



TO: The Professional Practice Committee

FROM: Douglas E. Lentivech

SUBJECT: Proposed Amendment to the Regulations of the Commissioner of Education Relating to Licensure as a Physical Therapist

DATE: June 11, 2012

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents approve the promulgation of sections 52.41 and 77.11 and the amendment of section 77.1 of the Regulations of the Commissioner of Education relating to the professional study requirements for licensure in physical therapy, the registration of physical therapy education programs, and the endorsement of physical therapy licenses issued by other jurisdictions?

Reason(s) for Consideration

Required by State Statute and Review of Policy.

Proposed Handling

The proposed amendment is being presented to the Professional Practice Committee and the Board of Regents for emergency action in June 2012 and will be submitted for final action at the September 2012 Regents Meeting.

Procedural History

It is anticipated that a Notice of Proposed Rule Making will be published in the State Register on June 19, 2012 and that a Notice of Emergency Adoption will be published in the State Register on August 17, 2012. A copy of the proposed

amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

In 2011, the Legislature enacted Chapter 410, which amended Education Law §6734(b), effective August 17, 2012, to raise the educational requirements for licensure as a physical therapist in this State from a bachelor's degree to a master's degree or equivalent. The new educational requirements would apply to applicants for licensure on and after such date. Physical therapists currently licensed to practice in this State would not be affected.

The proposed amendment of section 77.1 of the Regulations of the Commissioner of Education is necessary to conform that regulation to the new statutory requirements. Section 77.1, as amended, would replace the minimum educational requirement of a bachelor's degree with a master's degree in physical therapy or the equivalent and would eliminate a certificate in physical therapy, following completion of a bachelor's degree, as an acceptable educational alternative. Section 77.1, as amended, would also allow the completion of a foreign professional physical therapy program that is substantially equivalent to a master's degree program registered by the Department to satisfy the educational requirements for licensure. Lastly, section 77.1 would provide that in order for an organization to be an acceptable accrediting agency of these physical therapy programs, the organization would need to apply standards of accreditation substantially equivalent to the standards used by the Department to register such programs pursuant to section 52.41 of the Commissioner's regulations.

The proposed amendment would add a new section 52.41 to the Commissioner's regulations to establish the educational program requirements for registration by the Department as a licensure-qualifying program in physical therapy. These new program requirements would be aligned with the program requirements of a master's degree or higher. Professional programs would include at least 150 semester credit hours or the equivalent of postsecondary study, including at least 90 hours or the equivalent in six specific content areas: basic health sciences; medical sciences; clinical sciences: examination and evaluation; clinical sciences: interventions; related professional; and clinical education. The clinical education requirements would be required to consist of no less than a total of 800 hours supervised by a physical therapist, including at least 560 hours of full-time clinical internships. Notably, currently all physical therapy professional programs registered in New York State are at the doctorate level.

The proposed amendment would also add a new section 77.11 to the Commissioner's regulations to establish requirements for the endorsement of a license issued by another jurisdiction to practice physical therapy in New York State. Specifically, applicants for endorsement would be required to present satisfactory evidence of at least three years of professional practice acceptable to the State Board for Physical Therapy following initial licensure. These three years of experience would be required to have occurred within seven years immediately preceding the candidate's application to the Department. Additionally, applicants would be required to have completed an education that meets standards acceptable to the Department in effect at the time the candidate graduated from his or her professional program. For the purpose

of determining acceptable standards, the Department would be permitted to use the standards of an acceptable accrediting agency.

Recommendation

VOTED: That section 77.1 of the Regulations of the Commissioner of Education be amended and the sections 52.41 and 77.11 of the Regulations of the Commissioner of Education be added, all as submitted, effective August 17, 2012, as an emergency measure upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare in order to implement Chapter 410 of the Laws of 2011, which becomes effective August 17, 2012, in a timely manner.

Timetable for Implementation

If adopted as an emergency measure at the June 2012 Board of Regents meeting, the proposed amendments will become effective August 17, 2012. It is anticipated that they will then be presented for adoption on a permanent basis at the September 2012 meeting of the Board.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507, and 6734 of the Education Law.

1. The Regulations of the Commissioner of Education are amended, effective August 17, 2012, by the addition of a new section 52.41 to read as follows:

52.41 Physical therapy.

(a) Definitions. As used in this section:

(1) "Basic health sciences content area" shall mean coursework which includes, but is not limited to, the following curricular areas:

(i) human anatomy specific to physical therapy;

(ii) human physiology specific to physical therapy;

(iii) neuroscience;

(iv) kinesiology or functional anatomy; and

(v) pathology.

(2) "Medical sciences content area" shall mean coursework in clinical medicine pertinent to physical therapy which includes, but is not limited to, the following curricular areas:

(i) neurology;

(ii) orthopedics;

(iii) pediatrics;

(iv) geriatrics;

(v) cardiopulmonary;

(vi) pharmacology; and

(vii) general medical/surgical metabolic conditions.

(3) “Clinical sciences: examination and evaluation content area” shall mean coursework in examination and evaluation which includes, but is not limited to, the following curricular areas:

- (i) integumentary system;
- (ii) musculoskeletal system;
- (iii) neuromuscular system;
- (iv) cardiopulmonary system; and
- (v) metabolic problems.

(4) “Clinical sciences: interventions content area” shall mean coursework in interventions which includes, but is not limited to, the following curricular areas:

- (i) integumentary interventions;
- (ii) musculoskeletal interventions;
- (iii) neuromuscular interventions; and
- (iv) cardiopulmonary interventions.
- (v) airway clearance techniques;
- (vi) debridement and wound care;
- (vii) electrotherapeutic modalities;
- (viii) functional training in community and work, job, school, or play reintegration, including instrumental activities of daily living, work hardening, and work conditioning;
- (ix) functional training in self-care and home management, including activities of daily living and instrumental activities of daily living;
- (x) manual therapy techniques;
- (xi) patient-related instruction;
- (xii) physical agents and mechanical modalities;

(xiii) prescription, application, and, as appropriate, fabrication of assistive, adaptive, orthotic, protective, supportive, and prosthetic devices and equipment; and

(xiv) therapeutic exercise, including aerobic conditioning.

(5) "Related professional content area" shall mean coursework which includes, but is not limited to, the following curricular areas:

(i) professional behaviors;

(ii) administration;

(iii) community health;

(iv) research and clinical decision making;

(v) educational techniques;

(vi) medical terminology;

(vii) communication related to client/patient care;

(viii) legal and ethical aspects of physical therapy practice;

(ix) psychosocial aspects in physical therapy practice;

(x) emergency procedures;

(xi) cultural competency; and

(xii) consultation, screening and delegation.

(6) "Clinical education content area" shall mean clinical practice experiences under the following conditions:

(i) Such clinical practice experiences shall consist of no less than 800 total hours of clinical education supervised by a physical therapist that include at least 560 hours of full-time clinical internships. For purposes of this subparagraph full-time shall mean no less than 35 hours per week.

(ii) Clinical education shall include physical therapist-supervised application of physical therapy theory, examination, evaluation, and intervention.

(b) Curriculum. In addition to meeting all applicable provisions of this Part, to be registered as a program leading to licensure in physical therapy which meets the requirements of section 77.1 of this Chapter, the program shall result in a master's or higher degree, or its equivalent, and shall require the student to have completed at least 150 semester credit hours or its equivalent of postsecondary study, including a total of at least 90 semester credit hours, or their equivalent, in the following content areas:

(1) basic health sciences;

(2) medical sciences;

(3) clinical sciences: examination and evaluation;

(4) clinical sciences: interventions;

(5) related professional; and

(6) clinical education.

2. Section 77.1 of the Regulations of the Commissioner of Education is amended, effective August 17, 2012, as follows:

77.1 Professional study of physical therapy.

(a) As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting physical therapy programs, having accreditation standards that are substantially equivalent to the requirements for programs registered as leading to licensure in physical therapy pursuant to section 52.41 of this Title, and applying its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the United States Department of Education.

(b) To meet the professional education requirement for licensure in this State, the applicant shall present evidence of:

[(a)] (1) a [bachelor's] master's or higher degree in physical therapy from a program registered by the department or accredited by [a national accreditation] an acceptable accrediting agency [which is satisfactory to the department]; or

[(b)] a certificate in physical therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department following the completion of a bachelor's degree from an institution acceptable to the department; or]

[(c)] (2) completion of a program satisfactory to the department [of not less than four years of postsecondary study which includes the professional study of physical therapy] which is substantially equivalent to a [certificate] master's degree program in physical therapy registered by the department and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as [preparation in] satisfying the educational requirements for the practice of physical therapy in that country.

3. The Regulations of the Commissioner of Education are amended, effective August 17, 2012, by the addition of a new section 77.11, to read as follows:

77.11 Endorsement.

An applicant for endorsement of a license to practice physical therapy issued by another jurisdiction shall satisfy all requirements of section 59.6 of this Title, except as herein provided.

(a) The applicant shall present evidence satisfactory to the State Board for Physical Therapy of at least three years of professional practice of physical therapy acceptable to the State Board for Physical Therapy following initial licensure and within the seven years immediately preceding application for licensure by endorsement; and

(b) In lieu of the professional study requirements set forth in section 77.1 of this Part, the applicant shall have completed an education that meets standards acceptable to the Department, which may include the standards of an acceptable accrediting agency, as defined in section 77.1(a) of this Part, in effect at the time the applicant graduated from his or her physical therapy program.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to the educational requirements for licensure as a physical therapist made by Chapter 410 of the Laws of 2011, which will take effect on August 17, 2012. Education Law §6734(b), as amended by Chapter 410, requires applicants for licensure as a physical therapist in New York State to have completed a master's degree or higher in physical therapy. The proposed regulation implements this new law.

To preserve the public health and general welfare, emergency action is necessary to conform the Commissioner's regulations to Education Law §6734(b) and to ensure the Department implements these new educational requirements for licensure in a timely manner.

It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the September 2012 Regents meeting, after publication in the State Register and expiration of the 45-day public comment period on proposed rule making, as required by the State Administrative Procedure Act.