that is consistent with the requirements of 12 AAC 54.710 - 12 AAC 54.720;

(C) a review course sponsored by a school of occupational therapy approved by the American Occupational Therapy Association; or

(D) an occupational therapy internship of 150 hours approved by the board.

(b) If an applicant for renewal is uncertain whether the applicant's work or volunteer experience will constitute occupational therapy services under this section, the applicant may request board approval before submitting the application for license renewal.

(c) In this section, "occupational therapy services" includes work and volunteer service under a position title other than occupational therapist or occupational therapy assistant if the applicant documents that the position required the use of occupational therapy skills recognized by the board.

Authority: AS 08.84.010

AS 08.84.100

Editor's note: Information on certification examinations in occupational therapy may be obtained from the National Board for Certification in Occupational Therapy, 12 South Summit Avenue, Suite 100, Gaithersburg, MD 20877-4150; website at www.nbcot.org. Information on approved schools of occupational therapy may be obtained from the American Occupational Therapy Association, 6116 Executive Boulevard, Suite 200, North Bethesda, MD 20824-4929; website at www.aota.org.

12 AAC 54.710. OCCUPATIONAL THERAPY CONTINUING EDUCATION REQUIREMENTS. (a) Except as provided in 12 AAC 54.725, an applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for 12 months or more of the concluding licensing period shall have

- (1) completed, during that period, 24 contact hours of continuing education; or
- (2) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(b) An applicant for renewal of an occupational therapist or an occupational therapy assistant license who has been licensed for less than 12 months of the concluding licensing period shall have

- (1) completed, during that period, 12 contact hours of continuing education;
- (2) passed the national occupational therapy examination during the 12 months immediately before the date that the applicant's license is due to lapse; or

(3) evidence of current certification by the National Board for Certification in Occupational Therapy (NBCOT).

(c) An applicant shall complete at least one-half of the required contact hours in courses or programs offered by an accredited academic institution or a professional organization approved by the board under 12 AAC 54.715(a).

(d) For the purposes of this section,

- (1) one "contact hour" equals a minimum of 50 minutes of instruction;
- (2) one continuing education unit awarded by a professional health care association equals 10 contact hours;
- (3) one academic semester credit hour equals 15 contact hours; and
- (4) one academic quarter credit hour equals 10 contact hours.
- (e) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education contact hours claimed and shall make the records available to the board upon request under 12 AAC 54.720. Records must be retained for three years from the date the contact hours were obtained.
- (f) The following activities will not be accepted for continuing education contact hours under this section:
 - (1) routine staff meetings attended by the applicant;
 - (2) rounds conducted by the applicant;
 - (3) routine courses required for employment, including courses on cardiopulmonary resuscitation, first aid, and training related to Occupational Safety and Health Administration requirements.
- (g) The board recognizes the maintenance of NBCOT certification as fulfilling the requirements of (a) and (b) of this section.
- (h) To document current certification with the NBCOT, the applicant shall submit a photocopy of the front and back of the applicant's current NBCOT certificate.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.715. APPROVED OCCUPATIONAL THERAPY COURSES AND ACTIVITIES. (a) The following continuing education activities are approved for continuing education credit if they meet the requirements of (c) of this section:

- (1) courses recognized by
 - (A) the Alaska Occupational Therapy Association;
 - (B) the American Occupational Therapy Association;
 - (C) the World Federation of Occupational Therapy;
 - (D) the National Board for Certification in Occupational Therapy (NBCOT);
 - (E) other state occupational therapy associations; or
 - (F) other state occupational therapy licensing boards;
 - (2) continuing education activities sponsored by a professional organization or university approved by the Alaska Occupational Therapy Association or the American Occupational Therapy Association.
- (b) Repealed 9/29/2019.
- (c) To be accepted by the board, a continuing education course or activity must contribute directly to the professional competency of an occupational therapist or occupational therapy assistant and must be directly related to the skills and knowledge required to implement the principles and methods of occupational therapy.

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.720. AUDIT OF OCCUPATIONAL THERAPY CONTINUING COMPETENCY REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing competency requirements of 12 AAC 54.700 - 12 AAC 54.720.

(b) A licensee selected for audit shall, within 30 days after the date of notification, submit documentation that verifies completion of the contact hours claimed under 12 AAC 54.710 and occupational therapy service hours or an alternative required under 12 AAC 54.705.

(c) Refusal to cooperate with an audit will be considered an admission of an attempt to obtain a license by material misrepresentation under AS 08.84.120(a)(1).

Authority: AS 08.84.010 AS 08.84.100

12 AAC 54.725. EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR ACTIVE DUTY MILITARY SERVICE. (a) An occupational therapist or occupational therapy assistant who meets the requirements of this section is exempt from the continuing education requirements of 12 AAC 54.700 - 12 AAC 54.720 as specified in this section for renewal of an occupational therapist or occupational therapy assistant license for the biennial licensing period immediately following a period of service by an occupational therapist or occupational therapy assistant during which an occupational therapist or occupational therapy assistant was engaged in active duty military service in the armed forces of the United States.

(b) To obtain an exemption under this section, an occupational therapist or occupational therapy assistant must submit official documentation satisfactory to the board of active duty military service.

(c) The board will waive half of the continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for at least six consecutive months during the concluding licensing period.

(d) The board will waive all continuing education hours required in 12 AAC 54.710, if the board determines that the applicant was engaged in active duty military service in the armed forces of the United States for 12 or more months during the concluding licensing period.

(e) In this section, "engaged in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.01.100 AS 08.84.010 AS 08.84.100

ARTICLE 7. OCCUPATIONAL THERAPY STANDARDS OF PRACTICE.

Section

- 800. Occupational therapy standards
- 805. Posting of license or permit
- 810. Supervision of occupational therapy assistants
- 815. Supervision of non-licensed personnel
- 820. (Repealed)
- 825. Standards for practice of telerehabilitation by occupational therapy
- 830. Occupational therapy internship standards
- 890. Definitions related to occupational therapy

12 AAC 54.800. OCCUPATIONAL THERAPY STANDARDS. (a) In order to maintain a high standard of integrity in the profession and to safeguard the health and welfare of the public, occupational therapists and occupational therapy assistants shall adhere to the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, dated March 2015. The *State Physical Therapy and Occupational Therapy Board Principles of Practice* is adopted by reference.

(b) An occupational therapist may not supervise more than three aides, assistants, students, foreign-educated candidates, or permittees at the same time, in any combination.

Authority: AS 08.84.010 AS 08.84.065 AS 08.84.150
AS 08.84.030

Editor's note: A copy of the *State Physical Therapy and Occupational Therapy Board Principles of Practice*, adopted by reference in 12 AAC 54.800, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Physical Therapy and Occupational Therapy Board, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; telephone (907) 465-2580; <http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/PhysicalTherapyOccupationalTherapy.aspx>.

12 AAC 54.805. POSTING OF LICENSE OR PERMIT. A license or permit issued under this chapter, or a copy of a license or permit, must be posted in a conspicuous location in the licensee's primary place of business for public inspection. Pending receipt of the current license certificate from the department, the licensee shall display the department's Internet website posting confirming licensure.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.065

Editor's note: The current posting confirming licensure can be found at the Internet website of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing: www.commerce.state.ak.us/occ/search3.htm.

12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS. (a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. To meet this supervision requirement,

(1) at least once every month, while the occupational therapy assistant being supervised implements a treatment plan for a patient, the occupational therapist supervising the licensed occupational therapy assistant shall be physically present, or shall be present by video or teleconference when in-person supervision is not reasonable or practicable; and

(2) the occupational therapist supervising the occupational therapy assistant shall be available for consultation with the occupational therapy assistant being supervised, through telephone consultations, written reports, or in-person conferences.

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

- (1) determine the frequency and manner of consultations, taking into consideration the treatment settings being used, patient rehabilitation status, and the competency of the occupational therapy assistant being supervised;
- (2) fully document the supervision provided, including a record of all consultations provided, and maintain those records at the occupational therapy assistant's place of employment; and
- (3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises or supervises by video or teleconference the treatment of a patient by the occupational therapy assistant being supervised.

Authority: AS 08.84.010 AS 08.84.030 AS 08.84.190

12 AAC 54.815. SUPERVISION OF NON-LICENSED PERSONNEL. (a) Regardless of the practice setting, a licensed occupational therapist is solely responsible for the treatment and management of all aspects of occupational therapy care of the patient.

(b) A licensed occupational therapist or occupational therapy assistant may use non-licensed personnel in the delivery of patient-related and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of occupational therapy.

(c) A licensed occupational therapist shall assure the training of non-licensed personnel under the supervision of the occupational therapist or occupational therapy assistant, and shall document that training.

(d) The supervising occupational therapist or occupational therapy assistant shall provide continual on-site supervision of non-licensed personnel who are performing patient-related duties.

(e) Nothing in this section restricts the implementation by a teacher or teacher's aide of a program that meets the requirements of AS 08.84.150(b)(6).

Authority: AS 08.84.010

12 AAC 54.820. STANDARDS FOR SUPERVISION. Repealed 6/10/2010.

12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPY. (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located in this state and do not have access to an occupational therapist in person due to geographic constraints or health and safety constraints.

(b) An occupational therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system

(1) Repealed 9/29/2019;

(2) must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.800;

(3) must comply with the requirements of 12 AAC 54.810 for any licensed occupational therapist assistant providing services under this section;

(4) may conduct one-on-one consultations, including initial evaluation, under this section; and

(5) must provide and ensure appropriate client confidentiality and HIPAA compliance, establish secure connections, activate firewalls, and encrypt confidential information.

Authority: AS 08.84.010 AS 08.84.120

12 AAC 54.830. OCCUPATIONAL THERAPY INTERNSHIP STANDARDS. (a) This section establishes the standards for occupational therapy internship required under 12 AAC 54.600(6)(C), 12 AAC 54.705(a)(2)(D), or 12 AAC 54.950(e).

(b) An internship must be served

(1) under the continual on-site supervision of an occupational therapist licensed under this chapter; and

(2) in an institution that ordinarily provides occupational therapy, has a varied caseload, and has on staff at least one occupational therapist licensed under this chapter.

(c) A licensed occupational therapist serving as a preceptor to an intern is responsible for the intern's experience and for the safety and welfare of the patient.

(d) Upon an intern's completion of the internship, the preceptor shall submit, on a form provided by the board, a statement attesting to the intern's

(1) satisfactory or unsatisfactory completion of the internship; and

(2) level of skill in

(A) completion of evaluation;

(B) program planning;

(C) therapeutic practice;

(D) potential ability to practice safely while unsupervised with sound professional judgment; and

(E) ethics related to the practice of occupational therapy.

(e) The board will not accept internship hours claimed before the date that the internship was approved by the board. To be approved by the board, internship hours must be completed no more than six months after the date the internship begins.

(f) In this section, "preceptor" means an occupational therapist licensed under this chapter who provides on-site supervision for an intern serving an internship.

Authority: AS 08.84.010

AS 08.84.030

AS 08.84.060

12 AAC 54.890. DEFINITIONS RELATED TO OCCUPATIONAL THERAPY. (a) In 12 AAC 54.600 – 12 AAC 54.890,

(1) "continual on-site supervision" means the supervising occupational therapist or occupational therapy assistant

(A) is present in the department or facility where services are being provided;

(B) is immediately available to the non-licensed personnel being supervised; and

(C) maintains continual oversight of patient-related duties performed by the non-licensed personnel;

(2) "internship" means postgraduate on-the-job training of occupational therapists or occupational therapy assistants, approved by the board;

(3) "non-licensed personnel"

(A) means personnel who are

(i) used by a licensed occupational therapist or occupational therapy assistant to deliver patient-related duties and non-patient related duties related to the practice of occupational therapy; and

(ii) trained under the direction of a licensed occupational therapist or occupational therapy assistant to perform designated non-patient related duties and patient-related duties related to the practice of occupational therapy;

(B) includes personnel who are referred to as "aides", "technicians", or "techs";

(4) "non-patient related duties" includes clerical and maintenance activities and preparation of the work area or equipment;

(5) "patient-related duties" means routine tasks that do not require the education, skill, and training of an occupational therapist or occupational therapy assistant, and for which the

(A) outcome anticipated for the task is predictable;

(B) situation of the patient and the environment is stable and will not require that judgment, interpretations, or adaptations be made by non-licensed personnel; and

(C) task routine and process have been clearly established;

(6) "supervision" means

(A) the licensed occupational therapist will be present whenever a patient is evaluated, a treatment program is established, or a treatment program is changed; and

(B) the licensed occupational therapist is present to personally review the diagnosis of the condition to be treated, to authorize the procedure, and before dismissal of the patient, to evaluate the performance of the treatment given.

(b) In AS 08.84.190, "occupational therapy" does not include exercise or activities performed by non-licensed personnel in a home or school setting for the benefit of a patient or student.

Authority: AS 08.84.010

ARTICLE 8. GENERAL PROVISIONS.

Section

900. Refund of fees and renewals

910. (Renumbered)

915. (Repealed)

920. Change of name or address

930. (Renumbered)

950. Reinstatement of a lapsed license

960. Board meetings

990. Definitions

12 AAC 54.900. REFUND OF FEES AND RENEWALS. (a) Unless an application is considered abandoned under 12 AAC 02.910, an applicant for licensure who requests withdrawal of an application before taking an examination and before action has been taken by the board is entitled to a refund of all fees except the application fee.

(b) Renewal notices will be sent by the department to all current licensees at least 30 days before the end of the current licensing period. Failure to receive a renewal notice does not relieve a licensee from the responsibility of renewing a license on time.

Authority: AS 08.84.010(b) AS 08.84.100

12 AAC 54.910. STANDARDS. Renumbered as 12 AAC 54.500, 9/26/91.

12 AAC 54.915. REVIEW OF APPLICATIONS FOR TEMPORARY PERMIT OR LIMITED PERMIT.
Repealed 3/27/2024.

12 AAC 54.920. CHANGE OF NAME OR ADDRESS. (a) It is the responsibility of a licensee to notify the department of a change in the licensee's name or mailing address. 12

(b) A licensee shall notify the department when the licensee's name has changed by submitting a notarized copy of a legal document verifying the change of name. 11

(c) A licensee shall notify the department when the licensee's mailing address has changed in accordance with 12 AAC 02.900. 1

(d) Upon written request and payment of the fees established in 12 AAC 02.105, a new license or certificate will be printed showing the licensee's new name or address.

Authority: AS 08.84.010(b) AS 08.84.090

12 AAC 54.930. STANDARDS OF PRACTICE OF PHYSICAL THERAPY ASSISTANTS. Renumbered as 12 AAC 54.510, 9/26/91.

12 AAC 54.950. REINSTATEMENT OF A LAPSED LICENSE. (a) A licensee whose license is lapsed for any reason is prohibited from practicing physical therapy or occupational therapy until the license is reinstated by the board. 1

(b) A license which has been lapsed for less than two years will be reinstated by the board upon submission of
(1) the fees required by 12 AAC 02.105 and 12 AAC 02.320; and
(2) documentation that all continuing competency and continuing education requirements of 12 AAC 54 have been met. 1

(c) A license that has been lapsed for two but less than five years will, in the board's discretion, be reinstated, if the applicant submits

(1) an application for reinstatement on a form provided by the department;
(2) the fees required by 12 AAC 02.105 and 12 AAC 02.320 for the entire period the license has been lapsed; not counted
(3) evidence of completion of all continuing competency and continuing education requirements in 12 AAC 54 that would have been required to maintain a current license for the entire period the license has been lapsed;
(4) verification of all physical therapy and occupational therapy licenses held in other jurisdictions for the entire period the Alaska license has been lapsed and a signed statement from a licensing official in each of those jurisdictions verifying that no restrictions have been placed on the license or disciplinary sanctions have been taken against the licensee. 11

(d) In accordance with AS 08.01.100(d), a license that has been lapsed for five years or more is considered permanently lapsed and the former licensee will be required to apply for a new license under AS 08.84.030 or 08.84.060 and regulations adopted under them.

(e) An applicant for a new license whose original license in this state was lapsed for five years or more and who has not been actively practicing in another state during that time shall satisfactorily complete an internship approved by the board consisting of 150 hours of training. 11

Authority: AS 08.01.100 AS 08.84.030 AS 08.84.040
AS 08.84.010

12 AAC 54.960. BOARD MEETINGS. The board will hold at least two meetings a year at times and places designated by the chairman or by majority of the board.

Authority: AS 08.84.010(b)

12 AAC 54.990. DEFINITIONS. In this chapter and in AS 08.84

(1) "board" means the State Physical Therapy and Occupational Therapy Board;
(2) "department" means the Department of Commerce, Community, and Economic Development;
(3) "licensed" has the same meaning as registered, certified, or a similar term used by another licensing jurisdiction.

(4) "NBCOT" means the National Board for Certification in Occupational Therapy.
(5) "HIPAA compliance" means compliance with 42 U.S.C. 300gg (Health Insurance Portability and Accountability Act of 1996);

(6) "interactive telecommunication system"
(A) means audio and video equipment that permits a two-way, real time communication between a therapist licensed under AS 08.84 and this chapter and a patient who is located at a distant site in the state which is

not in close proximity of the therapist;

(B) does not include

- (i) electronic mail;
- (ii) facsimile machine; or
- (iii) telephone;

(7) "telerehabilitation" means the practice of therapy by a person licensed as a therapist under AS 08.84 and this chapter using an interactive telecommunication system;

(8) "CAPTE" means the Commission on Accreditation in Physical Therapy Education;

(9) "ACOTE" means the Accreditation Council for Occupational Therapy Education.

Authority:	AS 08.84.010	AS 08.84.040	AS 08.84.160
	AS 08.84.030	AS 08.84.060	AS 08.84.190
	AS 08.84.032		

PHY doc adopted
by ref

State Physical Therapy and Occupational Therapy Board

Principles of Practice

March 2015



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

*DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING*

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**State Physical Therapy and Occupational Therapy Board Principles of Practice
March 2015**

This document serves two purposes. It will identify what is expected from a professional therapist and it will also educate the consumer in what they can expect from their therapist.

Physical Therapists, Physical Therapy Assistants, Occupational Therapists, and Occupational Therapy Assistants shall:

Principle 1: Patient/Client Safety and Well Being:

1. Adhere to the respective national professional core values and ethical standards.
2. Act in the best interest of the patient/client.
3. Provide services within practitioner's level of competence as demonstrated by education, training and professional experience.
4. Provide supervision for support personnel.
5. Provide for the continuity of service when transitioning care.

Principle 2: Right of individuals to self-determination:

1. Respect the patient/client right to informed consent, right to refuse services, and keep informed of the process in meeting goals specific to the plan of intervention. If the patients/clients cannot give consent, the therapist must be sure that consent has been obtained from the person who is legally responsible for the patient/client.
2. Establish a collaborative relationship with recipients of services including families, significant others and caregivers throughout the intervention process, including setting goals and priorities.
3. Maintain confidentiality of all verbal, written, electronic, augmentative and non-verbal communication disclosing such only when allowed or required by law.

Principle 3: Provide services in a fair and equitable manner:

1. Advocate for just and fair treatment for all patients, clients, employees and colleagues by encouraging employers and colleagues to abide by the ethical standards set forth by their national professions.
2. Act in a respectful manner toward each person regardless of age, gender, race, nationality, religion, ethnicity, social or economic status, sexual orientation, health condition, or disability.

Principle 4: Provide comprehensive, accurate, and objective information about services:

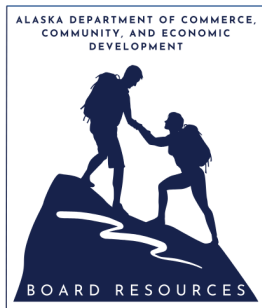
1. Provide accurate and relevant information to the public and recipients about service, credentials, experience, education and training.
2. Record and report in an accurate and timely manner in accordance with applicable regulations, all information related to professional activities, services, and patient care.

Principle 5: Treat colleagues and other professionals with respect, fairness, discretion, and integrity:

1. Respect the traditions, practices, competencies and responsibilities of physical therapy, occupational therapy and other professions, as well as those of the institutions and agencies that constitute the working environment.
2. Provide appropriate direction to, and communication with therapy staff and personnel.

Principle 6: Comply with institutional rules, local, state, federal, and international laws applicable to the profession:

1. Comply with professionally applicable institutional, local, state, federal and international laws and regulations.
2. Report to the Board any unprofessional, incompetent, or illegal behavior of a physical therapist or occupational therapist or physical therapist assistant or occupational therapy assistant in practice, education or research.
3. Cooperate with an investigation by the State Physical Therapy and Occupational Therapy Board. Cooperation includes responding fully and promptly to any questions raised by the Board and providing copies of the medical records and other documents requested by the Board.



Strategies for Boards to Get the Most Out of the AO 360 Regulatory Review Process

DCCED Boards and Regulations Resources

October 2025

Sara Chambers
Boards and Regulations Advisor
Agency Regulatory Liaison

Introduction

Administrative Order 360 was issued by Governor Dunleavy on August 4, 2025, with the purpose of improving the quality, transparency, and efficiency of the State's regulatory environment by:

- Promoting growth and investment in Alaska by reducing administrative and economic burdens associated with regulatory compliance, including removing barriers, finding solutions, and identifying alternative pathways.
- Streamlining permitting processes and improving coordination and efficiency within all permitting departments.
- Ensuring boards and commissions adjust regulatory structures as necessary to maintain critical consumer protection while eliminating unnecessary barriers to entry for new professionals.
- Engaging stakeholders early and continuously in the regulatory development and reform process.
- Ensuring all regulations are clearly written, legally sound, and supported by a demonstrated need.
- Regularly evaluating existing regulations for effectiveness, redundancy, clarity, and impact.
- Reducing the regulatory burden on all Alaskans.

As a board with regulatory authority, under the AO you are required to engage in a process that includes the steps below to produce the following deliverables:

- By December 29 (LBC, AIDEA, AEA, AOGCC, RCA)/February 13 (CBPL and AMCO): Produce a *Regulatory Reform Plan* to reduce your regulatory requirements by 15% by December 31, 2026, and 25% by December 31, 2027 (cumulative), in accordance with the *Regulatory Reduction Guide*. At a minimum, each proposed plan for regulatory reform must:
 - List each specific regulation identified for reform;
 - Include a decisional document identifying recommendations received, how they were considered for inclusion in the *Plan*, and (if appropriate) reasons for rejection;
 - Propose how the agency will organize the regulations identified for reform into discrete projects for submittal to the Department of Law for preliminary review;
 - Identify whether agency staff will be drafting the revised regulations or whether the agency is requesting drafting assistance from the Department of Law; and
 - Provide a timeline for submitting the draft revised regulations to the Department of Law for preliminary review.

The plan may also include proposed reductions in guidance documents as a means to meet the reduction percentages.

- Propose regulation changes per the Administrative Procedures Act to meet adoption timelines in the board's approved *Regulatory Reform Plan*.
- By September 4, 2026, and periodically prior to publication: Submit updates to guidance documents for Department of Law review per the process outlined in the *Regulatory Reduction Guide*.
- By September 18, 2026: Submit to the Agency Regulatory Liaison their projected regulatory plan that lists all anticipated rulemaking actions for the subsequent state fiscal year

As volunteer boards with many existing time-sensitive responsibilities, this task may seem daunting. However, it is truly an opportunity. This guide will assist you in strategizing -- not only to attain compliance but to produce excellence.

Engage the public, staff, and stakeholders

Cast a wide net for input. Stakeholders will have different perspectives, so invite the spectrum of those who interact with your regulations. These may be people or entities who are regulated, those who receive services, partner agencies or organizations...even those who have been critical of the board in the past. Ask staff for their suggestions; they are the front line in answering calls, processing applications, or investigating complaints.

Ensure your board understands the mission and has the materials to be successful

If you haven't already done so, schedule a 30-minute introduction on AO 360 at your upcoming meeting, or schedule a special meeting to hear this information and strategize how you will wrap your arms around this initiative. The division director, lead staff, or I are happy to walk through our presentation about the goals and timeline and answer questions.

Staff will provide the following information, which you will need to perform your work well and to comply with the governor's deliverables and deadlines:

- *A decisional document listing any public comments received during the listening sessions or via email/mail.*
This document will include space for your board to consider how to respond and to codify your response, which is required.
- *List of regulations and number of discretionary requirements in each section.*
You are required to present an overview of how you plan to change the regulation and to list the number and percentage of reductions expected from this change. You'll also need to indicate whether you expect to need attorney help in drafting, how you plan to package your regulations into manageable projects, as well as your timeline for completion.
- *List of guidance documents and their length.*
You are not required to include reductions in guidance documents as part of your 15% or 25% reductions but streamlining regulations should naturally produce streamlined guidance. Adopting clear and concise regulations reduces the need to explain them. You can use these reductions in guidance documents to help meet these reduction goals.
- *Suggestions for regulatory or guidance document improvements from their perspective.*
Staff should include their ideas for changes, especially to administrative burdens that hold back effective outcomes, outdated or unnecessary requirements, errors, and stumbling blocks that generate confusion.
- *A correct and current copy of your statutes, other agency statutes, regulations, and relevant federal codes that impact your program.*
The assignment includes reviewing all regulations, not just responding to public comments. Having these materials at your fingertips can ease the hunt for applicable information, especially when double-checking what regulations may be discretionary.
- *The Regulatory Reduction Guide issued by the Department of Law, as well as any additional relevant guidance from the Agency Regulatory Liaison.*

Organize according to your board's strengths

Board chairs should think about the strengths, skill sets, and makeup of their team, then suggest an efficient pathway to tackling the regulatory review process. Some ideas:

- *Schedule additional meetings so the entire board engages in the work.* This is most effective with smaller boards when committees might not make sense.
- *Divide and conquer:*
 - *Assign each member a section to analyze and report back to the board.*
This can be successful if the section is linked to type of license or expertise held by the board member. For example, someone holding the engineer or physician seat could review the technical sections that might not be within the knowledge base of a public member. The public member could review the sections relating to investigations or administration, which may relate best to the consumer experience and not require technical expertise.
 - *Form a committee of board members to review the regulations and report back to the board.*

This may be best suited to members who are critical readers and excel at documentation, policies, procedures, etc. They can dig deep and may even enjoy the process. Other members of the board could independently review public-facing guidance documents or pick up work outside of AO 360 to help lighten the load for those serving on the committee.

- *Form a work group of board members and key public persons, such as industry or representatives of certain constituencies.*

The board should identify these members in the motion when they vote to create the work group. While the public should be invited to offer input, not every person who calls in may merit a seat at the table. The work group ensures varied perspectives are presented and heard.

As a reminder, meetings of committees and workgroups must be publicly noticed. To ensure transparency and complete engagement and awareness by all members, your *Regulatory Reform Plan* should be approved by a roll call vote on the record of a public meeting.

Review all regulations with a fresh lens

The initiative provides boards with an opportunity to review all of their regulations afresh; given the myriad complex priorities of a regulatory board, a comprehensive regs review may not be part of an established rhythm. To maximize the value of the project, ensure that members approach it with the goals of AO 360 in mind: Seeking to reduce regulatory burdens, streamline and modernize requirements, and eliminate unnecessary barriers to entry.

Keep in mind that this does not include jeopardizing the safety of the public. However, it does create accountability among boards for using their highest faculties in determining whether existing standards and processes are appropriate. Strategies boards might use to approach this project include:

- Using a framework or system to adhere to the principles of “right-touch regulation.” (If you are unsure what this term means or do not currently use a decisionmaking framework, please contact your Boards and Regulations Advisor.)
- Avoiding the trap of “this is how we have always done it.” Is it necessary? Does it prevent a likely harm? If so, is it reasonable? If not, why require it?
- Ensuring you don’t have requirements that are not actionable, e.g., don’t request criminal background information if you may not take action based on that information.
- Maintaining arbitrary standards and timeframes that are not based on research, proven national standards, or other objective criteria.
- Thinking that a “may” in statute means a “shall”: Just because you have the authority to adopt a regulation doesn’t mean you have to.
- Digging into changes you have always wanted to make—or addressing changes that stakeholders have requested—but the board hasn’t had time to address.
- Updating to modern standards—don’t miss references to fax machines, unnecessarily notarizing documents, defunct organizations, etc.
- Looking for alternative pathways to accomplish similar goals, including attestations instead of submitting documents where that makes sense, identifying steps that can be eliminated because another agency has already checked the information, etc.

Prepare to defend what can’t change:

- Identify baseline public safety standards that can’t be lowered and include a rationale for why they are important.
- Identify statutory or federal requirements that are inflexible. Per the *Drafting Manual for Administrative Regulations*, eliminate repetition of those requirements in regulation unless they provide clarity or are advised by your attorney.

Conclusion

This Administrative Order is ambitious, but it is reachable with organization and intention. Every member will need to set aside additional time to engage with the process. Communicate concerns with your lead staff, who can work with your Agency Regulatory Liaison to answer questions and find solutions.