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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848  
OREGON BOARD OF PHYSICAL THERAPY

**FILED**

01/31/2024 1:41 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amending requirements for applicants educated outside the US relating to English proficiency and work history.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/01/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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NEED FOR THE RULE(S)

The OBPT identified a strategic initiative to review for and eliminate unnecessary barriers to licensure for applicants. The Board formed an external rule advisory committee comprised of a wide array of stakeholders to specifically evaluate rules applicable to individuals who were graduates of physical therapy programs outside the United States. The RAC was comprised of individuals with direct experience as applicants or working with licensees post-licensure. The RAC identified sections of rule that were deemed to be unnecessary barriers and recommended removal or those sections.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rule advisory committee meeting notes, board meeting minutes and materials. Available at the Board's office

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The external rule advisory committee identified areas of existing rule that were deemed to be unnecessarily or inequitably prohibitive for applicants that were educated outside the United States. Such applicants by endorsement holding active licenses in good standing in other states in particular were being held to a higher standard than applicants educated in the US holding the same license, who were not required to demonstrate active clinical practice. The Board determined the requirements identified by the RAC were unnecessary for the purpose of public protection, and were disproportionately impacting applicants who were educated outside the US who had otherwise already demonstrated equivalency of their education.

FISCAL AND ECONOMIC IMPACT:

None determined.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The change in existing rules relate to applicants for licensure and do not directly involve a change to current fees. Impacted applicants may experience a benefit in fee avoidance with 3rd parties due to the change in rule language.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

An external rule advisory committee was utilized to develop the rule amendments. Some of the the participants of the RAC are themselves small business owners impacted by the rules. Notice of the rulemaking process was also sent to all licensees, many of whom are also small business owners.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

848-010-0015, 848-010-0022

AMEND: 848-010-0015

RULE SUMMARY: Amending existing rule relating to requirements for demonstrating english language proficiency, removing time limit between NPTE and TOEFL exams and allowing passing scores in specific sections to be achieved over multiple exams.

CHANGES TO RULE:

848-010-0015  
Examinations ¶¶

- (1) Examinations for licensing of physical therapists and of physical therapist assistants shall be provided by an examination service approved by the Board. For purposes of this rule the Board's approved examination shall be the Federation of State Boards of Physical Therapy's (FSBPT) National Physical Therapy Examination (NPTE).¶¶
- (a) The overall passing score shall be based on a formula using the criterion-referenced scoring system.¶¶
  - (b) An applicant may sit for the NPTE a maximum of three times within any 12-month period.¶¶
  - (c) An applicant may sit for the NPTE a maximum of six times in a lifetime, per exam level.¶¶
  - (d) An applicant is no longer eligible to sit for the NPTE if they have two previous scores of 400 or less per exam level.¶¶
  - (e) All applications are valid for a period of six months from the date first received by the Board. ¶¶
- (2) All completed applications for examination, non-refundable application fees and required documents must be received and approved by the Board.¶¶
- (3) Unless qualified for licensure by endorsement under OAR 848-010-0022, an applicant whose first professional degree in physical therapy was awarded from a foreign physical therapy program that is/was not CAPTE accredited must submit:¶¶
- (a) A Credentials Evaluation Statement ("the Report") of professional education and training prepared by a Board-approved credentials evaluation agency. The Report must be sent directly from the credentialing agency to the Board. It is the applicant's responsibility to pay the expenses associated with the credentials evaluation.¶¶
  - (A) The Report must provide evidence and documentation that the applicant's education outside a state or territory of the United States is substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy education program approved by the Board pursuant to ORS 688.050(2).¶¶
  - (B) To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate Course Work Tool ("CWT") adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist files the application with the Oregon Board. ¶¶
  - (b) English Language Proficiency¶¶

- (A) Verification that English is the native language of the country of origin, and the physical therapy program employs English as the language of training; or¶
- (B) Verification that the applicant has achieved the following minimum scores for each category of the internet based TOEFL (ibTOEFL) examination: writing, 22; speaking, 24; reading, 22; listening, 21. ~~All passing scores must be achieved on the same score report and the report date must be within two years of the NPTE examination application.~~¶
- (c) If applicant has taken a Board-approved national licensing examination prior to application for licensure in Oregon, a report of applicant's examination scores must be submitted to the Board directly from the Board-approved examination service.¶
- (d) If applicant holds or has held a license in the country in which the applicant received their physical therapy education, the applicant must provide primary source verification of the license.¶
- (4) The Examination must be given in the English language.¶
- (5) A physical therapist student or physical therapist assistant student may take the National Physical Therapy Examination (NPTE) up to 90 days prior to completion of the requirements for graduation from a CAPTE accredited program.¶
- (6) Any applicant who has graduated from an approved school of physical therapy and passed a Board-approved examination more than five years prior to application for licensure in the State of Oregon and who has not been actively licensed in any other state or territory of the United States for a five year period must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015.
- Statutory/Other Authority: ORS 688.160
- Statutes/Other Implemented: ORS 688.020, 688.040, 688.050, 688.055, 688.070, 688.090

AMEND: 848-010-0022

RULE SUMMARY: Amending existing rule to remove requirements for completion of 1000 clinical practice and written employer statement for applicants by endorsement who were educated outside the united states.

CHANGES TO RULE:

848-010-0022

### Endorsement of Out-of-State Foreign Educated Physical Therapists ¶¶

A foreign educated physical therapist not licensed in the State of Oregon may be licensed by endorsement if the applicant meets or fulfills the requirements of subsections (1), (2), (4) and (5) of OAR 848-010-0020 and the Board receives all of the following additional items:¶¶

(1) A certified copy of the Course Work Tool (CWT) used by a physical therapy licensing authority of a state or territory of the United States to make the determination to issue a license in that state or territory. The report must indicate that the applicant's foreign physical therapy education was determined to be substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy program approved by the Oregon Board pursuant to ORS 688.050(2). To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate CWT adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist graduated from their physical therapy program. The licensing authority of the state or territory must certify the report and must send it directly to the Oregon Board.¶¶

~~(2) Proof of completion of a minimum of 1000 hours of clinical practice each year in a state or territory of the United States for three of the last ten years immediately prior to application. To meet this requirement, however, no more than five years can have elapsed since the applicant has had clinical practice in a state or territory of the United States. The applicant's current or prior employer(s) must send this proof directly to the Oregon Board.¶¶~~

~~(3) A written statement from the applicant's most recent employer stating that the applicant practiced safely and competently. The employer must send this proof directly to the Oregon Board.¶¶~~

~~(4) A foreign educated physical therapist who does not meet the requirements of this section may apply for licensure under OAR 848-010-0015(3).~~

Statutory/Other Authority: ORS 688.160

Statutes/Other Implemented: ORS 668.160(6)(c)