



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Johanna Duncan-Poitier

**COMMITTEE:** Higher and Professional Education

**TITLE OF ITEM:** Proposed Amendment to the Regulations of the Commissioner of Education Relating to the Licensing of Physical Therapists and Certification of Physical Therapist Assistants

**DATE OF SUBMISSION:** January 13, 2003

**PROPOSED HANDLING:** Approval (Consent Agenda)

**RATIONALE FOR ITEM:** To Implement Statute

**STRATEGIC GOAL:** Goal 3

**AUTHORIZATION(S):**

**SUMMARY:**

Attached for confirmation of an emergency action is a proposed amendment to Part 77 of the Regulations of the Commissioner of Education, relating to the licensing of physical therapists and certification of physical therapist assistants. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

The purpose of the proposed amendment is to implement Chapter 404 of the Laws of 2002 by establishing requirements for the renewal of a limited permit for a physical therapist assistant and prescribing the examination that must be passed for certification as a physical therapist assistant, and to make nonsubstantial changes in the requirements for licensure as a physical therapist.

The recommended action was adopted as an emergency measure at the December 2002 meeting of the Board of Regents and is now being proposed for adoption as a permanent rule. A Notice of Proposed Rule Making concerning the amendment was

published in the State Register on December 4, 2002. A Notice of Emergency Adoption was published in the State Register on December 31, 2002.

I recommend that the Regents take the following action:

VOTED: That Part 77 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 6, 2003.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507, 6734, 6735, 6740, and 6741-a of the Education Law and Chapter 404 of the Laws of 2002.

Part 77 of the Regulations of the Commissioner of Education is amended, effective March 6, 2003, as follows:

Part 77

Physical Therapy

77.1 . . .

77.2 Licensing examinations for physical therapists.

(a) The department may accept passing scores on the National Physical Therapy [Written] Examination or an examination determined to be comparable in content.

77.3 Limited permits for physical therapists.

(a) The department may renew a limited permit in physical therapy, as provided in section [6735(d)] 6735(c) of the Education Law, based upon:

(1) . . .

(2) . . .

(3) completion of an application for renewal of a physical therapy limited permit and payment of the fee prescribed in section 6735 of the Education Law.

(b) . . .

(c) On-site supervision of permittees as required in section [6735(e)] 6735(d) of the Education Law shall mean that the supervising physical therapist is in the same facility and readily available to the permittee.

77.4 Professional study for physical [therapy] therapist assistants.

To meet the professional education requirements for certification, the applicant shall present evidence of:

(a) . . .

(b) . . .

77.5 . . .

77.6. . .

77.7 Licensing examinations for physical therapist

assistants.

(a) The department may accept passing scores on the National Physical Therapy Examination for Physical Therapist Assistants or an examination determined to be comparable in content.

77.8 Limited permits for physical therapist assistants.

(a) The department may renew a limited permit for a physical therapist assistant, as provided in section 6741-a(c) of the Education Law, based upon:

(1) satisfactory evidence of extenuating circumstances which prevented the permittee from taking the licensing examination; or a demonstrated need for additional clinical

training under the supervision of a licensed physical therapist;

and

(2) documentation that the permittee is affirmatively pursuing licensure by maintaining active examination and licensure applications; and

(3) completion of an application for renewal of a physical therapist assistant limited permit and payment of the fee prescribed in section 6741-a of the Education Law.

(b) Notwithstanding the provisions of subdivision (a) of this section, renewal of a limited permit shall not be granted if the permittee is the subject of a pending professional misconduct proceeding or if the department determines that there is a reasonable basis for a professional misconduct proceeding against the permittee, as provided in Title VIII of the Education Law.

(c) On-site supervision of permittees as required by  
section 6741-a(d) of the Education Law shall mean that the  
supervising physical therapist is in the same facility and  
readily available to the permittee.