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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OBPT 6-2023
CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

FILED
09/27/2023 9:47 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

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

EFFECTIVE DATE: 09/27/2023 THROUGH 03/24/2024

AGENCY APPROVED DATE: 09/22/2023

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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.

JUSTIFICATION OF TEMPORARY FILING:

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 but had otherwise already demonstrated equivalency of their education.

The Board is implementing this temporary rule to immediately remove these unnecessary barriers that are disproportionately impacting some applicants and keeping some practitioners out of the Oregon workforce at a time where there is an overall shortage of qualified health professionals to support all Oregon communities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

RULES:

848-010-0015, 848-010-0022

AMEND: 848-010-0015

RULE TITLE: Examinations

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.

RULE TEXT:
(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.
(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 TITLE: Endorsement of Out-of-State Foreign Educated Physical Therapists

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.

RULE TEXT:

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) 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)