



TO: The Professional Practice Committee

FROM: Douglas E. Lentivech

SUBJECT: Proposed Promulgation of Sections 52.41 and 77.11 and Amendment of Section 77.1 of the Regulations of the Commissioner of Education Relating to Licensure as a Physical Therapist

DATE: September 4, 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 adoption as a permanent rule at the September 2012 Regents Meeting.

Procedural History

The proposed amendment was approved by the Board of Regents as an emergency measure at its meeting on June 19, 2012 to be effective on August 17, 2012. A Notice of Proposed Rule Making was published in the State Register on July 3,

2012, and a Notice of Emergency Adoption was filed with the Department of State on August 17, 2012. No public comments have been received. 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 the regulations 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

It is recommended that the Board of Regents take the following action:

VOTED: That section 77.1 of the Regulations of the Commissioner of Education be amended and that sections 52.41 and 77.11 of the Regulations of the Commissioner of Education be added, all as submitted, effective October 3, 2012.

Timetable for Implementation

If adopted at the September 2012 Board of Regents meeting, the proposed amendments will become effective October 3, 2012. As the Board of Regents approved identical regulatory language on an emergency basis in June 2012, effective August 17, 2012, the effective date of the new law, the regulations will have been in effect since that date.