

**PHYSICAL THERAPY BOARD OF CALIFORNIA  
RULEMAKING FILE  
RESUBMITTAL**

***TITLE 16, CALIFORNIA CODE OF REGULATIONS***

***DIVISION 13.2, Article 2, Applications and Examinations, Section 1398.26.5  
Clinical Service Requirements for Foreign Educated Applicants  
(Performance Evaluation Tool)***

Submitted to: Office of Administrative Law By:  
Brooke Arneson, Legislation and Regulation Manager  
Physical Therapy Board of California  
2005 Evergreen Street, Suite 2600  
Brooke.Arneseon@dca.ca.gov  
(916) 369-0551

# PHYSICAL THERAPY BOARD OF CALIFORNIA

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### **The Board incorporates prior rulemaking file 2022-1107-01, which contains the following documents:**

- I. Notice of Proposed Changes
- II. Originally Proposed Language
  - A. APTA's Clinical Performance Instrument, December 1997
  - B. FSBPT's Performance Evaluation Tool, September 2013
- III. Initial Statement of Reasons
- IV. Material Relied Upon
  - A. Approved Minutes and Materials for the September 13, 2018 Board Meeting (Agenda Item 17(e))
  - B. Approved Minutes for the August 23, 2017 Board Meeting and Power Point Presentation by the GSBPT (Agenda Item 7)
  - C. FSBPT 2014 Fall Forum Article, titled "Using FSBPT's Supervised Clinical Practice Performance Evaluation Tool"
  - D. APTA's Clinical Performance Instrument, December 1997
  - E. FSBPT's Performance Evaluation Tool, September 2013
- V. Statement re Mailing
- VI. Updated Informative Digest
- VII. Final Statement of Reasons
- VIII. All Fiscal Impact/Cost Estimates/STD 399

**The Board adds the following documents for this re-submittal:**

- IX. Notice of Modified Text
- X. Modified Text
- XI. Statement of Mailing for Notice of Modified Text
- XII. Meeting materials of the March 22-23, 2023 Board Meeting
- XIII. Minutes of the March 22-23, 2023 Board Meeting
- XIV. Updated Informative Digest
- XV. Final Statement of Reasons

**CLOSING STATEMENT/CERTIFICATION**

I, Brooke Arneson, am the agency official who compiled this rulemaking file with the assistance of my employees and agents. I certify that I have complied with the requirements of Business and Professions Code section 313.1. I declare under penalty of perjury under the laws of the State of California that the record in this matter was originally closed on March 28, 2023, then reopened and reclosed on May 10, 2023, and the file and this copy of the file are complete.

Executed this 10th day of May 2023, at Sacramento, California.

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Brooke Arneson  
Legislation and Regulation Manager  
Physical Therapy Board of California

# Notice of Modified Text

STATE OF CALIFORNIA  
Department of Consumer Affairs  
**TITLE 16. Physical Therapy Board of California**

**NOTICE OF AVAILABILITY OF MODIFIED TEXT OF PROPOSED REGULATIONS  
CONCERNING Clinical Service Requirements for Foreign Educated Applicants**

**16 CCR 1398.26.5**

**NOTICE IS HEREBY GIVEN** that the Board of Physical Therapy (Board) has proposed modifications made to proposed regulation 16 CCR sections 1398.26.5, related to Clinical Service Requirements for Foreign Educated Applicants. These regulations were originally noticed on August 5, 2022.

Materials regarding this proposal can be found at [http://www.ptbc.ca.gov/laws/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws/prop_regs/index.shtml).  
or by requesting them from the Contact person identified below.

**Any person who wishes to comment on the proposed modifications may do so by submitting written comments between February 9, 2023, and February 25, 2023, to the following:**

Contact Name:	Brooke Arneson
Address:	2005 Evergreen Street, Suite 2600 Sacramento, California 95815
Fax number:	(916) 263-2560
Email Address:	<a href="mailto:Brooke.Arneseon@dca.ca.gov">Brooke.Arneseon@dca.ca.gov</a>

Please note, comments should be restricted to the most recent modifications made to the proposed regulations. The Board is not required to respond to comments on other aspects of the proposed regulations received in response to this notice.

Any comments previously submitted remain in the rulemaking file and will be responded to by the Board as part of the Final Statement of Reasons. All written comments received by February 25, 2023, that pertain to these modifications will be reviewed and responded to by the Board as part of the compilation of the rulemaking file.

*This notice is given pursuant to the requirements of Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44.*

Modified  
Text

# PHYSICAL THERAPY BOARD OF CALIFORNIA

## Proposed Modified Regulatory Language Concerning Clinical Service Requirements for Foreign Educated Applicants

### Legend:

Originally Proposed text additions are indicated with an underline.  
Originally Proposed text deletions are indicated by ~~strikeout~~.

Modified Proposed text additions are indicated with a double underline.  
Modified Proposed text deletions are indicated with a ~~double strikeout~~.

The Physical Therapy Board of California proposes to amend section 1398.26.5 in Article 2, Division 13.2, Title 16 of the California Code of Regulations, as follows:

### **1398.26.5. Clinical Service Requirements for Foreign Educated Applicants.**

- (a) The period of clinical service required by Section 2653 of the Code shall be certified by at least one supervising physical therapist (the supervising physical therapist is the Center Coordinator of Clinical Education and/or the credentialed Clinical Instructor) licensed by the board, or by a physical therapy licensing authority in another jurisdiction which is accepted by the board.
- (b) For the purposes of this regulation, supervision means the supervising physical therapist must be onsite in the same facility and available to the physical therapist license applicant to provide assistance with any patient care.
- (c) Effective January 1, 2008, the Ceenter Ceordinator of Celinical Eeducation (CCCE) must be an American Physical Therapy Association (APTA) ~~certified~~ credentialed Celinical I\_nstructor. Effective January 1, 2010, all Celinical I\_nstructors must be APTA ~~certified~~ credentialed.
- (d) The certification shall be submitted in a report to the board and shall document the supervising physical therapist's determination that the physical therapist license applicant possesses the skills necessary to perform any physical therapy evaluation or any physical therapy procedure of patient care within the California healthcare system. The supervising physical therapist's evaluation of the physical therapist license applicant shall be prepared utilizing the *Physical Therapist Clinical Performance Instrument* issued by the American Physical Therapy Association in

December of 1997, incorporated by reference herein, or the Federation of State Boards of Physical Therapy's Supervised Clinical Practice Performance Evaluation Tool, dated September 2013, incorporated by reference herein, and completed pursuant to subsection (g). The certification shall include two ~~elevations~~ evaluations of the physical therapist license applicant's skills. One evaluation shall determine the skill level mid-way through the period of clinical service and the other evaluation shall determine the skill level at the end of the clinical service. Both evaluations shall be reported at the end of the period of clinical service.

- (e) Three (3) months of the required nine (9) months of clinical service shall be waived by the board if the physical therapist license applicant successfully completes a course in Law and Professional Ethics as offered by a post-secondary educational institution or by successfully completing four (4) continuing education units in Ethics offered by a continuing education provider recognized by a California healthcare board.
- (f) One (1) month of clinical service shall be waived for each month of licensed clinical practice in another state up to the required total of nine (9) months.

(g) To create an account for access to the Federation of State Boards of Physical Therapy's Clinical Practice Performance Evaluation Tool on their website at [fsbpt.org/SCPPET](http://fsbpt.org/SCPPET), the ~~user~~ supervising physical therapist must enter an their email, first and last name, create a password, and choose California as the jurisdiction.

Note: Authority cited: Section 2615, Business and Professions Code.  
Reference: Sections 2650 and 2653, Business and Professions Code.



Statement of  
Mailing  
for Notice of  
Modified Text

**STATEMENT OF SERVICE OF MODIFIED TEXT**

**(1 CCR 44)**

I certify that the Board of Physical Therapy has complied with the requirements of Section 11347.1 of the Government Code and that the attached notice of modified text was mailed on February 9, 2023, and, pursuant to Government Code Section 11340.85, sent by electronic communication, on February 9, 2023.

No public hearing was requested nor held, and no comments were received during the original notice period. Pursuant to subsections (a)(1) through (4) of Section 44 of Title 1 of the CCR:

Notice was sent to:	There were no persons identified in this group:	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	all persons who testified at the public hearing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	all persons who submitted written comments at the public hearing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	all persons whose comments were received by the agency during the public comment period
<input checked="" type="checkbox"/>	<input type="checkbox"/>	all persons who requested notification from the agency of the availability of such changes

The public availability period began on February 9, 2023 and ended on February 25, 2023.

DATED: February 27, 2023

  
\_\_\_\_\_  
Brooke Arneson  
Legislation and Regulation Manager  
Physical Therapy Board of California

Meeting Materials  
of the  
March 22-23, 2023  
Board Meeting



## **Briefing Paper**

**Date:** February 27, 2023,

**Agenda Item 19(B)**

**Prepared for:** PTBC Members

**Prepared by:** Brooke Arneson

**Subject:** Possible Adoption and Consideration of Public Comments on 16 CCR sections 1398.26.5 – Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States

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**Attachments:** [1. Proposed Modified Text](#)

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### **Background and Update:**

In 2005, the Board added regulation section 1398.26.5 to require the clinical service of foreign-educated applicants that did not graduate from a CAPTE accredited program be evaluated and certified by a supervising physical therapist in a report to the board documenting that the foreign-educated applicant possesses the skills necessary to perform physical therapy evaluations and any physical therapy procedure of patient care within the California healthcare system. The regulation also required the evaluation of the foreign-educated applicant's period of clinical service be prepared utilizing the *Physical Therapist Clinical Performance Instrument* (CPI), issued by the APTA in December of 1997, and required the certification be by at least one supervising physical therapist who is credentialed by the APTA, as a clinical instructor. It should be noted that while the CPI has a copyright, the APTA has given the Board permission to copy it for its use.

The CPI, which is currently required by the Board's regulation, is designed to evaluate CAPTE accredited *students* of physical therapy, not foreign-educated applicants who have already graduated from a physical therapy program in their respective country and have already passed the National Physical Therapy Examination (that demonstrates basic entry-level competence after graduation). However, the CPI was the only tool available to the Board at the time when the regulation was enacted in 2004/2005 and the CPI does evaluate clinical competence, even though it was not specifically designed for foreign-educated applicants.

The purpose of supervised clinical practice (SCP) for a physical therapist that did not graduate from a CAPTE-accredited program is to promote public protection by evaluating the physical therapist's ability to practice competently within the United States' healthcare system. Completion of a supervised clinical practice, under the direction of a licensed physical therapist, better prepares a foreign-educated physical therapist for successful entry into the workforce, promotes clinical competence and the delivery of safe and

effective care, assists in addressing cultural competence, and ensures a necessary level of protection to the consumers of physical therapy.

Successfully completing a supervised clinical practice is a high stakes endeavor with a critical need for a valid evaluation tool. For this reason, the Federation of State Boards of Physical Therapy (FSBPT) developed the Performance Evaluation Tool (PET) to meet the need for a tool that is valid, defensible, and can be consistently applied by supervisors and licensing jurisdictions, including California. There is currently no other evaluation tool geared specifically to foreign-educated applicants for a physical therapy license.

Allowing for the use of the most current versions of the APTA CPI or the FSBPT PET gives supervised clinical instructors an option in evaluation tools, which may in turn provide qualified foreign trained applicants a smoother pathway to licensure. Adoption and incorporation of each form as published by APTA and FSBPT allows the Board to maintain parity with other jurisdictions and ensure the Board is consistent with APTA and FSBPT standards across multiple jurisdictions. The PTBC determined during multiple Board discussions and presentations that the PET is the most applicable tool to assess the competency of foreign-educated applicants for California licensure.

The Board received 172 foreign physical therapist applications in FY 2020/21, which is approximately nine percent of the total applications received. Of these, 53 applicants have completed a supervised clinical service period and were evaluated during that time utilizing the CPI by their supervising clinical instructor.

At the Board's September 2018, meeting, the Board discussed and approved the proposed amendment to 16 CCR 1398.26.5

Board staff prepared this rulemaking file and, after review by the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency, submitted it to the Office of Administrative Law (OAL) on November 7, 2022. During OAL's review they had concerns regarding clarity in the proposed language specifically on subsection (g). OAL stated the following:

"1398.26.5(g) is unclear. The text requires "the user" to create an account to access the PET. The issue is that "user" is ambiguous and could be interpreted to mean either the supervisor and/or the applicant. While the proposed text doesn't define "user," the Initial Statement of Reasons more specifically describes the effect of (g), which is that the "user" would be the supervisor of the applicant. As is, because the text doesn't align with the effect described in the record, and the term "user" could be reasonably interpreted to have more than one meaning, this proposed language is unclear. OAL recommends modifying the text to clarify the provisions of (g) and then making the modified text available for a 15-day notice and comment period."

PTBC withdrew the proposed rulemaking file on December 21, 2022, the proposed text was modified per OAL's above recommendation, and the modified text was noticed for public comment from February 9 to February 25, 2023. No comments were received during the 15-day modified text public comment period.

As seen in the attachment, the modified text updates FSBPT's website to include the direct link for the PET and clarifies that the email to be used is that of the supervising physical therapist, as discussed in the Initial Statement of Reasons. This language was discussed with OAL before being noticed for public comment and OAL indicated that the modifications met their concerns.

Staff have prepared this briefing paper to update the Board on the rulemaking package and present the proposed modified text for the Board's review, consideration, and approval.

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**Action:**

Proposed Motion: "Adopt Section 1398.26.5, including the incorporated forms, as amended by the noticed modifications, and authorize the Executive Officer to take all steps necessary to resubmit the rulemaking package to the Office of Administrative Law to complete the rulemaking process, including making any technical or non-substantive changes to the proposed regulations as necessary."

# PHYSICAL THERAPY BOARD OF CALIFORNIA

## Proposed Modified Regulatory Language Concerning Clinical Service Requirements for Foreign Educated Applicants

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The Physical Therapy Board of California proposes to amend section 1398.26.5 in Article 2, Division 13.2, Title 16 of the California Code of Regulations, as follows:

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- (a) The period of clinical service required by Section 2653 of the Code shall be certified by at least one supervising physical therapist (the supervising physical therapist is the Center Coordinator of Clinical Education and/or the credentialed Clinical Instructor) licensed by the board, or by a physical therapy licensing authority in another jurisdiction which is accepted by the board.
- (b) For the purposes of this regulation, supervision means the supervising physical therapist must be onsite in the same facility and available to the physical therapist license applicant to provide assistance with any patient care.
- (c) Effective January 1, 2008, the Ceenter Ceordinator of Celinical Eeducation (CCCE) must be an American Physical Therapy Association (APTA) ~~certified~~ credentialed Celinical I\_nstructor. Effective January 1, 2010, all Celinical I\_nstructors must be APTA ~~certified~~ credentialed.
- (d) The certification shall be submitted in a report to the board and shall document the supervising physical therapist's determination that the physical therapist license applicant possesses the skills necessary to perform any physical therapy evaluation or any physical therapy procedure of patient care within the California healthcare system. The supervising physical therapist's evaluation of the physical therapist license applicant shall be prepared utilizing the *Physical Therapist Clinical Performance Instrument* issued by the American Physical Therapy Association in

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- (e) Three (3) months of the required nine (9) months of clinical service shall be waived by the board if the physical therapist license applicant successfully completes a course in Law and Professional Ethics as offered by a post-secondary educational institution or by successfully completing four (4) continuing education units in Ethics offered by a continuing education provider recognized by a California healthcare board.
- (f) One (1) month of clinical service shall be waived for each month of licensed clinical practice in another state up to the required total of nine (9) months.

(g) To create an account for access to the Federation of State Boards of Physical Therapy's Clinical Practice Performance Evaluation Tool on their website at [fsbpt.org/SCPPET](http://fsbpt.org/SCPPET), the ~~user~~ supervising physical therapist must enter an their email, first and last name, create a password, and choose California as the jurisdiction.

Note: Authority cited: Section 2615, Business and Professions Code.  
Reference: Sections 2650 and 2653, Business and Professions Code.



Minutes of the  
March 22-23, 2023  
Board Meeting



1

**Board Members**

President

Tonia McMillian

Vice-President

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

Members

Karen Brandon, P.T., DSc P.T.

Daniel Drummer, PT, DPT

Katarina Eleby, M.A

Johnathon Ervin

Alicia Rabena-Amen, P.T., DPT, Member

**Physical Therapy Board of California  
Draft Meeting Minutes**

March 22-23, 2023 9:00 a.m.

University of the Pacific

751 Brookside Road

Stockton, CA 95211

Chan Family Health Sciences Learning  
Center, Room PHS 110/111

**Board Staff**

Jason Kaiser, Executive Officer

Sarah Conley, Assistant Executive

Officer

Carole Phelps Enforcement Manager

Liz Constancio, Manager

Brooke Arneson, Legislation and

Regulation Manager

Vacant, Manager

2 For the sake of clarity, agenda items discussed during the meeting follow their original  
3 order on the agenda in these minutes though some agenda items may have been taken  
4 out of order during the meeting.

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**Thursday, March 23, 2023**

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**15. Call to Order**

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The Physical Therapy Board of California (Board) meeting was called to order by  
11 President Ms. McMillian at 9:00 a.m. and recessed at 11:55 a.m. on March 23,  
12 2023.

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**16. Roll Call and Establishment of Quorum**

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Armstrong - Present

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Brandon- Present

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Drummer - Present

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Eleby - Present

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Ervin – Absent

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McMillian - Present

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Rabena-Amen - Present

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All members were present, with the exception of Mr. Ervin, and a quorum was  
25 established. Also present at the meeting were: Michael Kanotz, PTBC Legal  
26 Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive  
27 Officer; Brooke Arneson, Legislation and Regulation Manager, Carole Phelps,  
28 Enforcement Manager; and Board staff.

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**17. Reading of the Board’s Mission Statement**

Dr. Drummer read the Board’s mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

**19. (B) Possible Adoption and Response to Comments on 16 CCR sections 1398.26.5, – Clinical Service Requirements for Foreign Educated Applicants Completing a Supervised Clinical Practice in the United States**

Ms. Arneson reported that during the Office of Administrative Law’s (OAL) final review on the rulemaking package, they had concerns regarding clarity in the proposed language:

“1398.26.5(g) is unclear. The text requires “the user” to create an account to access the PET. The issue is that “user” is ambiguous and could be interpreted to mean either the supervisor and/or the applicant. While the proposed text doesn’t define “user,” the Initial Statement of Reasons more specifically describes the effect of (g), which is that the “user” would be the supervisor of the applicant. As is, because the text doesn’t align with the effect described in the record, and the term “user” could be reasonably interpreted to have more than one meaning, this proposed language is unclear. OAL recommends modifying the text to clarify the provisions of (g) and then making the modified text available for a 15-day notice and comment period.”

Ms. Arneson reported that PTBC withdrew the proposed rulemaking file and modified the proposed language per OAL’s recommendation. She added that no comments were received during the 15-day public comment period.

Ms. Arneson directed members to the proposed language and explained that the highlighted text in yellow were the edits made to the text. She reported that the modified text first updates FSBPT’s website to include the direct link for the PET and additionally clarifies that the email to be used is not the “user” as defined in the originally proposed language, but that of the “supervising physical therapist” which will address the clarity issue.

70 Ms. Arneson stated that the modified proposed language presented for Board  
71 consideration was discussed with OAL before being noticed for public comment  
72 and OAL indicated that the modifications met their concerns.  
73

74 Ms. Arneson reported that the final steps in the rulemaking process would be  
75 resubmitting the final rulemaking package with OAL for their review, and then  
76 asking for this regulation to become effective upon filing with the Secretary of  
77 State, and if that is not granted by OAL, this regulation will become effective on  
78 July 1<sup>st</sup>, 2023.  
79

80 **MOTION:** Adopt Section 1398.26.5, including the incorporated  
81 forms, as amended by the noticed modifications, and  
82 authorize the Executive Officer to take all steps  
83 necessary to resubmit the rulemaking package to the  
84 Office of Administrative Law to complete the  
85 rulemaking process, including making any technical or  
86 non-substantive changes to the proposed regulations  
87 as necessary.  
88

89 **M/S:** Drummer/Eleby  
90

91 **VOTE:** Armstrong - Aye  
92 Brandon- Aye  
93 Drummer - Aye  
94 Eleby - Aye  
95 Ervin – Absent  
96 McMillian - Aye  
97 Rabena-Amen – Aye  
98 6 Ayes, Motion Carried  
99

100 “Adopt Section 1398.26.5, including the incorporated forms, as amended by the  
101 noticed modifications, and authorize the Executive Officer to take all steps  
102 necessary to resubmit the rulemaking package to the Office of Administrative  
103 Law to complete the rulemaking process, including making any technical or non-  
104 substantive changes to the proposed regulations as necessary.”  
105

## PHYSICAL THERAPY BOARD OF CALIFORNIA

### UPDATED INFORMATIVE DIGEST

Originally proposed language contained section 1398.26.5, which would allow for the use of the Federation of State Boards of Physical Therapy's Supervised Clinical Practice Performance Evaluation Tool as an alternative to the use of the American Physical Therapy Association's Clinical Performance Instrument to evaluate foreign trained physical therapists' clinical performance. However, the Board modified the regulation text and amended subdivision (g) by adding the full URL of the Federation of State Boards of Physical Therapy's Performance Evaluation Tool website so that visitors to the website could go to the direct page for the Performance Evaluation Tool; the "user" was clarified to read "supervising physical therapist" to ensure that this is not the applicant (or anyone else) who completes the form; the provider of the email was specified for "an" to "their" for clarity; and a serial comma was added after "password" for grammatical consistency.

Updated  
Final  
Statement of  
Reasons

# PHYSICAL THERAPY BOARD OF CALIFORNIA

## FINAL STATEMENT OF REASONS

**Hearing Date:** The Board did not schedule a public hearing, nor was one requested.

**Subject Matter of Proposed Regulations:** Clinical Service Requirements for Foreign Educated Applicants (Performance Evaluation Tool)

**Section(s) Affected:** Amend section 1398.26.5 in Article 2 of Division 13.2 of Title 16 of the California Code of Regulations (CCR).

**Request for an “Effective on Filing” Effective Date:**

The Physical Therapy Board (Board) requests that this regulatory proposal become effective on filing in order to implement immediately, the proposed amendments to CCR 1398.26.5 because completion of a supervised clinical practice under the supervision of a license physical therapist better prepares a physical therapy applicant from a non-accredited program outside of the United States for successful entry into the United States workforce. By providing an additional performance evaluation tool, this regulation may expand available clinical service sites, eliminating a barrier to licensure for foreign educated applicants. In addition, this regulation would be a benefit to both licensees and the public because it promotes clinical competency and the delivery of safe and effective care, which ensures public protection. Any loss of notice time would not be detrimental, since the use of this new tool is optional, so it does not impose an untimely obligation or duty on the regulated public. Therefore, it would be of public benefit to hasten the effective date of these regulations.

**Updated Information:**

The Initial Statement of Reasons is included in the rulemaking file and is incorporated as if set forth herein. It is updated as follows: in the Board’s 45-day comment period, the Board received no public comment regarding the regulatory proposal. No request for public hearing was received, and none was held. The Board’s 2018 motion provided that if no adverse comments were received nor requests for hearing submitted, the proposal would be adopted as presented, with an allowance for any technical or non-substantive changes delegated to the Executive Officer. Technical changes were made before the text was noticed (incorporating the two Board-approved tools by reference and listing the access requirements in new subdivision (g)), which were fully described in the Initial Statement of Reasons.

Additionally, after the original comment period, text was revised for clarity purposes. In subdivision (g):

- the full URL of the website was added so that visitors to the website could go to the direct page,
- the “user” was clarified to read “supervising physical therapist” to ensure that this is not the applicant (or anyone else) who completes the form,
- the provider of the email is specified from “an” to “their” for clarity, and
- a serial comma was added after “password” for grammatical consistency.

A fifteen-day modified text comment period was held from February 9 to 25, 2023, although the record was left open through February 27, 2023 in case of any delayed mail, and no comments were received. The Board was presented the revised language at its March 22-23, 2023 meeting, and the Board adopted the text as modified and noticed.

**Local Mandate:** A mandate is not imposed on local agencies or school districts.

**Small Business Impact:** The Board has determined that the proposed regulations would have no significant statewide adverse economic impact directly affecting small businesses, including the ability of California businesses to compete with businesses in other states.

**Benefits:**

This proposal, by adding FSBPT’s PET as another means of reporting clinical proficiency, affords a foreign-educated applicant the opportunity to be evaluated on a level of performance consistent with their performance and skill set that is more extensive than that of a student who is a student in a physical therapy program, as done by the CPI.

By providing both options (CPI or PET), this may lower a barrier to licensure by expanding available clinical service sites. In addition, incorporating both the CPI and PET by reference provides the public a way to access these forms either in hardcopy or electronic form and therefore provides transparency.

**Incorporation by Reference – 1 CCR 20**

The incorporation by reference method was used because it would be impractical and cumbersome to publish FSBPT’s Performance Evaluation Tool, September 2013 and APTA’s Clinical Performance Instrument, December 1997, in the California Code of Regulations (CCR) due to the layout format for processing. These were both made available to the public and were posted on the board’s website from August 5, 2022 until September 20, 2022 and will continue to be available to the public once approved.



### **Consideration of Alternatives:**

No reasonable alternative to the regulatory proposal, including those listed in the Initial Statement of Reasons, would be either:

- more effective in carrying out the purpose for which the action is proposed or
- would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific, or
- more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

As described in the Initial Statement of Reasons, these proposed amendments are simply adding another tool for evaluation of clinical performance of a foreign educated physical therapist. No alternatives were presented to the Board during the public comment period.