

Small Business Economic Impact Statement
For Rules Concerning
Licensed Physical Therapists and Physical Therapist Assistants
Chapter 246-915 WAC

1. Briefly describe the proposed rule.

Engrossed Substitute Senate Bill (ESSB) 5292 (Chapter 98, Laws of 2007) passed during the 2007 legislative session. The new legislation expands the regulation of physical therapy to include licensure for physical therapist assistants (PTAs). The legislation requires the board to revise the existing physical therapy rules to include licensure requirements for physical therapist assistants.

The proposed rules do the following:

1. Identify the education/training and examination requirements for applicants applying for a license to practice as a physical therapist assistant.
2. Identify the requirements for waiving the examination requirement for a person who meets the commonly accepted standards for practicing as a physical therapist assistant.
3. Allows physical therapist assistants to utilize their time more efficiently and effectively when completing their continuing education requirements.
4. Maintains existing quality of care provided by well-informed and educated physical therapist assistants.
5. Restructures the language of the rule to make it more clear and understandable.

2. Is a Small Business Economic Impact Statement (SBEIS) required for this rule?

Yes.

3. Which industries are affected by this rule?

In preparing this small business economic impact statement (SBEIS), the Department of Health used the following NAICS codes:

NAICS	Description
623110	Skilled nursing facilities
623210	Intermediate care facilities
623110	Nursing and personal care, nec
622110	General medical & surgical hospital
622310	Specialty hospitals exc. psychiatric
621610	Home health care services

4. What are the costs of complying with this rule for small businesses (those with 50 or fewer employees) and for the largest 10% of businesses affected?

These are the costs to comply with the rule:

Continuing Competency:

Licensed physical therapists assistants will be required to complete 40 hours of continuing competency in the form of continuing education, in addition to 200 hours of physical therapy related employment, every two years. The average cost to the practitioner will be approximately \$1,000.

The continuing education can be earned through classroom or correspondence coursework, cassette tape, videotape, or book review. The board recognizes the almost universal conclusion that the current results of mandatory continuing education programs are debatably effective. Therefore, the board has not sought to limit the professional development and interests of licensed physical therapist assistants to continuing education activities only. The board believes professional skills and knowledge can be maintained and enhanced through active practice. For this reason, the Board of Physical Therapy has attempted to create a balance by establishing a relatively moderate requirement of 40 contact hours of continuing education as well as 200 hours of employment every two years.

The board received public comments requesting considering lowering the number of hours required for physical therapist assistants because they don't receive the same pay as licensed physical therapists. The board also received input from physical therapist assistants requesting the board to require the same number of hours for physical therapist assistants as physical therapists. The board believes this rule satisfies the legislative mandate to assure professional competence.

Examination:

The Federation of State Board of Physical Therapy develops and administers the National Physical Therapy Examination (NPTE) for physical therapists and physical therapist assistants. All 50 states and 3 additional jurisdictions use the NPTE as one factor in the licensure or certification of physical therapist and physical therapist assistants. The board feels this exam provides a common element in the evaluation of candidates so standards will be comparable from jurisdiction to jurisdiction. It also protects the public interest in having only those persons who have the requisite knowledge of physical therapy be licensed to practice physical therapy. The board feels the examination ensures minimum knowledge and competency of physical therapy. The cost to take the NPTE is \$350 and it is offered on demand. The legislation allows waiver of examination for physical therapist assistants currently practicing. Only newly graduating students will incur the exam cost.

The national exam ensures minimum knowledge and competency of physical therapy. Physical Therapist Assistants currently practicing physical therapy may be eligible for licensure without taking the exam.

AIDS Education and Training:

Physical Therapist Assistants may come into contact with wounds and need to have appropriate infection control education and training. The average cost to take a seven hour course is \$0 to \$50. There are a variety of courses, on-line courses and locations to obtain the education and training. In addition, most physical therapy curriculum includes this training so physical therapist assistants already have the required training prior to applying for licensure.

5. Does the rule impose a disproportionate impact on small businesses?

No. Passing the national exam is a part of the business requirement for currently practicing physical therapist assistants as well as newly graduating students.

AIDS education and training may impose costs for the physical therapist assistant if this training was not completed as part of their physical therapy curriculum. The average cost of a seven hour course for AIDS and education is \$0 to \$50. This cost range is less than the threshold compliance costs associated with these industries.

If the licensed physical therapist assistant is working for a small business, the physical therapist assistant would need to go off site to get the required continuing competency training to comply with this rule. If the licensed physical therapist assistant works for large businesses the licensed physical therapist assistant would be able to get this training on the job posing no costs to the licensed physical therapist assistant to comply with this rule. The average cost to the practitioner will be approximately \$1,000. The board has determined that the benefits of the proposed rules assure that licensed physical therapist assistants are adequately trained which in turn provides a benefit to the public.

**6. If the rule imposes a disproportionate impact on small businesses, what efforts were taken to reduce that impact (or why is it not “legal and feasible” to do so) by
a) reducing, modifying, or eliminating substantive regulatory requirements?**

Engrossed Substitute Senate Bill (ESSB) 5292 requires an examination to obtain licensure. The national examination is the only examination currently available. All 50 states and 3 additional jurisdictions use the National Physical Therapy Examination (NPTE) as one factor in the licensure or certification of physical therapist and physical therapist assistants. The board feels this exam provides a common element in the evaluation of candidates so standards will be comparable from jurisdiction to jurisdiction. It also protects the public interest in having only those persons who have the requisite knowledge of physical therapy be licensed to practice physical therapy. The board feels the examination ensures minimum knowledge and competency of physical therapy.

Chapter 70.24.270 RCW requires all health professions to obtain AIDS education.

The new legislation authorizes the Board of Physical Therapy to establish and administer requirements for continuing competency as a prerequisite for physical therapist assistant license renewal. The legislation requires the establishment of continuing competency requirements and assurance of compliance before a physical therapy license can be renewed. The Board recognizes

the almost universal conclusion that the current results of mandatory continuing education programs are debatably effective. Therefore, the board has not sought to limit the professional development and interests of licensed physical therapist assistants to continuing education activities only. The board believes professional skills and knowledge can be maintained and enhanced through active practice. For this reason, the Board of Physical Therapy has attempted to create a balance by establishing a relatively moderate requirement of 40 contact hours of continuing education as well as 200 hours of employment every two years. The board believes this rule satisfies the legislative mandate to assure professional competence.

One way the board mitigated was by considering not requiring physical therapist assistants to complete 2,500 hours of work experience in a three year period to be granted a license without taking the examination. The board received opposition regarding the number of hours of experience. Some physical therapist assistants only work part-time which would make them ineligible to apply for licensure without taking the exam even though they may have been practicing in Washington for the past 20 years.

Physical therapist assistants currently practicing in Washington are required to work under supervision of a licensed physical therapist. The board feels that rather than requiring a specific number of work experience hours, they will allow the supervising license physical therapist to attest to the completion of work experience hours. This creates no change in the rule as the rules currently indicate that the licensed physical therapist is professionally and legally responsible for patient care provided by their supportive personnel. The board will develop a form for supervising physical therapists to complete.

Engrossed Substitute Senate Bill (ESSB) 5292 become effective July 1, 2008 and requires an examination to obtain licensure. The national examination is the only examination currently available.

Chapter 70.24.270 RCW requires all health professions to obtain AIDS education prior to obtaining licensure.

Although the rule may cause a disproportionate impact to small businesses, the benefit to the public outweighs the cost.

7. How are small businesses involved in the development of this rule?

During the comment period, town meetings were held and draft rules were sent to all interested parties.