

WSR 22-04-083

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed January 31, 2022, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-01-056.

Title of Rule and Other Identifying Information: WAC 246-915-120 Foreign educated applicants. The board of physical therapy is proposing eliminating the requirement that passing scores for the internet-based Test of English as a Foreign Language (ibTOEFL) all be earned during the same test sitting.

Hearing Location(s): On March 8, 2022, at 12:00 p.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the board of physical therapy will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Please register for physical therapy rules hearing on March 8, 2022, 12:00 p.m. PST, at <https://attendee.gotowebinar.com/register/1152319392261663759>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: March 8, 2022.

Submit Written Comments to: Davis Hylkema, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by March 1, 2022.

Assistance for Persons with Disabilities: Contact Davis Hylkema, program manager, phone 360-236-4633, fax 360-236-2901, TTY 711, email davis.hylkema@doh.wa.gov, by February 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently, WAC 246-915-120 (1)(c)(iii) requires applicants to achieve minimum scores for each category of the ibTOEFL examination during the same sitting. The board of physical therapy (board) received a petition on July 26, 2020, requesting that applicants be allowed to take the ibTOEFL and receive the required passing section scores across multiple test sittings. This change would permit an applicant to retake any failed category until a passing score is earned.

The board accepted the petition and filed a CR-101 on December 9, 2020, to consider the revisions requested in the petition. The proposed rule language removes the requirement for a foreign-trained physical therapist to achieve the required minimum scores in each section of the ibTOEFL in a single sitting.

The proposed amendment is necessary to reduce this barrier to applicants who have demonstrated sufficient English language proficiency.

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 rules implement the intent of the statute by removing a barrier hindering applicants who are able to demonstrate overall English language proficiency across multiple test sittings.

Statutory Authority for Adoption: RCW 18.74.023.

Statute Being Implemented: Chapter 18.74 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of physical therapy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Davis Hylkema, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4633.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Davis Hylkema, P.O. Box 47877, Olympia, WA 98504-7877, phone 360-236-4633, fax 360-236-2901, TTY 711, email davis.hylkema@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These rules do not impact businesses; these rules pertain only to providers.

January 31, 2022
Renee Fullerton
Executive Director

OTS-3277.2

AMENDATORY SECTION (Amending WSR 18-15-067, filed 7/17/18, effective 8/17/18)

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 (~~five hundred sixty~~) 560 on the paper Test of English as a Foreign Language (TOEFL) or a score of not less than (~~two hundred twenty~~) 220 on the computer Test of English as a Foreign Language (TOEFL), a score of not less than (~~fifty~~) 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, (~~twenty-four~~) 24; speaking, (~~twenty-six~~) 26; reading, (~~twenty-one~~) 21; listening, (~~eighteen; with an overall score of not less than eighty-nine. These passing scores must all be earned during the same test sitting~~) 18.

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

[Statutory Authority: RCW 18.74.023 and chapter 18.74 RCW, RCW 18.340.020. WSR 18-15-067, § 246-915-120, filed 7/17/18, effective 8/17/18. Statutory Authority: RCW 18.74.023. WSR 08-17-026, § 246-915-120, filed 8/13/08, effective 8/13/08; WSR 07-07-066, § 246-915-120, filed 3/15/07, effective 4/15/07; WSR 94-05-014 (Order 403B), § 246-915-120, filed 2/4/94, effective 3/7/94; WSR 93-04-081 (Order 328B), § 246-915-120, filed 2/1/93, effective 3/4/93; WSR 92-08-039 (Order 259B), § 246-915-120, filed 3/24/92, effective 4/24/92; WSR 91-02-011 (Order 103B), recodified as § 246-915-120, filed 12/21/90, effective 1/31/91; WSR 84-13-057 (Order PL 471), § 308-42-125, filed 6/19/84.]