



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 28, 2023

TIME: 2:37 PM

WSR 23-08-031

Agency: Department of Health – Board of Physical Therapy

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-17-143 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The Board of Physical Therapy (board) is proposing amendments to licensure requirements for foreign educated applicants under WAC 246-915-120. The board is proposing updates to the Test of English as a Foreign Language (TOEFL) scoring requirements to bring them into alignment with the Federation of State Boards of Physical Therapy (FSBPT) guidelines. Additionally, the board is proposing to remove the requirement that an applicant's first professional degree can only be from a Commission on Accreditation in Physical Therapy Education (CAPTE) approved program. Finally, additional proposed edits to clarify the language of the rule without changing its effect are being proposed.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 12, 2023	10:15 AM	<p>The Board of Physical Therapy will provide a virtual and a physical location for this hearing.</p> <p>Physical location: Lacey Community Center 6729 Pacific Ave SE Lacey, WA 98502</p> <p>Virtual: Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone: https://us02web.zoom.us/join/binar/register/WN_u7soEf4eQkqdmT7oSszZgg</p>	

Date of intended adoption: June 12, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Davis Hylkema, Interim Program Manager
 Address: PO Box 47877, Olympia, WA 98504-7877
 Email: physical.therapy@doh.wa.gov or
<https://fortress.wa.gov/doh/policyreview/>
 Fax: 360-236-2901
 Other:
 By (date) June 2, 2023

Assistance for persons with disabilities:

Contact Davis Hylkema, Interim Program Manager
 Phone: 360-236-4633
 Fax: 360-236-2901
 TTY: 711
 Email: physical.therapy@doh.wa.gov
 Other:
 By (date) May 30, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The board is proposing amendments to the TOEFL's minimum passing scores which are necessary to protect the public without creating unnecessary barriers for licensure. Washington state's current passing score requirements were originally established based on the FSBPT's passing score recommendation. The FSBPT's minimum passing score recommendations have since been updated. To align with the FSBPT's recommendation, the board is proposing to lower the minimum passing score for the writing and speaking tests and raise the minimum passing score requirements for the reading and listening tests. Consistent licensing standards between states will help support a framework of equality and increased mobility for physical therapists and physical therapy assistants. Additionally, FSBPT research has shown that candidates who meet their recommended criteria are more likely to pass the National Physical Therapy Exam (NPTE). Additionally, the board is proposing to remove the requirement that an applicant's first professional degree only must be from a CAPTE accredited program, in order to allow applicants who went on to pursue additional professional degrees in physical therapy through a CAPTE accredited program to pursue licensure outside of the foreign-educated pathway.

Reasons supporting proposal: The intent of chapter 18.74 RCW is to protect the public health, safety, and welfare, and to provide for state administrative control, supervision, licensure and regulation of the practice of physical therapy. The intent of RCW 18.74.023 is to give authority to the board to pass upon the qualifications of applicants for a license and to certify to the Secretary duly qualified applicants. The proposed rule brings Washington state's TOEFL score requirements into alignment with FSBPT's recommended scores which creates consistent licensing standards which supports a framework of equality and increased mobility for physical therapist and physical therapy assistants. The proposed rules also remove a barrier hindering applicants who after earning a professional degree from a non-CAPTE approved program, have gone on to earn subsequent professional degree(s) from a CAPTE approved program.

Statutory authority for adoption: RCW 18.74.023

Statute being implemented: Chapter 18.74 RCW

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Board of Physical Therapy

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Implementation: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Enforcement: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
 Address:

Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Davis Hylkema
Address: PO Box 47877 Olympia, WA 98504-7877

Phone: 360-236-4633
Fax: 360-236-2901
TTY: 711
Email: physical.therapy@doh.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 03/27/2023

Name: Kathryn Dale, PT, DSc

Title: Board Chair

Signature:

A handwritten signature in black ink that reads "Kathryn Dale". The signature is written in a cursive style with a large initial 'K'.

WAC 246-915-120 Foreign educated applicants. (1) An applicant whose (~~first~~) professional degree in physical therapy was awarded from a foreign physical therapy program that is not or was not accredited by the CAPTE shall submit:

(a) An application for review by the board;

(b) A credentials evaluation 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 responsibility of the applicant to pay the expenses associated with the credentials evaluation:

(i) The report must provide evidence and documentation that the applicant completed education outside a state or territory of the United States that is substantially equivalent to the education of a physical therapist who graduated from a physical therapy education program accredited by CAPTE.

(ii) To be approved as a credentialing agency, the agency must use the appropriate course work tool (CWT) adopted by the Federation of State Boards of Physical Therapy to determine substantial equivalency. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist earned their first professional degree in physical therapy.

(c) Evidence of English language proficiency:

(i) 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

(ii) Verification that the applicant has achieved a score of not less than 560 on the paper Test of English as a Foreign Language (TOEFL) or a score of not less than 220 on the computer Test of English as a Foreign Language (TOEFL), a score of not less than 50 on the Test of Spoken English (TSE) and a score of not less than four and one-half on the Test of Written English (TWE); or

(iii) Verification that the applicant has achieved an overall score of not less than 89, and the following minimum scores for each category of the internet-based TOEFL (ibTOEFL) examination: Writing, ((24)) 22; speaking, ((26)) 24; reading, ((21)) 22; listening, ((18)) 21.

(d) Verification of a valid, unencumbered license or authorization to practice physical therapy in the country in which the physical therapy education was obtained;

(e) Official transcripts from the physical therapy program showing degree date;

(f) Passing scores for the Washington jurisprudence examination;

(g) Passing scores for the National Physical Therapy Examination (NPTE) as described in WAC 246-915-030; and

(h) Any additional supporting documentation as requested by the board.

(2) The applicant shall have received a grade of "C" or higher (or equivalent) in all professional education course work;

(3) The applicant may apply for the college-level education program (CLEP) and their scores may be applied toward college credit. The board will consider the conversion of CLEP scores to college credits provided by a board-approved credentialing agency;

(4) The board may allow applicants to correct general education and professional education course work deficiencies by:

(a) Completing ((~~board-approved~~)) course work pre-approved by the board. To obtain ((~~professional~~)) course work preapproval, the applicant shall submit a written request along with the course description/syllabus for the proposed course; or

(b) Obtaining a new passing education evaluation from a board-approved credentials evaluation agency after correcting deficiencies as recommended by the credentialing agency. The report must be sent directly from the credentialing agency to the board; and

(5) An applicant whose ((~~first~~)) professional degree in physical therapy was awarded from a foreign physical therapy program that is or was accredited by the CAPTE shall follow the requirements under WAC 246-915-030 and 246-915-100.