December 7, 2015

ADMINISTRATIVE RULES COMMITTEE
North Dakota Board of Physical Therapy Rules (pp. 1360-1378)

CHAIRMAN DEVLIN AND COMMITTEE MEMBERS:

My name is Bruce Wessman. I am executive director of the North Dakota Board of Physical Therapy. I'm appearing this morning to answer your questions concerning our proposed rule changes found on pages 1361-1377 of the materials before you.

In answer to the specific questions posed by your counsel:

1. The rules are not the result of legislative changes.
2. The rules are not the result of any federal statute or regulation.
3. We followed the proscribed rule making process. We advertised the proposed changes in every newspaper in the state and held a public hearing October 13, 2015. There was a 10-day period for follow-up or additional comments that expired October 23, 2015. The proposed rule changes were submitted to the Attorney General's Office for its review and a letter was sent from the Attorney General to your counsel Oct. 29, 2015, indicating the proposed rule changes were in substantial compliance with Chapter 28-32 of the North Dakota Century Code, were approved for legality by his office and, upon adoption, could be filed with the Legislative Council.
4. No written comments were received throughout the process.
5. The cost of publishing the Abbreviated Notice was $2,126.76. There were additional legal fees of approximately $500 throughout the rule making process.
6. The rule changes provide additional detail to current Board duties. They are needed operationally, but contain no major changes. There are changes in terminology from continuing education to continuing competence. This provides consistency between the Board's rules and recommended language from the Federation of State Boards of Physical Therapy, a national physical therapy regulatory organization. These changes retain ongoing professional education options currently available under the existing rules. The absence of public comments seems to support the Board's feeling that these changes are non-controversial and provide clarity.
7. A regulatory analysis pursuant to §28-32-08, NDCC, was not required since there was no request for one from the Governor or a legislator (§28-32-08[1] [a]) and the proposed rule changes are not expected to have an impact in excess of $50,000 on the regulated community (§12-32-08[1] [b]).
8. The proposed rule changes do not impact small entities as defined in §28-32-08.1, NDCC, and thus no regulatory analysis or economic impact statement was required.

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9. The proposed rule changes will not have a fiscal impact on state revenues and expenditures, including funds held by the Board.
10. No constitutional takings assessment was prepared pursuant to §28-32-09, NDCC, since the proposed rules do not involve private real property.
11. These rules were not adopted as emergency rules pursuant to §28-32-03, NDCC.

Thank you for your time and consideration. I'd be happy to answer any questions.