



Final Regulation Agency Background Document

Agency name	Board of Physical Therapy, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 112-20
Regulation title	Regulations Governing the Practice of Physical Therapy
Action title	Credentialing for graduates of non-approved programs and requirements for licensure by endorsement
Document preparation date	4/28/06

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed final action will establish criteria for acceptance of organizations other than the Foreign Credentialing Commission on Physical Therapy (FCCPT) for credentialing applicants for physical therapy licensure who are graduates of schools that are not approved or accredited and will allow an applicant for licensure by endorsement to substitute evidence of active, clinical practice with an unrestricted license in another U. S. jurisdiction for the past five years in lieu of documentation of having met the educational and examination requirements of these regulations.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On April 28, 2006, the Board of Physical Therapy adopted a final regulation for 18VAC112-20-10 et seq., Regulations Governing the Practice of Physical Therapy to amend requirements for credentialing applicants for licensure.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Chapter 24 of Title 54.1 establishes the general powers and duties of health regulatory boards including the responsibility of the Board of Physical Therapy to promulgate regulations, levy fees, and administer a licensure and renewal program.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title.*

The specific mandate for an applicant to submit evidence satisfactory to the Board of graduate from a school acceptable to the Board is found in:

§ 54.1-3477. Requirements for licensure as a physical therapist.

An applicant for licensure as a physical therapist shall submit evidence, verified by affidavit and satisfactory to the Board, that the applicant:

1. Is eighteen years of age or more;
2. Is a graduate of a school of physical therapy approved by the American Physical Therapy Association or is a graduate of a school outside of the United States or Canada which is acceptable to the Board; and
3. Has satisfactorily passed an examination approved by the Board.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Board proposes to amend section 50 in order to allow applicants for licensure who are graduates of non-approved physical therapy programs to submit their credentials to a credentialing organization that meets the criteria established by the Board in regulation. In addition to determining equivalency in education and training, the credentialing body should also be able verify licensure or authorization to practice in another country to ensure that the applicant does not have a history of unprofessional conduct or substandard practice. Verification of passage of English equivalency examinations will also be necessary in order to ensure that a person licensed as a physical therapist will be able to adequately communicate with patients in Virginia.

In addition, the Board has created another pathway for a person who has been licensed in another U. S. jurisdiction and has actively practiced for at least 5 years without restriction or disciplinary action to be licensed in Virginia by endorsement. The Board's primary function is to license persons as physical therapists who are minimally competent to provide care and treatment to patients. Adequate credentialing of persons who were educated in non-approved schools and practicing in other countries or evidence of an extended period of practice in providing patient care is necessary for the Board to do its job to protect the public's health and safety in receiving physical therapy.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

This action will amend sections 50 and 65 to make it easier for foreign-trained applicants to obtain credentialing and for applicants for licensure by endorsement to meet the requirements. In amending section 50, the Board proposes to establish the criteria by which a credentialing body could be approved to validate a foreign-trained applicant's eligibility to be licensed and practice in Virginia with minimal competency. All of the criteria specified in regulation are currently performed by the Foreign Credentialing Commission on Physical Therapy (FCCPT). In amending section 65, the Board proposes to provide an alternative for an applicant for

licensure by endorsement to substitute five years of active, clinical practice with an unrestricted license in another state for the required education and/or examination documentation. The goal of an amended regulation is to provide options to applicants seeking to have their credentials reviewed and deemed equivalent to those of graduates of approved educational programs and to facilitate licensure of applicants for licensure by endorsement.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

-
- 1) The primary advantage to the public would be to provide alternatives to current requirements for licensure that may have the benefit of increasing the number of licensees and the availability of physical therapy services in the Commonwealth. There are no disadvantages; the Board believes the alternatives adopted provide evidence of competency to practice at least equivalent to the current requirements.
 - 2) There are no advantages or disadvantages to the agency or the Commonwealth.
 - 3) There is no other pertinent matter of interest related to this action.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

There were no changes made to the proposed regulation since its publication.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Proposed regulations were published on January 23, 2006 with a 60-day comment period ending on March 24, 2006. A public hearing on proposed regulations was held on January 27, 2006. There were no public comments submitted.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Current requirement	Proposed change and rationale
50	<p>Subsection A establishes the documentation that must be provided by a graduate of a non-approved educational program in applying for licensure as a physical therapist. Currently, the only credentialing body approved to review documents and verify eligibility is the Foreign Credentialing Commission on Physical Therapy.</p> <p>Current subsections B and C are not being amended.</p>	<p>The amendments would offer an alternative to FCCPT for verification of the physical therapist eligibility for licensure from any other credentialing agency approved by the board that substantiates that the physical therapist has been evaluated in accordance with requirements of subsection B.</p> <p>New subsection B establishes that an accrediting body would be approved provided it:</p> <ol style="list-style-type: none"> 1. Utilizes the Coursework Evaluation Tool for Foreign Educated Physical Therapists of the Federation of State Boards of Physical Therapy and utilizes original source documents to establish substantial equivalency to an approved physical therapy program; 2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted or was unrestricted at the time it expired or was lapsed; and 3. Verifies English language proficiency by passage of the TOEFL and TSE examination or by review of other evidence of English proficiency. <p><i>In determining the criteria for approval, the Board examined the key elements of a FCCPT review and selected those that are essential for validation of an applicant’s eligibility to be licensed and practice in Virginia with minimal competency. All of those specified in regulation are currently performed by FCCPT.</i></p> <p><i>The Coursework Evaluation Tool has been developed by the Federation of State Boards of Physical Therapy and is the measure by which FCCPT evaluates coursework in a foreign PT program to determine equivalency with approved PT programs. The Tool is available to other credentialing agencies for the cost of \$1.</i></p> <p><i>It is also essential that the credentialing body review any license or registration held, and if applicable, verify that it is unrestricted. All health regulatory boards require</i></p>

		<p><i>applicants to provide information about the status of licenses held in other jurisdictions or countries in order to ensure that problem practitioner do not move to Virginia to continue substandard practice.</i></p> <p><i>English proficiency is also required for licensure for both approved and non-approved programs, so any credentialing agency would need to verify the applicant's proficiency by passage of tests of written and spoken English or by other evidence, such as the PT educational program was conducted in English.</i></p>
<p>65</p>	<p>Subsections A and C are not being amended.</p> <p>Subsection B establishes the requirements for licensure by endorsement and currently requires:</p> <p>Documentation of having met the educational requirements in sections 40 or 50; and</p> <p>Passage of an examination equivalent to the Virginia examination at the time of initial licensure or passage of an exam required in another state and active practice for a minimum of five years.</p>	<p>Subsection B is being amended to allow alternatives to the educational and examination requirements for licensure by endorsement.</p> <p>In lieu of meeting the educational requirements, an applicant may provide evidence of clinical practice during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U. S. jurisdiction.</p> <p><i>Sometimes, it can be virtually impossible for an applicant who graduated from a PT program a number of years ago to provide documentation of educational qualification as required by sections 40 or 50. It can be especially difficult for foreign-trained applicants. In the Board's opinion, active practice over a period of years in another state with an unrestricted license is evidence of minimal competency and should be acceptable for licensure by endorsement. The Board determined that 5 years of practice (at least part-time) was the least amount of time necessary to ensure that the PT has been adequately prepared. In addition, a person who has been recently licensed should be able to obtain copies of transcripts, etc. from an educational program without difficulty.</i></p> <p>Currently, the Board allows an applicant to submit evidence of active practice with an unrestricted license for 7 years in lieu of documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure. For consistency with the educational requirement, the Board proposes to shorten that to active practice for 5 years. An amendment will also clarify that active practice means clinical practice, seeing patients in the practice of physical therapy.</p> <p><i>The Board will also provide a definition of active, clinical practice to mean at least 2,500 hours of patient care over a five-year period. The 2,500 hours could</i></p>

		<i>allow a PT to practice on a part-time basis or to have gaps in practice and still qualify for the exceptions allowed to requirements for licensure by endorsement.</i>
--	--	---

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There is no impact of the proposed regulatory action on the institution of the family and family stability.