

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Physical and Occupational Therapy hereby amends Chapter 200, “Licensure of Physical Therapists and Physical Therapist Assistants,” Iowa Administrative Code.

The adopted amendment, new subrule 200.4(5), is an attempt to eliminate discrimination and guarantee fairness under Title II of the Americans with Disabilities Act (ADA). The amendment explains what a disability is and provides an individual with a qualifying disability an accommodation route for the licensure examination. Also, the amendment clearly identifies the imperative obligation among all Board members and staff to maintain the confidentiality of all medical and diagnostic information and records.

Notice of Intended Action was published in the January 20, 2016, Iowa Administrative Bulletin as **ARC 2368C**. A public hearing was held on February 10, 2016, at 8 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No public comment was received. This amendment is identical to that published under Notice of Intended Action.

A waiver provision is not included in this rule making because all administrative rules of the boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

This amendment was adopted by the Board on March 11, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 147, 148A, and 272C.

This amendment will become effective on May 18, 2016.

The following amendment is adopted.

Adopt the following **new** subrule 200.4(5):

200.4(5) Special accommodations. To eliminate discrimination and guarantee fairness under Title II of the Americans with Disabilities Act (ADA), an individual who has a qualifying disability may request an examination accommodation.

a. Disability requirements. An applicant is an individual who has a physical or mental impairment that substantially limits that individual in one or more major life activities, who has a record of such a physical or mental disability, or who is regarded as having such a physical or mental impairment.

(1) Physical impairment, as defined by the ADA, means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(2) Mental impairment, as defined by the ADA, means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

b. To be considered an impairment that limits a major life activity, the disability shall impair an activity that an average person can perform with little or no difficulty, for example, walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, caring for oneself, working, sitting, standing, lifting, or reading.

c. To verify the accommodation, the applicant must submit appropriate documentation that uses professionally recognized criteria; that details how the disability leads to functional limitations; and that illustrates how the limitation or limitations inhibit the individual from performing one or more major life activities.

d. An evaluator shall on the documentation provide a signature, verify the diagnosis, verify the professionally recognized test/assessment, and recommend the accommodation. The evaluator shall be a licensed health care professional, including but not limited to a physician who practices in a field that includes, but may not be limited to, neurology, family practice, orthopedics, physical medical medicine

and rehabilitation, and psychiatry; or a psychologist who performs evaluations to assess individuals for mental disorders that might impact those individuals' academic or testing performance.

e. An accommodation shall not give the individual an unfair advantage over others taking the examination, shall not change the purpose of the examination, and shall not guarantee that the individual will pass the examination.

f. The board and staff shall maintain confidentiality of all medical and diagnostic information and records.

[Filed 3/15/16, effective 5/18/16]

[Published 4/13/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/13/16.