

TITLE 16. Physical Therapy Board of California
Clinical Service Requirements for Foreign Educated Applicants

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing, from any interested person, or a person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request, in writing, addressed to the individuals listed under "Contact Persons" in this Notice.

WRITTEN COMMENT PERIOD

Any interested person, or a person's authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at 916 263-2560 or by e-mail to ptbc.rulemaking@dca.ca.gov. The Board will consider only comments received at the Board's office by **5:00 p.m., Tuesday, September 20, 2022**, or at the public hearing, if one is requested. Submit comments to the Contact Persons listed in this Notice.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Section 2615 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2650 and 2653, subdivision (c), of said BPC, the Board is considering changes to Division 13.2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST:

BPC section 2615, authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act (Act).

BPC section 2650 defines the requisite educational standards of physical therapists and physical therapist assistants.

BPC section 2653, subdivision (c), requires physical therapist applicants from non-accredited programs to complete nine months of clinical service in a location approved by the Board under the supervision of a physical therapist licensed by a United States jurisdiction, in a manner satisfactory to the Board. The subdivision further requires that the supervising physical therapist shall evaluate the applicant and report their findings to the Board.

Proposed Amendment to 16 CCR 1398.26.5

This section requires applicants who are graduates of non-accredited physical therapy education programs that are not located in the United States to demonstrate clinical competence through a period of clinical service supervised by a licensed physical therapist. Subsections (a) and (c) specify that at least one supervising physical therapist be the Center Coordinator of Clinical Education (CCCE) and/or the Clinical Instructor (CI), as defined by the American Physical Therapy Association (APTA). Subsection (d) requires that the CCCE and/or the CI report the clinical service evaluation of the physical therapist applicant on the Physical Therapist Clinical Performance Instrument (CPI) issued by the APTA.

The amendments would allow for use of the Federation of State Boards of Physical Therapy's (FSBPT) Supervised Clinical Practice Performance Evaluation Tool (PET), as an alternative to use of the APTA's CPI. Additionally, the amendments make non-substantive changes such as replacing the word "credentialed" for "certified" in reference to the CI. This is consistent with APTA's terminology and adds clarity to the regulation, since it eliminates confusion between the clinical service being certified and the CI's being certified. It also corrects a typographical error in subsection (d) by replacing the word "elevations" with "evaluations."

Anticipated Benefits of Proposed Regulations

The purpose of supervised clinical service for a physical therapist, who is a graduate of a non-accredited physical therapy educational 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 supervision of a licensed physical therapist better prepares a physical therapist applicant from a non-accredited program outside of the United States for successful entry into the United States workforce, promotes clinical competence and the delivery of safe and effective care, assists in addressing cultural competence, and ensures a necessary level of public protection. Since completing the supervised clinical service is a critical component in meeting licensure requirements and the APTA has limited use of the CPI to the 1997 paper-based instrument, the FSBPT developed the PET, which is valid, defensible, and can be consistently applied. By providing both options (CPI or PET), this may lower a barrier to licensure by expanding available clinical service sites.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board conducted a search of any similar regulations on this topic and has concluded these regulations are neither inconsistent, nor incompatible, with existing state regulations.

Incorporation by Reference

- *Physical Therapist Clinical Performance Instrument*, issued by the American Physical Therapy Association in December of 1997.
- *Supervised Clinical Practice Performance Evaluation Tool*, issued by the Federation of State Boards of Physical Therapy’s, dated September 2013.

DISCLOSURES REGARDING THIS PROPOSED ACTION:

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state.

Because the workload and costs to process the PET is the same as processing the CPI and because the number of total evaluations (PET or CPI) processed per year is not anticipated to increase, no additional workload or costs are anticipated.

The Board does not anticipate any impact on federal funding.

This proposal does not impact any government owned business.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None.

Business Impact:

The Board has made the initial determination that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because all applicants for licensure have to meet an education standard set by CAPTE, which includes a clinical service component.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The representative private persons or directly affected businesses are physical therapist applicants.

Effect on Housing Costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs / Businesses

The Board has made the initial determination that this regulatory proposal will have the following impact:

- It is not likely to create or eliminate jobs within the State of California. This initial determination is based on the fact that these proposed amendments simply add the use of an additional tool for evaluating clinical equivalency of physical therapist applicants from non-accredited physical therapy educational programs.
- It is not likely to create new businesses or eliminate existing businesses within the State of California. This initial determination is based on the fact that the proposed amendments simply identify an additional tool for the purpose of determining clinical equivalency of physical therapist applicants from non-accredited foreign physical therapy educational programs.
- It will not likely affect the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that these proposed amendments simply identify an additional tool for the purpose of determining clinical equivalency of physical therapist applicants from non-accredited foreign physical therapy educational programs.
- It will benefit the health and welfare of California residents because it ensures applicants who are graduates of non-accredited foreign physical therapy educational programs demonstrate clinical equivalency to that of a domestic trained applicant.
- It will not have a significant impact on worker safety because these proposed amendments simply identify an additional tool to be used for the purpose of determining clinical equivalency of physical therapist applicants from non-accredited foreign physical therapy educational programs.
- It will not have an impact on the state's environment because these proposed amendments simply identify an additional tool to be used for the purpose of determining educational equivalency of physical therapist applicants from non-accredited foreign physical therapy educational programs.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not significantly affect small businesses. Although small businesses owned by licensees of the Board who supervise may be positively impacted by the option to use the PET, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments in writing to the address under "Contact Persons" with respect to alternatives to the proposed regulations during the written comment period or orally at a hearing, if one is scheduled.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 2600, Sacramento, California 95815, or on the Board's website at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Brooke Arneson
2005 Evergreen Street, Suite 2600
Sacramento, California 95815
Telephone: (916) 561-8260
Fax: (916) 263-2560
Email Address: Brooke.Arneseon@dca.ca.gov

The backup contact person is:

Sarah Conley
2005 Evergreen Street, Suite 2600
Sacramento, California 95815
Telephone: (916) 561-8210
Fax: (916) 263-2560
Email Address: Sarah.Conley@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.