

BOARDS AND COMMISSIONS

Board of Physical Therapy (Amendment)

201 KAR 22:070. Requirements for foreign-educated physical therapists and physical therapist assistants.

RELATES TO: KRS 327.050, 327.060

STATUTORY AUTHORITY: KRS 327.040(1), (11), (13), 327.060(3), 327.310

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(13) authorizes the board to promulgate and enforce reasonable administrative regulations regarding certification, limitations of activities, supervision, and educational qualifications for physical therapist assistants. KRS 327.060(3) authorizes the board to approve services to provide an evaluation of a foreign-educated physical therapist applicant's educational credentials. This administrative regulation establishes the requirements a foreign-educated physical therapist shall satisfy to become credentialed in the state of Kentucky.

Section 1. A foreign-educated physical therapist applicant shall be credentialed if the applicant:

- (1) Complies with the requirements of KRS 327.060(1)(b).
- (2) In accordance with KRS 327.060(1)(b), meets the following requirements:
 - (a) Furnishes the board a favorable educational credentials evaluation report from a credentialing agency that uses the appropriate edition of the "Coursework Evaluation Tool" (CWT) copyrighted by the Federation of State Boards of Physical Therapy (FSBPT). An academic deficiency in general education coursework identified by the CWT shall be satisfied by the applicant through submission of evidence identifying one (1) of the following:
 1. Completion of appropriate coursework at a regionally accredited academic institution;
 2. Continuing education in a course approved by the board; or
 3. Submission of a portfolio including a detailed resume and description of relevant work experience approved by the board;
 - (b) Shows proof of English Language Proficiency by:
 1. A score of not less than fifty (50) on the Test of Spoken English (TSE);
 2. Verification that the applicant has achieved the following minimum scores for each category of the Test of English as a Foreign Language, TOEFLE Internet-based test (TOEFL IBT):
 - a. Writing, twenty-two (22);
 - b. Speaking, twenty-four (24);
 - c. Listening, twenty-one (21);
 - d. Reading, twenty-two (22); ~~for~~ and
 - e. With an overall score of not less than eighty-nine (89); or
 3. Verification that English is the native language of the country of origin.
- (c) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:135;
- (d) Completes the Jurisprudence Exam; and
- (e) Obtains a passing score on the National Physical Therapy Examination (NPTE). The requirements of 201 KAR 22:020, Section 2(3) and (4) shall be applicable to examination candidates; and

(f) Has successfully completed a minimum of three (3) months and no more than six (6) months of practice under the on-site supervision of a physical therapist credentialed under KRS Chapter 327 at a Kentucky facility previously approved by the board that satisfies the following requirements:

1. The supervised practice shall be a minimum of 390 hours in a three (3) month period, in a facility that is serving as a clinical education site for students enrolled in a program in physical therapist education accredited by the Commission for Accreditation of Physical Therapy Education (CAPTE);
2. The applicant shall furnish the board a favorable evaluation of on-site supervision performed by a clinical supervisor who utilizes the "Performance Evaluation Tool for Foreign Educated Therapists Completing a Supervised Clinical Practice in the United States" copyrighted by FSBPT. The clinical supervisor shall submit the evaluation to the board after three (3) months practice, and if required, after the sixth (6th) month, when the required score denoting clinical competency shall have been reached;
3. The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of a CAPTE accredited program; and
4. The supervisor shall countersign all of the candidate's physical therapy records within fourteen (14) days.

(3) Effective six (6) months after the Board receives an Originating Agency Number from the Federal Bureau of Investigation, submits to the Board a completed nationwide criminal background check as required by KRS 327.310 with the background investigation completed no later than six (6) months prior to the date of the filing of the application.

Section 2. Temporary Permits for Foreign-educated Physical Therapist Applicants.

(1) An applicant who has not satisfactorily completed three (3) months of supervised practice as a physical therapist shall be issued a temporary permit to complete Section 1(2)(f) of this administrative regulation if the applicant has:

- (a) Completed the requirements of Section 1(2)(a) through (e) of this administrative regulation; and
- (b) Submitted an approved "Supervisory Agreement for Physical Therapists Educated in a Foreign Country".

(2) The temporary permit shall be revoked if the applicant has not satisfactorily completed the supervised practice within a six (6) month period.

Section 3. A foreign-educated physical therapist assistant applicant shall be credentialed if the applicant has:

- (1) Completed the application process;
- (2) Provided written proof that the education institution in which the applicant received his or her education to be a physical therapist assistant is recognized by its own ministry of education;
- (3) Provided proof of legal authorization to reside and seek employment in the United States or its territories;
- (4) Provided proof of authorization to practice as a physical therapist assistant without limitations in the country where the professional education occurred;
- (5) Furnished the board a favorable educational credentials evaluation report from a credentialing agency that uses the appropriate edition of the "Coursework Evaluation Tool" (CWT) copyrighted by the Federation of State Boards of Physical Therapy (FSBPT). An academic deficiency in general education coursework identified by the CWT shall be satisfied by the applicant through submission of evidence identifying one (1) of the following:

- (a) Completion of appropriate coursework at a regionally accredited academic institution;
- (b) Continuing education in a course approved by the board; or
- (c) Submission of a portfolio including a detailed resume and description of relevant work experience approved by the board;
- (6) Shows proof of English Language Proficiency by:
 - (a) A score of not less than fifty (50) on the Test of Spoken English (TSE);
 - (b) Verification that the applicant has achieved the following minimum scores for each category of the Test of English as a Foreign Language, TOEFLE Internet-based test (TOEFL IBT):
 - 1. Writing, twenty-two (22);
 - 2. Speaking, twenty-four (24);
 - 3. Listening, twenty-one (21);
 - 4. Reading, twenty-two (22); ~~for and~~
 - 5. With an overall score of not less than eighty-nine (89); or
 - (c) Verification that English is the native language of the country of origin.
- (7) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:135;
- (8) Completes the Jurisprudence Exam;
- (9) Obtains a passing score on the National Physical Therapy Examination (NPTE);
- (10) Completes the requirements of Section 1(3) of this administrative regulation; and
- (11) To be eligible for a temporary permit, a foreign-educated Physical Therapist Assistant applicant must complete the requirements of 201 KAR 22:020, Sections 4 and 5.

Section 4. Incorporation by Reference.

- (1) The "Supervisory Agreement for Physical Therapists Educated in a Foreign Country, August 2017" is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: January 20, 2022

FILED WITH LRC: February 10, 2022 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 26, 2022, at 2:00 p.m. (ET). Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. All individuals who notify this agency in writing at least five workdays prior to this hearing shall be notified whether the hearing will be held virtually by video teleconference or in person at the Board's office, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. If no notification of intent to attend the hearing is received in writing by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy,
312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140
and fax (502) 429-7142, email stephen.curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the eligibility, credentialing procedures, and requirements for foreign-educated physical therapists and physical therapist assistants.

(b) The necessity of this administrative regulation:

This administrative regulation establishes the eligibility, credentialing procedures, and requirements for foreign-educated physical therapists and physical therapist assistants required under KRS 327.050 and 327.060.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation establishes the eligibility, credentialing procedures, and requirements for foreign-educated physical therapists and physical therapist assistants required under KRS 327.050 and 327.060.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the eligibility, credentialing procedures, and requirements for foreign-educated physical therapists and physical therapist assistants required under KRS 327.050 and 327.060.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment fixes an error in the regulation allowing foreign-educated applicants TOFEL exam to be accepted with either individual scores (in Writing, Speaking, Listening, and Reading) or an overall score of 89. The regulation should require set individual scores (in Writing, Speaking, Listening, and Reading) and a total of 89 overall to be accepted as completed. The amendment changes the “or” back to “and.”

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to fix an error in the regulation allowing foreign-educated applicants TOFEL exam to be accepted with either individual scores (in Writing, Speaking, Listening, and Reading) or an overall score of 89. The regulation should require set individual scores (in Writing, Speaking, Listening, and Reading) and a total of 89 overall to be accepted as completed.

(c) How the amendment conforms to the content of the authorizing statutes:

This administrative regulation establishes the eligibility, credentialing procedures, and requirements for foreign-educated physical therapists and physical therapist assistants including the required TOFEL exams scores

(d) How the amendment will assist in the effective administration of the statutes:

This amendment is necessary to fix an error in the regulation allowing foreign-educated applicants TOFEL exam to be accepted with either individual scores (in Writing, Speaking, Listening, and Reading) or an overall score of 89. The regulation

should require set individual scores (in Writing, Speaking, Listening, and Reading) and a total of 89 overall to be accepted as completed.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Foreign-educated physical therapists and physical therapist assistants applying for licensure. Around 10 applicants a year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The regulated entities identified in question (3) will have to provide a TOFEL exam with individual scores (in Writing, Speaking, Listening, and Reading) and a total of 89 overall to fulfill the regulation. This is how the regulation has always read until the most recent regulation update.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Nothing

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

As a result of compliance the entities identified in (3) will be able to submit the appropriate and necessary documentation for the required TOFEL exam.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No new costs will be incurred by the change.

(b) On a continuing basis:

No new costs will be incurred by the change.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

None

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There will be no increase in fees or funding

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This regulation does not change the fees directly or indirectly.

(9) TIERING: Is tiering applied?

Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation will impact foreign-educated physical therapists and physical therapist assistants applying to Kentucky.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 327.040(1), (11), (13), 327.060(3), 327.310

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

None.

(d) How much will it cost to administer this program for subsequent years?

None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: