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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848
OREGON BOARD OF PHYSICAL THERAPY

FILED

09/30/2021 10:27 AM

ARCHIVES DIVISION

SECRETARY OF STATE

FILING CAPTION: Clarifying requirements for temporary permit by examination; removing temporary permit by endorsement.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/01/2021 4:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Michelle Sigmund-Gaines
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/26/2021

TIME: 11:00 AM

OFFICER: Michelle Sigmund-Gaines

ADDRESS: Virtual Public Hearing
800 NE OREGON STREET, SUITE 407

PORTLAND, OR 97232

SPECIAL INSTRUCTIONS:

Instructions for registering for hearing
located at

<https://www.oregon.gov/pt/Pages/Laws.aspx>

NEED FOR THE RULE(S):

The amendments to the rule clarify the requirements for qualification and supervision of temporary permit holders for applicants by examination. The amendments also remove a temporary permit for applicants by endorsement, to reflect statutory requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board meeting minutes, rule advisory meeting minutes; other materials. Located at Board office.

FISCAL AND ECONOMIC IMPACT:

The rule amendments do not introduce any new regulatory burdens on employers or licensees, nor do they make modification to existing fees or introduce any new fees.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

This rule applies to individual persons applying for licensure and is completely optional. The amendments to the existing rule do not introduce any new compliance requirements for the individual or supervising employer.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

While the rule applies to individual person applying for licensure, some applicants or existing licensees are small business owners, or otherwise employed by small businesses. Notice of the rule amendments under consideration were sent to all licensees, and discussed in public board meetings. Members participating on the rule advisory committee are also representatives of small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 848-010-0026

RULE SUMMARY: Rules governing temporary permits issued by the Board.

CHANGES TO RULE:

848-010-0026

Temporary Permits ¶

(1) ~~The Board may issue a temporary permit to practice as a physical therapist or physical therapist assistant the period specified below to an applicant who meets the requirements of this rule.~~ ¶

(a) A person who has graduated from a CAPTE accredited physical therapist or physical therapist assistant program in a state or territory of the United States and who is applying for the first time to take the Board approved licensing examination as defined in OAR 848-010-0015(1) may be issued a temporary permit for a period of 90 calendar day up to three (3) months. Such applicant shall: ¶

(Aa) Submit a completed application for license by examination and, pay a non-refundable application fee and submit all required documents; ¶

(B) Submit a completed application for a temporary permit and pay the required fee; and ¶

(C) Submit a primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program. ¶

(D) Must have registered and been released to sit for the NPTE. ¶

(b) A person who holds a valid current license to practice in another state or territory of the United States may be issued a temporary permit for a period of 60 calendar days. Such applicant shall: ¶

(A) Provide written primary source verification of current licensure in another state or territory; ¶

(B) Submit a completed application for license by endorsement, pay a with the exception of the exam score; ¶

(b) Request a temporary permit and pay the associated non-refundable application fee; and submit required documents; ¶

(Cc) Submit a completed application for a temporary permit, pay a non-refundable application fee and submit required documents; ¶

(D) Submit a primary source verification of completion of a CAPTE accredited physical therapist or physical therapist assistant program and; ¶

(E) Have passed the physical therapist register for and be released to sit for physical therapist assistant examination as provided in OAR 848-010-0020(5). ¶

(2) A person who holds a temporary permit must practice under supervision as provided in this rule.¶

(3) A person who holds a temporary permit issued under subsection (1)(a) of this rule the exam.¶

(2) A person who holds a temporary permit must practice under on-site supervision, which means that, at all times, a supervising therapist is in the same building and immediately available for consultation. Entries made in the patient record by a temporary permit holder must be authenticated by the temporary permit holder and by a supervising therapist.¶

(4) A person who holds a temporary permit issued under subsection (1)(b) of this rule must practice under general supervision, which means that at all times a supervising therapist must be readily available for consultation, either in person or by telecommunication.¶

(53) As used in this rule, "supervising therapist" means an Oregon licensed physical therapist if the permit holder is a physical therapist or a physical therapist assistant. "Supervising therapist" also means an Oregon licensed physical therapist assistant if the physical therapist assistant designated as supervising the temporary permit holder on the day the temporary permit holder is a physical therapist assistant providing treatment. A physical therapist assistant may not supervise a physical therapist temporary permit holder.¶

(64) If a physical therapist assistant is supervising a physical therapist assistant temporary permit holder, a physical therapist must be readily available for consultation, either in person or by telecommunication, as provided in OAR 848-015-0020.¶

(75) Within five (5) working days of beginning practice, the temporary permit holder must submit to the Board a completed "Temporary Permit Letter from Employer" form. The temporary permit holder must notify the Board of any change in employment during the period of the temporary permit by submitting a new "Temporary Permit Letter from Employer" within five (5) working days. A temporary permit holder must notify the employer immediately upon notification of a failing exam score.¶

(86) A temporary permit issued under this rule shall terminate automatically by operation of law if the expire when:¶

(a) The Board received notification that the temporary permit holder failed the Board-approved national licensing examination exam;¶

(b) The temporary permit holder is issued a license; or¶

(c) It has been three (3) months since the issuance of the temporary permit.¶

(97) The Board may refuse to issue a temporary permit to an applicant or may revoke a temporary permit after issuance on for any of the grounds set out in OAR 848-010-0044 or 848-045-0020.¶

(10) A violation of ORS 688.010 to 688.240 or any Board rule.¶

(8) A temporary permit holder whose temporary permit has terminated or expired due to failure of the exam or whose temporary permit has been revoked is not eligible to apply for another temporary permit.¶

(119) A person who has previously taken and failed the Board-approved national licensing examination exam at any time prior to application is not eligible to apply for a temporary permit.¶

(120) In its discretion, the Board may grant one 60 calendar day extension to a person who holds a temporary permit.¶

(131) A person who holds a temporary permit issued under this rule is subject to all statutes and rules governing a licensee.

Statutory/Other Authority: ORS 688.110

Statutes/Other Implemented: ORS 688.110