

State Budget Office
Office of Regulatory Reinvention
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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RISCBA)**

PART 1: INTRODUCTION

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at orr@michigan.gov no less than 28 days before the public hearing.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Rick Roselle Roseller1@michigan.gov 517-335-1769		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim Department of Licensing and Regulatory Affairs		

2. Rule Set Information

ORR assigned rule set number:	2018-023 LR
Title of proposed rule set:	Physical Therapy – General Rules

PART 2: KEY SECTIONS OF THE APA

24.207a “Small business” defined.

Sec. 7a. “Small business” means a business concern incorporated or doing business in this state, including the affiliates of the business concern, which is independently owned and operated, and which employs fewer than 250 full-time employees or which has gross annual sales of less than \$6,000,000.00.

24.240 Reducing disproportionate economic impact of rule on small business; applicability of section and MCL 24.245(3).

Sec. 40. (1) When an agency proposes to adopt a rule that will apply to a small business and the rule will have a disproportionate impact on small businesses because of the size of those businesses, the agency shall consider exempting small businesses and, if not exempted, the agency proposing to adopt the rule shall reduce the economic impact of the rule on small businesses by doing all of the following when it is lawful and feasible in meeting the objectives of the act authorizing the promulgation of the rule:

- (a) Identify and estimate the number of small businesses affected by the proposed rule and its probable effect on small businesses.
- (b) Establish differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.
- (c) Consolidate, simplify, or eliminate the compliance and reporting requirements for small businesses under the rule and identify the skills necessary to comply with the reporting requirements.
- (d) Establish performance standards to replace design or operational standards required in the proposed rule.

(2) The factors described in subsection (1)(a) to (d) shall be specifically addressed in the small business impact statement required under section 45.

(3) In reducing the disproportionate economic impact on small business of a rule as provided in subsection (1), an agency shall use the following classifications of small business:

- (a) 0-9 full-time employees.
- (b) 10-49 full-time employees.
- (c) 50-249 full-time employees.

(4) For purposes of subsection (3), an agency may include a small business with a greater number of full-time employees in a classification that applies to a business with fewer full-time employees.

(5) This section and section 45(3) do not apply to a rule that is required by federal law and that an agency promulgates without imposing standards more stringent than those required by the federal law.

MCL 24.245 (3) Except for a rule promulgated under sections 33, 44, and 48, the agency shall prepare and include with the notice of transmittal a **regulatory impact statement** which shall contain specific information (information requested on the following pages).

[**Note:** Additional questions have been added to these statutorily-required questions to satisfy the **cost-benefit analysis** requirements of Executive Order 2011-5].

MCL 24.245b Information to be posted on office of regulatory reinvention website.

Sec. 45b. (1) The office of regulatory reinvention shall post the following on its website within 2 business days after transmittal pursuant to section 45:

- (a) The regulatory impact statement required under section 45(3).
 - (b) Instructions on any existing administrative remedies or appeals available to the public.
 - (c) Instructions regarding the method of complying with the rules, if available.
 - (d) Any rules filed with the secretary of state and the effective date of those rules.
- (2) The office of regulatory reinvention shall facilitate linking the information posted under subsection (1) to the department or agency website.

PART 3: AGENCY RESPONSE

Please provide the required information using complete sentences. **Do not answer any question with “N/A” or “none.”**

Comparison of Rule(s) to Federal/State/Association Standards:

1. Compare the proposed rule(s) to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

There are no federal rules or standards set by a national or state agency for which the proposed rules can exceed.

A. Are these rule(s) required by state law or federal mandate?

These rules are required to be promulgated under state law by sections 16141, 16145, 16148, 16174, 16201, 16204, 16205, 16206, 16215, 16287, and 17823 of 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16205, 333.16206, 333.16215, 333.16287, and 333.17823 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

These rules are not required by federal mandate.

B. If these rule(s) exceed a federal standard, identify the federal standard or citation, describe why it is necessary that the proposed rule(s) exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

There are no federal standards regulating the profession of physical therapy.

2. Compare the proposed rule(s) to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with standards required by the Public Health Code. The other Great Lake states, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin all have rules regulating the practice of physical therapy.

Illinois provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) or a program that is approved by the Illinois Physical Therapy Licensing Board. Applicants who graduate from a program outside the United States must obtain an evaluation through the Foreign Credentialing Commission of Physical Therapy (FCCPT) and must obtain certification of passing the Test of English as a Foreign Language (TOEFL) if English is not the applicant's first language. All applicants are required to take the National Physical Therapy Examination (NPTE) for physical therapists or physical therapist assistants. Unlike Michigan, applicants are not required to take a jurisprudence examination related to the practice of physical therapy in the state. Like Michigan, Illinois provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, the license must be renewed on a biennial basis and licensees must meet continuing education requirements to qualify for renewal. Illinois also has rules pertaining to relicensure requirements for applicants whose license has been lapsed for 5 years or less and for applicants whose license has been lapsed for more than 5 years.

Indiana provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by CAPTE or a program that is approved by the Indiana Physical Therapy Committee. Applicants who graduate from a program outside the United States must obtain an evaluation showing the degree is equivalent to an educational program approved by the Indiana Physical Therapy Committee. Indiana does not require applicants to demonstrate a working knowledge of the English language. Applicants are required to take the NPTE for physical therapists or physical therapist assistants. Unlike Michigan, applicants are not required to take a jurisprudence examination related to the practice of physical therapy in the state. Like Michigan, Indiana provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on a biennial basis and licensees meet continuing education requirements to qualify for renewal. Indiana also has rules pertaining to relicensure requirements for applicants whose license has been lapsed for 3 years or less and for applicants whose license has been lapsed for more than 3 years.

Minnesota provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by CAPTE or a program that meets the accreditation requirements of CAPTE. All applicants who graduate from a program outside the United States must obtain an evaluation through the FCCPT and must obtain certification of passing the TOEFL. Applicants are required to take the NPTE for physical therapists or physical therapist assistants. Unlike Michigan, applicants are not required to take a jurisprudence examination related to the practice of the physical therapy in the state. Like Michigan, Minnesota provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on an annual basis, but licensees are only required to meet biennial continuing education requirements to qualify for renewal. Beginning in 2019, applicants will be required to take an examination on the practice of physical therapy in the state as part of the requirements for renewal. Minnesota requires applicants with a license that was not renewed within two annual license renewal cycles to fulfill all license requirements for an initial license.

New York provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by CAPTE. Applicants who graduate

from a program outside the United States that is not accredited by CAPTE must obtain an evaluation from FCCPT or the Commission on Graduates of Foreign Nursing Schools. New York does not require applicants to demonstrate a working knowledge of the English language or take the TOEFL. Applicants are required to take the NPTE for physical therapists or physical therapist assistants. Unlike Michigan, applicants are not required to take a jurisprudence examination related to the practice of the physical therapy in the state. Like Michigan, New York provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on a triennial basis and licensees must meet continuing education requirements to qualify for renewal. New York also has rules pertaining to relicensure requirements for an applicant whose license has been lapsed for 3 years or less and for an applicant whose license has been lapsed for more than 3 years.

Ohio provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by CAPTE. Applicants who graduate from a program outside the United States must obtain an evaluation showing the degree is equivalent to an educational program accredited by CAPTE. Ohio requires all foreign-educated applicants to demonstrate a working knowledge of English, which can be demonstrated by passing the TOEFL. Applicants are required to take the NPTE for physical therapists or physical therapist assistants, as well as a jurisprudence examination related to the practice of physical therapy in the state. Like Michigan, Ohio provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on a biennial basis and licensees must meet continuing education requirements to qualify for renewal. Ohio also has rules pertaining to relicensure requirements for an applicant whose license has been lapsed for less than 5 years and for an applicant whose license has been lapsed for 5 years or more.

Pennsylvania provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is accredited by CAPTE or another national organization recognized by the Pennsylvania State Board of Physical Therapy. Applicants who graduate from a program outside the United States must obtain an evaluation showing the degree is equivalent to an educational program accredited by one of the organizations approved by the board. Pennsylvania does not require any applicant to demonstrate a working knowledge of English or pass the TOEFL. Applicants are required to take the NPTE for physical therapists or physical therapist assistants. Unlike Michigan, applicants are not required to take a jurisprudence examination related to the practice of physical therapy in the state. Like Michigan, Pennsylvania provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on a biennial basis and licensees must meet continuing education requirements to qualify for renewal. Pennsylvania also has rules pertaining to relicensure requirements for an applicant whose license has been lapsed for less than 5 years and for an applicant whose license has been lapsed for 5 years or more.

Wisconsin provides for the licensure of physical therapists and physical therapist assistants. Applicants are required to have graduated from a program that is approved by the Wisconsin Physical Therapy Examining Board. Applicants who graduate from a program outside the United States must obtain an evaluation from a board approved foreign graduate evaluation service. Wisconsin does not require applicants to demonstrate a working knowledge of the English language or take the TOEFL. Applicants are required to take the NPTE for physical therapists or physical therapist assistants, as well as a jurisprudence examination related to the practice of physical therapy in the state. Like Michigan, Wisconsin provides an avenue for licensure by endorsement for those who are licensed in another state. In addition, a license must be renewed on a biennial basis and licensees must meet continuing education requirements to qualify for renewal. Wisconsin also has rules pertaining to relicensure requirements for an applicant whose license has been lapsed for less than 5 years and for an applicant whose license has been lapsed for 5 years or more.

A. If the rule(s) exceed standards in those states, explain why and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed other state standards.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rule(s).

There are no laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

A. Explain how the rule has been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

There are no federal, state, or local laws that duplicate, overlap, or conflict with the proposed rules.

Purpose and Objectives of the Rule(s):

4. Identify the behavior and frequency of behavior that the proposed rule(s) are designed to alter.

These rules provide for the licensure of physical therapists and physical therapist assistants. The proposed rules address the following:

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. This training is a one-time requirement that the rule applies to license renewals beginning with the first renewal cycle after the promulgation of the rule and for initial licensures beginning 5 years or more after the promulgation of the rule. The rule is intended to impose a one-time training requirement. The proposed rule provides a date for when the training requirements will apply to renewals and initial licensure to let applicants and licensees know exactly when the training must be completed.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The rule adopts by reference the CAPTE Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists. The document adopted by reference is no longer in use. The proposed rule eliminates references to adopted standards that are outdated and adopts current standards used by the CAPTE for accrediting physical therapist educational programs.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The rule is vague, which can make it difficult for applicants to locate the licensure by examination requirements. The rule refers to one specific examination as the examination on laws and rules related to the practice of physical therapy in this state but does not clearly name the examination. The proposed rule includes the minimum score and identifies the examination on state laws and rules as the Michigan Physical Therapist Jurisprudence Exam (MPTJE).

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The rule is redundant and needs clarification. The proposed rule provides the title of the examination (MPTJE), which will then be used elsewhere in the rules to be more concise, removes the minimum score requirement, and clarifies that the MPTJE is administered by a third party approved by the department.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The proposed rule seeks to remove language that directs applicants to submit applications and documentation to the department because the department is no longer determining eligibility. The current rule requires an applicant to submit to the department an application and documentation verifying that he or she is

enrolled in a final semester, term, or quarter of an approved physical therapist educational program and is expected to graduate. The proposed rule removes the requirements to submit anything to the department because the Federation of State Boards of Physical Therapy (FSBPT), which offers the NPTE for physical therapists, will be determining eligibility.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The proposed rule removes language that directs applicants who graduated from a nonaccredited educational program to submit applications and documentation to the department because the department is no longer determining eligibility. The proposed rule also names the evaluation tool, the Coursework Tool For Foreign Educated Physical Therapists, FSBPT requires applicants with nonaccredited education to use to sit for the NPTE for physical therapists. The current rule considers an evaluation tool as one option to show an educational program is substantially equivalent to an accredited program but does not specifically require it. FSBPT requires all evaluations that are acceptable to FSBPT for sitting for the NPTE for physical therapists to use the Coursework Tool For Foreign Educated Physical Therapists.

In addition, the proposed rule is designed to ensure applicants with nonaccredited education possess the minimum working knowledge of the English language that is necessary to protect the public. The current rule does not require applicants with nonaccredited education to demonstrate a working knowledge of the English language if the educational program was taught in English. This exception is vague because it is not clear what is meant by a program taught in English and whether applicants were required to read, listen, speak, and write in English while attending the program. The proposed rule requires an applicant to demonstrate a working knowledge of the English language by either obtaining a score of not less than 89 on the TOEFL-iBT or by having graduated from an educational program from a list of specific countries. The countries listed, Australia, provinces of Canada (except Quebec), Ireland, New Zealand, the United Kingdom, and the United States are all primarily English-speaking countries. The individual section scores in reading, listening, speaking, and writing, are also updated to reflect standards that FSBPT will begin requiring for the NPTE for physical therapists beginning in 2020. This will ensure applicants obtain a TOELF-iBT score that is sufficient to qualify for the NPTE for physical therapists.

R 338.7136: This rule pertains to requirements for licensure by endorsement for physical therapists. Currently applicants who have been licensed for 5 years or more in another jurisdiction recognized by FSBPT are required to pass the NPTE for physical therapists. The proposed rule seeks to clarify that these applicants do not need to retake the NPTE for physical therapists. The proposed rule also requires applicants to pass the MPTJE to ensure those who are licensed have demonstrated the knowledge necessary to safely practice on the public within Michigan.

In addition, currently applicants who have been licensed in another jurisdiction recognized by FSBPT for less than 5 years are required to have graduated from an accredited educational program or a program determined to be substantially equivalent under R 338.7135, pass the NPTE for physical therapists, and demonstrate a working knowledge of the English language pursuant to R 338.7135. The proposed rule clarifies that these applicants do not need to retake the NPTE for physical therapists. The proposed rule also requires applicants to take the MPTJE to ensure those who are licensed under the rule demonstrate the knowledge of state statutes and rules before they practice on the public in Michigan. The proposed rule is also updated to account for changes proposed to R 338.7135 by requiring applicants with nonaccredited education to satisfy the new requirements proposed for obtaining an evaluation and meeting the English language requirements.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. Currently applicants for relicensure are asked to establish that they have good moral character, but it is not required under the rule. In addition, the rule does not account for an individual whose license has lapsed

for less than 3 years but who has been practicing in another jurisdiction recognized by FSBPT during that time. Furthermore, the rule requires applicants to complete professional development requirement (PDR) credits during the 2 years immediately preceding the application. However, when the department determines an application contains deficient PDR credits, the department allows an applicant to make up the PDR credits within 2 years after the application date. Also, an applicant whose license has lapsed for 3 years or more is asked to submit fingerprints, but it is not explicitly required under the rule.

The proposed rule requires all applicants to establish good moral character to align the rule with the department's current practice of requiring it on application and allows all applicants to be exempt from completing PDR credits by showing employment for a minimum of 500 hours during the 2-year period immediately preceding the application to remove unnecessary barriers to mobility between states. It also requires an applicant whose license has lapsed for 3 years or more to submit fingerprints to align the rule with the department's current practice of requiring it on applications. Furthermore, the proposed rule clarifies that an applicant can complete deficient PDR credits within 2 years of the date of the application to align the rule with the department's current practice of allowing more time to correct an incomplete application.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The rule contains duplicative language that can create confusion or lead to inconsistency. Subrule (1) requires supervision that is consistent with MCL 333.16109(2). Subrule (2) requires general supervision and provides a definition of general supervision that is applicable only to subrule (2) of the rule. However, the definition of general supervision duplicates the definition of supervision found under MCL 339.16109(2) and required under subrule (1) of the rule. Subrule (3) of the rule also unnecessarily repeats the supervision requirement. The proposed rule removes the duplicate language and adds language that is consistent with MCL 333.16109(2).

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The rule requires direct supervision when the physical therapist is delegating to unlicensed individuals. The rule exempts students enrolled in an approved accredited physical therapist or physical therapist assistant educational program from the direct supervision requirement. The proposed rule defines "unlicensed individual" as one who does not hold a Michigan physical therapist or physical therapist assistant license to clarify that other health professionals who are licensed under the Public Health Code, 1978 PA 368, fall under the requirements of the rule. The proposed rule also removes the exemption from direct supervision of students enrolled in an approved educational program because direct supervision of students to which acts, tasks, or functions are delegated is necessary to protect the public safety.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The rule adopts by reference the Commission on Accreditation in Physical Therapy Education's (CAPTE) Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists Assistants. The adopted standard from CAPTE is no longer in use. The proposed rule is intended to eliminate reference to adopted standards that are outdated and adopt current standards used by CAPTE for accrediting physical therapist educational programs.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The rule is vague, which can make it difficult for applicants to locate all of the licensure by examination requirements. The rule refers to one specific examination as the examination on laws and rules related to the practice of physical therapy in this state but does not clearly name the examination. The proposed rule will include the minimum score and identify the examination on laws and rules as the Michigan Physical Therapist Assistant Jurisprudence Exam (MPTAJE).

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The rule is redundant and needs clarification. The proposed rule provides the title of the MPTAJE, which will then be used elsewhere in the rules to be more concise, removes the minimum score requirement, and clarifies that the examination is administered by a third party approved by the department.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The proposed rule seeks to remove language that directs applicants to submit applications and documentation to the department because the department is no longer determining eligibility. The current rule requires an applicant to submit to the department an application and documentation verifying that he or she is enrolled in a final semester, term, or quarter of an approved physical therapist educational program and is expected to graduate. The proposed rule removes the requirements to submit anything to the department because FSBPT will be determining eligibility.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants who graduated from a U.S. military or a nonaccredited physical therapist assistant educational program. The proposed rule seeks to remove language that directs applicants who graduated from a nonaccredited educational program to submit applications and documentation to the department because the department is no longer determining eligibility. The proposed rule also names the evaluation tool, Coursework Tool For Foreign Educated Physical Therapist Assistants, FSBPT requires applicants with nonaccredited education to use to sit for the NPTE for physical therapist assistants. The current rule considers an evaluation tool as one option to show an educational program is substantially equivalent to an accredited program but does not specifically require it. FSBPT requires all evaluations that are acceptable to FSBPT for sitting for the NPTE for physical therapist assistants to use the Coursework Tool For Foreign Educated Physical Therapists Assistants.

In addition, the proposed rule is designed to ensure applicants with nonaccredited education possess the minimum working knowledge of the English language that is necessary to protect the public. The current rule does not require applicants with nonaccredited education to demonstrate a working knowledge of the English language if the educational program was taught in English. This exception is considered vague because it is not clear what is meant by a program taught in English and whether applicants were required to read, listen, speak, and write in English while attending the program. The proposed rule requires an applicant to demonstrate a working knowledge of the English language by satisfying the requirements of R 338.7135(b) which requires either obtaining a score of not less than 89 on the TOEFL-iBT or by having graduated from an educational program from a list of specific countries. The countries listed, Australia, provinces of Canada (except Quebec), Ireland, New Zealand, the United Kingdom, and the United States are all primarily English-speaking countries. The individual section scores in reading, listening, speaking, and writing, are also updated to reflect standards that FSBPT will begin requiring for the NPTE for physical therapist assistants beginning in 2020. This will ensure applicants reading the proposed rule will obtain a TOEFL-iBT score that is sufficient to qualify for the NPTE for physical therapist assistants.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. Currently applicants who have been licensed for 5 years or more in another jurisdiction recognized by FSBPT are required to pass the NPTE for physical therapist assistants. The proposed rule seeks to clarify that these applicants do not need to retake the NPTE for physical therapist assistants. The proposed rule also requires applicants to pass the MPTAJE to ensure those who are licensed have demonstrated the knowledge of state statutes and rules that is necessary to safely practice on the public within Michigan.

In addition, currently applicants who have been licensed in another jurisdiction recognized by FSBPT for less than 5 years are required to have graduated from an accredited educational program or a program determined to be substantially equivalent under R 338.7147, pass the NPTE for physical

therapist assistants, and demonstrate a working knowledge of the English language pursuant to R 338.7147. The proposed rule seeks to clarify that these applicants do not need to retake the NPTE for physical therapist assistants. The proposed rule also requires applicants to take the MPTAJE to ensure those who are licensed under the rule demonstrate the knowledge of state statutes and rules that is necessary to safely practice on the public in Michigan. The proposed rule is also updated to account for changes proposed to R 338.7147 by requiring applicants with nonaccredited education to satisfy the new requirements proposed for obtaining an evaluation and meeting the English language requirements.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. Currently applicants for relicensure are asked to establish that they have good moral character, but it is not required under the rule. In addition, the rule does not account for an individual whose license has lapsed for less than 3 years but who has been practicing in another jurisdiction recognized by FSBPT during that time. Furthermore, the rule requires applicants to complete professional development requirement (PDR) credits during the 2 years immediately preceding the application. However, when the department determines an application contains deficient PDR credits, the department allows an applicant to make up the PDR credits within 2 years of the application date. Also, an applicant whose license has lapsed for 3 years or more is asked to submit fingerprints, but it is not explicitly required under the rule.

The proposed rule requires all applicants to establish good moral character to align the rule with the department's current practice of requiring it on applications and allows all applicants to be exempt from completing PDR credits by showing employment for a minimum of 500 hours during the 2-year period immediately preceding the application to remove unnecessary barriers to mobility between states. It also requires an applicant whose license has lapsed for 3 years or more to submit fingerprints to align the rule with the department's current practice of requiring it on applications. Furthermore, the proposed rule clarifies that an applicant can complete deficient PDR credits within 2 years of the date of the application to align the rule with the department's current practice of allowing more time to correct an incomplete application.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The rule requires an applicant to complete PDR credits during the 2-year period immediately preceding a renewal application. In addition, the general provisions of the Public Health Code, specifically MCL 333.16201(2), allow a license to be renewed within 60 days after the expiration date of the license. Because of the rule and MCL 333.16201(2), a physical therapist or physical therapist assistant who does not complete the required PDR credits before the license expires may apply for renewal and complete the credits within 60 days after the license expires. However, MCL 333.17823 requires a physical therapist or physical therapist assistant to complete the PDR credits during the preceding license term, which ends on the expiration date of the license. The proposed rule requires completing the PDR credits before the license expires to prevent the practice of completing the PDR credits outside of the license term.

In addition, the rule will be amended to require applicants to maintain documentation of the completed PDR credits for 4 years after a renewal application. The proposed rule is designed to ensure applicants maintain documentation for a period of time that is equal to the audit-lookback period used by the department.

R 338.7163: This rule pertains to acceptable professional development requirement (PDR) activities. The proposed rule clarifies the required amount of time that must be spent on a qualifying activity to receive credit to eliminate confusion. Certain activities require 50 to 60 minutes of participation to receive credit. The proposed rule eliminates the range of time by specifically requiring 50 minutes of continuous instruction and defines the meaning of continuous instruction. In addition, the proposed rule updates activity code 9 to remove an option for providing a specialty certification from an organization

approved by the board because the board has not approved any certifications and does not anticipate a need to approve any in the future.

The proposed rule also updates activity code 19 to clarify that a self-review tool developed by FSBPT is required instead of a practice review tool. The FSBPT has implemented and removed various review tools over time, some of which only offered general practice review. The board does not consider general practice review tools to be adequate activities for professional development because it does not affirm the licensee's knowledge and identify opportunities for growth. The FSBPT has developed review tools that are described by FSBPT to be self-review tools, which the proposed rule deems as acceptable. The FSBPT has developed one self-review tool that is in use. The proposed rule allows for accepting future review tools that FSBPT designated as a self-review tool.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rule(s).

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. The proposed rule requires licensees to obtain the training one time and provides the date that it is required for all applicants and licensees.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The proposed rule will no longer rely on the Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists for determining if a physical therapist educational program is accredited. The proposed rule will only consider an educational program to be accredited if it meets the newly adopted CAPTE PT Standards and Required Elements.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The proposed rule will allow applicants to locate and more easily understand the specific requirements for licensure by examination when reviewing the rules.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The proposed rule will provide clarity regarding what examination is required, eliminate redundant references to minimum score requirements, and eliminate inaccuracies over who administers the MPTJE.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The proposed rule will no longer direct applicants to apply to the department to take the NPTE for physical therapists.

R 338.7135: This rule pertains to eligibility to take the NPTE for physical therapists for applicants with nonaccredited education. The proposed rule will no longer direct applicants to apply to the department to take the NPTE for physical therapists. The proposed rule will clearly inform applicants what is required to establish that a nonaccredited educational program is substantially equivalent to an accredited educational program.

In addition, the proposed rule will ensure that applicants with nonaccredited training from an educational program taught in English, but which was not taught in a primarily English-speaking country, are able to demonstrate a working knowledge of the English language in the areas of reading, listening, speaking, and writing. Any applicants who are required to take the TOEFL-iBT will also need to obtain minimum section scores in reading, listening, speaking, and writing that FSBPT will impose as a requirement to take the NPTE for physical therapists beginning in 2020.

R 338.7136: This rule pertains to licensure by endorsement. The proposed rule will ensure all Michigan licensees have demonstrated the knowledge necessary to safely practice on the public

within Michigan by requiring the MPTJE and prevent those seeking licensure by endorsement from having to take the NPTE for physical therapists more than once. In addition, the proposed rule will ensure that applicants who have practiced for less than 5 years in another jurisdiction recognize by FSBPT and who do not have an accredited education, possess the minimum working knowledge of the English language that is necessary to protect the public and have obtained an evaluation of the nonaccredited education that is accepted by FSBPT.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The proposed rule is estimated to provide greater opportunity for mobility to Michigan licensees by allowing a licensee with a license that has lapsed for less than 3 years to become relicensed by establishing that he or she has been employed as a physical therapist in another jurisdiction recognized by FSBPT. This will account for circumstances in which a licensee leaves Michigan but does not leave the practice of physical therapy. The proposed rule also informs an applicant that he or she is required to establish good moral character and, under certain circumstances, submit fingerprints. Furthermore, the proposed rule clarifies that an applicant is given 2 years to correct an incomplete application if it is determined that the PDR credits submitted with the application are deficient.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The proposed rule will clarify to the applicant the level of supervision that is required. However, no technical change should occur because the statutory requirements established for supervision prevail over conflicting requirements in the rule.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The proposed rule will clarify that other health professionals who are licensed under the Public Health Code, 1978 PA 368, fall under the requirements of the rule. The proposed rule is also estimated to require greater supervision of physical therapy and physical therapy assistant students enrolled in a physical therapist or physical therapist assistant educational program approved by the board because the proposed rule will require physical therapists to directly supervise those students.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The proposed rule will no longer rely on the Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists Assistants for determining if a physical therapist assistant educational program is accredited. The proposed rule only considers an educational program to be accredited if it meets the newly adopted CAPTE PTA Standards and Required Elements.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The proposed rule will allow applicants to more easily locate and understand the specific requirements for licensure by examination when reviewing the rules.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The proposed rule will provide clarity regarding what examination is required, eliminate redundant references to minimum score requirements, and eliminate inaccuracies over who administers the MPTAJE.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The proposed rule will no longer direct applicants to apply to the department to take the NPTE for physical therapist assistants.

R 338.7147: This rule pertains to eligibility to take the NPTE for physical therapist assistants for applicants with nonaccredited education. The proposed rule will no longer direct applicants to apply to the department to take the NPTE for physical therapist assistants. The proposed rule will clearly inform applicants what is required to establish that a nonaccredited educational program is substantially equivalent to an accredited educational program.

In addition, the proposed rule will ensure that applicants with nonaccredited training from an educational program not taught in a primarily English-speaking country are able to demonstrate a working knowledge of the English language in the areas of reading, listening, speaking, and writing. Any applicants who are required to take the TOEFL-iBT will also need to obtain minimum section scores in reading, listening, speaking, and writing that FSBPT will impose as a requirement to take the NPTE for physical therapist assistants beginning in 2020.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. The proposed rule will ensure all Michigan licensees have demonstrated the knowledge necessary to safely practice on the public within Michigan by requiring the MPTJE and prevent those seeking licensure by endorsement from having to take the NPTE for physical therapist assistants more than once. In addition, the proposed rules will ensure applicants who have practiced for less than 5 years in another jurisdiction recognized by FSBPT, who do not have an accredited education, possess the minimum working knowledge of the English language that is necessary to protect the public and have obtained an evaluation of the nonaccredited education that is accepted by FSBPT.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The proposed rule is estimated to provide greater opportunity for mobility to Michigan licensees by allowing a licensee with a license that has lapsed for less than 3 years to become relicensed by establishing that he or she has been employed as a physical therapist in another jurisdiction recognized by FSBPT. This will account for circumstances in which a licensee leaves Michigan but does not leave the practice of physical therapy. The proposed rule also informs an applicant that he or she is required to establish good moral character and, under certain circumstances, submit fingerprints. Furthermore, the proposed rule clarifies that an applicant is given 2 years to correct an incomplete application if it is determined that the PDR credits submitted with the application are deficient.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The proposed rule is estimated to eliminate the practice of completing PDR credits required for renewal outside of the license term. In addition, the proposed rule is estimated to ensure all applicants maintain documentation of completing the PDR credits for one year longer than the 3 years required under the current rule.

R 338.7163: This rule pertains to acceptable PDR activities. The proposed rule is expected to provide licensees clear criteria regarding the length of time that must be spent participating in activities that are based on a timed participation and clear requirements regarding what it means to be participating in the activity. In addition, the proposed rule provides licensees with specific certifications that are considered acceptable and eliminate the potential for requiring the board to consider other certifications on an ad hoc basis. The proposed rule also removes the ability for licensees to obtain PDR credits from general practice review tools that the board considers inadequate.

B. Describe the difference between current behavior/practice and desired behavior/practice.

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. The current rule applies the training requirements to license renewals beginning with the first renewal cycle after the promulgation of the rule and for initial licensure issued 5 or more years

after the promulgation of the rule. The proposed rule will provide a date for when the training requirements will apply to renewals and initial licenses.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The rule relies on standards for accrediting physical therapist educational programs that are no longer in use. The proposed rule will adopt the most recent CAPTE standards that are in current use.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The current rule can make it unnecessarily difficult for the applicant to locate all of the licensure by examination requirements. The proposed rule allows applicants to locate the specific licensure by examination requirements when reading the catchline pertaining to licensure by examination requirements.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The current rule is redundant and needs clarification. The proposed rule eliminates inaccuracies over what entity administers the MPTJE and eliminates redundant reference to minimum score requirements.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The current rule results in applicants submitting an application and documentation to the department to determine eligibility to take the NPTE for physical therapists. The proposed rule will require applicants to submit the application and documentation to the FSBPT, which is the entity that will now be determining eligibility.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The current rule results in applicants submitting an application and documentation to the department to determine eligibility to take the NPTE for physical therapists. The proposed rule will result in applicants submitting the application and documentation to the FSBPT, which is the entity that will now be determining eligibility. The current rule also considers an evaluation tool as one option to show an educational program is substantially equivalent to an accredited program but does not specifically require it. The proposed rule will name the Coursework Tool For Foreign Educated Physical Therapists as the evaluation tool that must be used, which is the tool FSBPT requires applicants with nonaccredited education to use to sit for the NPTE for physical therapists.

In addition, the current rule allows any applicant with nonaccredited training from an educational program taught in English to be exempted from taking the TOEFL-iBT. Those required to take the TOEFL-iBT are required to obtain minimum section scores that the FSBPT will no longer accept for taking the NPTE for physical therapists beginning in 2020. The proposed rule will ensure all applicants with nonaccredited training possess the minimum working knowledge of the English language by only exempting those applicants who were taught in specifically listed countries, which are all primarily English-speaking countries and require section scores on the TOEFL-iBT that are in alignment with what FSBPT will require in 2020. This will ensure applicants with nonaccredited education possess the minimum working knowledge of the English language that is necessary to protect the public.

R 338.7136: This rule pertains to licensure by endorsement for physical therapists. The language of the current rule can be read to require all applicants for licensure by endorsement to retake the NPTE for physical therapists. The proposed rule clarifies that applicants only need to pass the NPTE for physical therapists one time. In addition, currently applicants are not required to take an exam related to the practice of physical therapy in Michigan. The proposed rule will require the

MPTJE to ensure all licensees have the knowledge of state statutes and rules that is necessary to practice on the public in Michigan. The current rule also references requirements imposed on those with nonaccredited education that will no longer be applicable under the changes proposed for R 388.7135. The proposed rule updates references to the new requirements under proposed rule R 338.7135.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The rule only allows an individual whose license has lapsed for less than 3 years to be relicensed if he or she completed the required PDR credits. The proposed rule will create greater mobility by allowing an individual to be relicensed by establishing that he or she has been employed as a physical therapist in another jurisdiction for a minimum of 500 hours during the 2-year period immediately preceding the application to allow individuals greater mobility between states. Currently the rule does not contain provisions requiring fingerprints or establishing good moral character. The proposed rule adds requirements to establish good moral character and, under certain circumstances, submit fingerprints. Furthermore, the current rule does not inform an applicant that the department will allow him or her to make up deficient PDR credits within 2 years of the date of submitting the application. The proposed rule clarifies that an applicant is given more time to correct an incomplete application if it is determined that the PDR credits submitted with the application are deficient.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The rule contains unnecessarily duplicative language that can create confusion or lead to inconsistency. The proposed rule eliminates the duplicative language by referring only to the statutory provisions regarding supervision.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The rule requires direct supervision when the physical therapist is delegating to unlicensed individuals. The rule exempts students enrolled in an approved accredited physical therapist or physical therapist assistant educational program from the direct supervision requirement. The proposed rule defines “unlicensed individual” as one who does not hold a Michigan physical therapist or physical therapist assistant license to clarify that other health professionals who are licensed under the Public Health Code, 1978 PA 368, fall under the requirements of the rule. The proposed rule will also remove the exemption from direct supervision of students enrolled in an approved educational program and require that a physical therapist directly supervise them in accordance with the requirements of the rule.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The rule relies on standards for accrediting physical therapist assistant educational programs that are no longer in use. The proposed rule will adopt the most recent CAPTE standards.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The current rule makes it unnecessarily difficult for applicants to locate all of the licensure by examination requirements. The proposed rule seeks to allow applicants to locate and understand the specific licensure by examination requirements.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The current rule is redundant and needs clarification. The proposed rule provides clarity regarding what examination is required, eliminates inaccuracies over who administers the MPTAJE and eliminates redundant references to minimum score requirements.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The current rule results in applicants submitting an application and documentation to the department to determine eligibility to take the NPTE for physical therapist assistants. The proposed rule will result in applicants submitting the application and documentation to the FSBPT, which is the entity that will now be determining eligibility.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants with nonaccredited education. The current rule results in applicants submitting an application and documentation to the department to determine eligibility to take the NPTE for physical therapist assistants. The proposed rule will result in applicants submitting the application and documentation to the FSBPT, which is the entity that will now be determining eligibility. The current rule also considers an evaluation tool as one option to show an educational program is substantially equivalent to an accredited program but does not specifically require it. The proposed rule will name the Coursework Tool For Foreign Educated Physical Therapist Assistants as the evaluation tool that must be used, which is the tool FSBPT requires applicants with nonaccredited education to use to sit for the NPTE for physical therapist assistants.

In addition, the rule allows any applicant with nonaccredited training from an educational program taught in English to be exempted from taking the TOEFL-iBT. Those required to take the TOEFL-iBT are required to obtain minimum section scores that the FSBPT will no longer accept for taking the NPTE for physical therapist assistants beginning in 2020. The proposed rule ensures all applicants with nonaccredited training possess the minimum working knowledge of the English language by exempting applicants who were taught in specifically listed English-speaking countries and require section scores on the TOEFL-iBT that are in alignment with what FSBPT will require in 2020. This will ensure applicants with nonaccredited education possess the minimum working knowledge of the English language that is necessary to protect the public.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. The language of the current rule can be read to require all applicants for licensure by endorsement to retake the NPTE for physical therapist assistants. The proposed rule clarifies that applicants will need to pass the NPTE for physical therapist assistants only one time. In addition, applicants are not required to take a jurisprudence examination related to the practice of physical therapy in Michigan. The proposed rule requires the MPTJE to ensure all licensees have the knowledge of state statutes and rules that is necessary to practice on the public in Michigan. The current rule also references requirements imposed on those with nonaccredited education that will no longer be applicable because of the changes proposed for R 338.7147. The proposed rule will be updated to refer to the new requirements under proposed rule R 338.7147.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The rule only allows an individual whose license has lapsed for less than 3 years to be relicensed if he or she completed the required PDR credits. The proposed rule will create greater mobility by allowing an individual to be relicensed by establishing that he or she has been employed as a physical therapist in another jurisdiction for a minimum of 500 hours during the 2-year period immediately preceding the application to allow individuals greater mobility between states. Currently the rule does not contain provisions requiring fingerprints or establishing good moral character. The proposed rule adds requirements to establish good moral character and, under certain circumstances, submit fingerprints. Furthermore, the current rule does not inform an applicant that the department will allow him or her to make up deficient PDR credits within 2 years of the date of submitting the application. The proposed rule clarifies that an applicant is given more time to correct an incomplete application if it is determined that the PDR credits submitted with the application are deficient.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The rule allows an applicant to complete PDR credits prior to applying for renewal, which allows for completing credits after the license expires. This conflicts with the requirement to complete PDR credits during the license term under MCL 333.17823. The proposed rule is changed to require completing PDR credits before the license expires to align with the requirements of MCL 333.17823.

In addition, the rule requires an applicant to maintain documentation of completing PDR credits for 3 years after applying for renewal. The proposed rule requires an applicant to maintain the documentation for one year longer than the 3 years under the current rule to allow the department and a licensee to successfully conduct audits within the audit-lookback period used by the department.

R 338.7163: This rule pertains to acceptable PDR activities. The current rule provides a range of time required to participate in certain activities before earning credit in the activity. The proposed rule defines what constitutes an acceptable activity. In addition, the current rule allows the board to approve certain certifications on an ad hoc basis. The proposed rule eliminates this ability because the board does not receive such requests and does not anticipate ever approving certifications that are not currently listed in the rule. The current rule also allows credit for completing generalized practice review tools published by FSBPT. The proposed rule updates the form of review tool to a self-review tool published by FSBPT to ensure licensees complete a specific form of review tool that is adequate for PDR.

C. What is the desired outcome?

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. The desired outcome is to include the dates when licensees and new applicants must complete the training.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The proposed rule removes outdated standards that are no longer used and adopts the most current standards used by CAPTE.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The proposed rule includes all the requirements for licensure by examination within the same rule.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The desired outcome is to provide the specific examination that is required, eliminate redundant references to minimum score requirements, and provide accurate information regarding what entity administers the MPTJE.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The proposed rule prevents applicants from submitting applications and documentation that are required to take the NPTE for physical therapists to the department.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The desired outcome is to prevent applicants with nonaccredited education from submitting applications and documentation that are required to take the NPTE for physical therapists to the department. In addition, the proposed rule clarifies that the coursework tool named under the proposed rule is required for obtaining a valid evaluation. The proposed rule also ensures all applicants with nonaccredited training possess a minimum working

knowledge of the English language that is necessary to protect the public and impose TOEFL-iBT scores that will be required by FSBPT in 2020.

R 338.7136: This rule pertains to licensure by endorsement for physical therapists. The proposed rule ensures all applicants have taken the MPTJE and are not required to retake the NPTE for physical therapists. The proposed rule also ensures applicants, who have been licensed for less than 5 years and have nonaccredited education, meet the new requirements proposed under R 338.7135.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The proposed rule allows Michigan licensees who leave Michigan to practice in another state to return to Michigan and be relicensed with minimum licensure obstacles when the licensee has been actively working as a physical therapist. In addition, the proposed rule seeks to clarify the requirements contained on the department's relicensure applications that are not specified in the rule, such as establishing good moral character, providing fingerprints, and making up deficient PDR credits.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The proposed rule provides clarity over the level of supervision a physical therapist must provide for a physical therapist assistant.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The proposed rule clarifies that a physical therapist may delegate to other licensed health professionals and must provide greater supervision over students enrolled in an accredited educational program approved by the board.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The proposed rule removes outdated standards that are no longer used and adopts the most current standards used by CAPTE.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The proposed rule places all the requirements for licensure by examination within the same rule.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements for physical therapist assistants. The desired outcome is to inform the applicant what specific examination is required, eliminate redundant references to minimum score requirements, and provide accurate information regarding who administers the MPTAJE.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The proposed rule prevents applicants from submitting applications and documentation that is required to take the NPTE to the department.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants with nonaccredited education. The desired outcome is to prevent applicants with nonaccredited education from submitting applications and documentation that are required to take the NPTE for physical therapist assistants to the department. In addition, the proposed rule clarifies that the coursework tool named under the proposed rule is required for obtaining a valid evaluation. The proposed rule also ensures applicants, who have been licensed for less than 5 years in another jurisdiction recognized by FSBPT, with nonaccredited training possess a minimum working knowledge of the English language that is necessary to protect the public and imposes TOEFL-iBT scores that will be required by FSBPT in 2020.

R 338.7148: This rule pertains to licensure by endorsement of a physical therapist assistant. The proposed ensures all licensees have taken the MPTAJE and are not required to retake the NPTE. The proposed rule also ensures applicants who have been licensed for less than 5 years and have nonaccredited education meet the new requirements proposed under R 338.7147.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The proposed rule allows Michigan licensees who leave Michigan to practice in another state to return to Michigan and be relicensed with minimum licensure obstacles when the licensee has been actively working as a physical therapist. In addition, the proposed rule seeks to clarify the requirements contained on the department's relicensure applications that are not specified in the rule, such as establishing good moral character, providing fingerprints, and making up deficient PDR credits.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The desired outcome of the proposed rule is to ensure an applicant for renewal completes PDR credits during the time period required under MCL 333.17823 and ensure an applicant maintains documentation of completing the PDR credits for a time period long enough to allow the department and a licensee to successfully conduct audits.

R 338.7163: This rule pertains to acceptable PDR activities. The rule provides consistent time calculations for earning credits and eliminates activities the board does not intend to be used to satisfy the PDR requirements.

5. Identify the harm resulting from the behavior that the proposed rule(s) are designed to alter and the likelihood that the harm will occur in the absence of the rule.

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. The proposed rule includes the date for when this training is required for all licensees and applicants.

R 338.7131: This rule pertains to adopted standards for accrediting physical therapist educational programs. The rule adopts standards that are no longer in use. The proposed rule is designed to use the most updated standards used by CAPTE. Harm is likely to occur in the absence of the rule change because it will maintain adopted standards that are not used.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The rule makes it difficult for applicants to easily locate and understand all of the licensure by examination requirements. Harm is likely to occur to the extent that applicants will misunderstand the licensure requirements because they do not understand that they need to look to multiple rules to locate all of the licensure by examination requirements.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The rule provides incorrect information to applicants because the examination is not administered by the department and it does not inform applicants what specific examination is required. Harm is likely to occur to the extent that applicants are made to believe that the department administers the examination and applicants are not informed of the name of the specific examination that is required.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The proposed rule prevents applicants from submitting applications and documentation that is required to take the NPTE for physical therapists to the department. In the absence of the proposed rule, applicants will submit information to the wrong entity, which delays the process for obtaining approval to sit for the exam.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The proposed rule prevents applicants from submitting applications and documentation that is required to take the NPTE to the department. Harm is likely to occur to the extent that applicants will submit information to the wrong entity, which will delay the process for obtaining approval to sit for the exam. Also, the FSBPT requires applicants for the NPTE for physical therapists who have nonaccredited education to obtain an evaluation using the FSBPT Coursework Tool For Foreign Educated Physical Therapist. Harm is likely to occur in the absence of the proposed rule to the extent that, even if an applicant obtains an evaluation that is substantially equivalent to the tool, he or she will be denied eligibility to sit for the NPTE for physical therapists.

Under the rule, applicants with nonaccredited training obtained from a program that was taught in English are not required to demonstrate a working knowledge of the English language. However, completing a training program taught in English does not ensure an individual possesses a working knowledge of the English language. Individuals may use resources and books written in a native language other than English and successfully complete a program that is taught in English. In the absence of the proposed rule, some applicants with a nonaccredited education from a program taught in English do not possess the minimum working knowledge of the English language that is necessary to protect the public. In addition, because FSBPT will begin requiring minimum section scores to take the NPTE for physical therapists in 2020, the rule must be updated to avoid imposing requirements that are insufficient to qualify for the NPTE for physical therapists. In the absence of the proposed rule, applicants will rely on the current rule and be unable to qualify for the NPTE for physical therapists.

R 338.7136: This rule pertains to requirements for licensure by endorsement for physical therapists. The rule is unclear about the examination requirement. The proposed rule refers to new requirements proposed under R 338.7135 that will apply to applicants for licensure by endorsement who have been licensed for less than 5 years in a jurisdiction recognized by FSBPT and who do not have accredited education. In the absence of the proposed rule, applicants may be required to unnecessarily retake the NPTE for physical therapists, individuals will be licensed in Michigan without having demonstrated the knowledge of the rules and statutes relevant to the practice of physical therapy and the rule will refer to requirements that are no longer under R 338.7135.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The proposed rule seeks to clarify that establishing good moral character and, in certain circumstances, submitting fingerprints are required for relicensure. Harm is likely to occur to the extent that applicants can claim they are not required to establish good moral character or submit fingerprints. In addition, the proposed rule seeks to avoid penalizing a licensee whose license has lapsed for less than 3 years by imposing lighter requirements than an applicant seeking licensure by endorsement. In the absence of the proposed rule, harm is likely to occur to the extent that licensees who remain actively engaged as a physical therapist experience an unnecessary burden when attempting to become relicensed. Furthermore, the proposed rule seeks to inform an applicant that he or she has an opportunity to make up deficient PDR credits within 2 years after the application was submitted. Harm is likely to occur to the extent that an applicant may not be aware of their option to complete deficient PDR credits.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The proposed rule is designed to prevent multiple interpretations or conflicting interpretations of the supervision requirements established in MCL 333.16109(2). In the absence of the rule, harm is likely to occur to the extent licensees may rely on the rule to determine their compliance but find themselves violating the technical requirements of the statute.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The proposed rule seeks to require greater supervision of students and clarify that physical therapists may

delegate to other licensed health professionals. In the absence of a proposed rule, students would not receive the level of supervision that the board deems necessary to protect the public.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The rule adopts standards that are outdated. The proposed rule is designed to use the most updated standards used by CAPTE. Harm is likely to occur in the absence of the rule change because it will maintain adopted standards that are not used.

R 338.7142: This rule pertains to licensure by examination requirements for physical therapist assistants. The proposed rule is designed to make it easier for applicants to locate all the examination requirements when searching for the catchline regarding licensure by examination requirements and to clarify the name of the MPTAJE. Harm is likely to occur to the extent that applicants must know to look to more than one rule to determine all of the licensure by examination requirements.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The language of the current rule makes it difficult to determine what specific examination is required and what entity administers the examination. The proposed rule provides clarity on these issues thus making it easier for applicants to understand that FSBPT administers the NPTE for physical therapist assistants and an entity appointed by the department administers the MPTAJE.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The proposed rule prevents applicants from submitting applications and documentation that is required to take the NPTE for physical therapist assistants to the department. In the absence of the proposed rule, harm is likely to occur to the extent that applicants will submit information to the wrong entity, which will delay the process for obtaining approval to sit for the exam.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants with nonaccredited education. The proposed rule prevents applicants from submitting applications and documentation that is required to take the NPTE for physical therapist assistants to the department. Harm is likely to occur to the extent that applicants will submit information to the wrong entity, which will delay the process for obtaining approval to sit for the exam. Also, the FSBPT requires applicants for the NPTE for physical therapist assistants who have nonaccredited education to obtain an evaluation using the FSBPT Coursework Tool For Foreign Educated Physical Therapist. Harm is likely to occur in the absence of the proposed rule to the extent that even if an applicant obtains an evaluation that is substantially equivalent to the tool they will be denied eligibility to sit for the NPTE for physical therapist assistants.

Under the rule, applicants with nonaccredited training obtained from a program that was taught in English are not required to demonstrate a working knowledge of the English language. However, completing a training program taught in English does not ensure an individual possesses a working knowledge of the English language. In the absence of the proposed rule, harm is likely to occur to the extent that some applicants with a nonaccredited education from a program taught in English do not possess the minimum working knowledge of the English language that is necessary. In addition, because FSBPT will begin requiring minimum section scores to take the NPTE for physical therapist assistants in 2020, the rule must be updated to avoid imposing requirements that are insufficient to qualify for the NPTE for physical therapist assistants. In the absence of the proposed rule, harm is likely to occur because applicants will rely on the current rule but be unable to qualify for the NPTE for physical therapist assistants.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. The rule can be read to require applicants for licensure by endorsement to retake the NPTE for physical therapist assistants and it does not require the applicants to take the MPTAJE. This allows individuals to be

licensed in Michigan without having demonstrated the knowledge of the statutes and rules necessary to safely practice on the public within Michigan. In addition, the proposed rule refers to new requirements proposed under R 338.7147 that will apply to applicants for licensure by endorsement who have been licensed for less than 5 years in a jurisdiction recognized by FSBPT and who do not have accredited education. In the absence of the rule, harm is likely to occur because applicants may be required to unnecessarily retake the NPTE for physical therapist assistants, individuals will be licensed in Michigan without having to take the MPTAJE, and the rule will refer to requirements that are no longer under R 338.7147.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The proposed rule seeks to clarify that establishing good moral character and, in certain circumstances, submitting fingerprints are required for relicensure. Harm is likely to occur to the extent that applicants can claim they are not required to establish good moral character or submit fingerprints. In addition, the proposed rule seeks to avoid penalizing a licensee whose license has lapsed for less than 3 years by imposing lighter requirements than an applicant seeking licensure by endorsement. In the absence of the proposed rule, harm is likely to occur to the extent that licensees who remain actively engaged as a physical therapist experience an unnecessary burden when attempting to become relicensed. Furthermore, the proposed rule seeks to inform an applicant that he or she has an opportunity to make up deficient PDR credits within 2 years after the application was submitted. Harm is likely to occur to the extent that an applicant may not be aware of their option to complete deficient PDR credits.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The proposed rule prevents a licensee from completing PDR credits required for renewal outside the timeframe permitted under MCL 333.17823 and allow the department and a licensee to successfully complete audits. In the absence of the proposed rule, a licensee can comply with the requirements of the current rule and be in violation of MCL 333.17823 at the same time. In addition, in the absence of the proposed rule, the department is unable to successfully conduct audits with a licensee because audits are not conducted within 3-year timeframes.

R 338.7163: This rule pertains to acceptable PDR activities. The proposed rule creates a consistent calculation for receiving PDR credits to ensure that licensees are obtaining credit in activities the board considers adequate to satisfy the PDR requirements. Harm is likely to occur in the absence of the proposed rule because licensees are allowed to obtain credits in activities that are not considered adequate to provide the professional development the board deems necessary for the continuing safe practice of the profession.

A. What is the rationale for changing the rule(s) instead of leaving them as currently written?

R 338.7126: This rule pertains to training standards for identifying victims of human trafficking. This training is a one-time requirement that the rule applies to license renewals beginning with the first renewal cycle after the promulgation of the rule and for initial licensure. The rule will be updated to include the specific date for when this training must be completed.

R 338.7131: This rule pertains to accredited educational programs approved by the board and standards that are adopted by reference. The rule adopts by reference the CAPTE's Evaluative Criteria for Accreditation of Education Programs for the Preparation of Physical Therapists. The adopted standard from CAPTE is no longer in use. The rule will be updated to adopt CAPTE's current standard, the PT Standards and Required Elements effective January 1, 2016.

R 338.7132: This rule pertains to licensure by examination requirements for a physical therapist. The reason for changing the rule is to allow the applicant to easily locate the requirements and place the rules in a logical order.

R 338.7133: This rule pertains to examinations approved by the board and the passing score requirements. The reason for changing the rule is to allow applicants to determine who administers the MPTJE, remove unnecessarily duplicative requirements, and provide a concise name for the examination that is approved under the rule.

R 338.7134: This rule pertains to eligibility to take the NPTE for physical therapists. The reason for changing the rule is to ensure applicants do not submit applications and documentation that is required to take the NPTE for physical therapists to the department because the department does not determine eligibility.

R 338.7135: This rule pertains to eligibility to sit for the NPTE for physical therapists for applicants with nonaccredited education. The reason for changing the rule is to ensure applicants do not submit applications and documentation that is required to take the NPTE for physical therapists to the department because the department does not determine eligibility. In addition, the reason for changing the rule is to direct applicants with nonaccredited education to obtain an evaluation that will be accepted by the FSBPT to take the NPTE. The proposed rule will also be changed to ensure applicants with nonaccredited education demonstrate a minimum working knowledge of the English language that is necessary to protect the public and are able to qualify to take the NPTE for physical therapists.

R 338.7136: This rule pertains to licensure by endorsement for physical therapists. The reason for changing the rule is to prevent requiring applicants from unnecessarily retaking the NPTE for physical therapists, require all licensees to pass the MPTJE, and require those who have been licensed for less than 5 years in another jurisdiction recognized by FSBPT, who have nonaccredited education, to meet the requirements proposed under R 338.7135.

R 338.7137: This rule pertains to requirements for relicensure of a physical therapist. The reason for the proposed rule is to clarify that applicants for relicensure must establish good moral character and, in certain circumstances, provide fingerprints. In addition, the reason for the proposed rule is to avoid placing unnecessary relicensure requirements on those licensees who have left Michigan to practice in another state and have been actively engaged in the practice as a physical therapist. Furthermore, the reason for the proposed rule is to formalize the current practice of the department for allowing an applicant to complete deficient PDR credits within 2 years of the date of the application.

R 338.7138: This rule pertains to delegation of acts, tasks, functions, or interventions to a physical therapist assistant. The reason for the proposed rule is to prevent duplicative or conflicting requirements regarding the level of supervision that is required.

R 338.7139: This rule pertains to delegation of acts, tasks, or functions to an unlicensed individual. The rule requires direct supervision when the physical therapist is delegating to unlicensed individuals. The rule exempts students enrolled in an approved accredited physical therapist or physical therapist assistant educational program from the direct supervision requirement. The proposed rule defines “unlicensed individual” as one who does not hold a Michigan physical therapist or physical therapist assistant license to clarify that other health professionals who are licensed under the Public Health Code, 1978 PA 368, fall under the requirements of the rule. The proposed rule will also remove the exemption from direct supervision of students enrolled in an approved educational program and require that a physical therapist directly supervise them in accordance with the requirements of the rule.

R 338.7141: This rule pertains to adopted standards for accrediting physical therapist assistant educational programs. The rule adopts by reference the CAPTE’s Evaluative Criteria for

Accreditation of Education Programs for the Preparation of Physical Therapists Assistants. The adopted standard from CAPTE is no longer in use. The rule will be updated to adopt CAPTE's current standard: The PTA Standards and Required Elements effective, January 1, 2016.

R 338.7142: This rule pertains to licensure by examination requirements for a physical therapist assistant. The reason for changing the rule is to allow applicants to easily locate the requirements and place the rules in a logical order.

R 338.7145: This rule pertains to examinations approved by the board and the passing score requirements. The reason for changing the rule is to allow applicants to determine who administers the exam, avoid unnecessarily duplicative requirements that will be moved to other rules in the proposed rules, and provide a concise name for the MPTAJE that is approved under the rule.

R 338.7146: This rule pertains to eligibility to take the NPTE for physical therapist assistants. The reason for changing the rule is to ensure applicants do not submit applications and documentation that is required to take the NPTE for physical therapist assistants to the department because the department does not determine eligibility.

R 338.7147: This rule pertains to eligibility to sit for the NPTE for physical therapist assistants for applicants with nonaccredited education. The reason for changing the rule is to ensure applicants do not submit applications and documentation that are required to take the NPTE for physical therapist assistants to the department because the department does not determine eligibility. In addition, the reason for changing the rule is to direct applicants with nonaccredited education to obtain an evaluation that will be accepted by the FSBPT to take the NPTE for physical therapist assistants. The proposed rule will also be changed to ensure applicants with nonaccredited education demonstrate a minimum working knowledge of the English language that is necessary to protect the public and are able to qualify to take the NPTE for physical therapist assistants.

R 338.7148: This rule pertains to licensure by endorsement for physical therapist assistants. The reason for changing the rule is to prevent applicants from unnecessarily retaking the NPTE for physical therapist assistants, require all licensees to pass the MPTAJE, and require those who have been licensed for less than 5 years in another jurisdiction recognized by FSBPT, who have nonaccredited education, to meet the requirements proposed under R 338.7147.

R 338.7149: This rule pertains to requirements for relicensure of a physical therapist assistant. The reason for the proposed rule is to clarify that applicants for relicensure must establish good moral character and, in certain circumstances, provide fingerprints. In addition, the reason for the proposed rule is to avoid placing unnecessary relicensure requirements on those licensees who have left Michigan to practice in another state and have been actively engaged in the practice as a physical therapist. Furthermore, the reason for the proposed rule is to formalize the current practice of the department for allowing an applicant to complete deficient PDR credits within 2 years of the date of the application.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The reason for the proposed rule is to prevent a conflict between the requirements of the rule and requirements under MCL 333.17823. In addition, the reason for the proposed rule is to allow the department to successfully conduct audits within the audit-lookback period that is used across all professions.

R 338.7163: This rule pertains to acceptable PDR activities. The reason for the proposed rule is to clarify the specific length of time required for certain activities and ensure licensees obtain credits in activities the board considers acceptable to satisfy the PDR requirements.

6. Describe how the proposed rule(s) protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rules provide regulatory requirements for the practice of physical therapy. To protect the health, safety, and welfare of Michigan's citizens, it is important that members of the profession meet minimum education and training standards for licensure. The proposed rules provide updated standards, clarification to vague language, improved formatting, and updates to rules to align with statutory changes.

7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 338.7124: This rule pertains to prohibited conduct. The rule imposes requirements that are already in statute. The rule is being rescinded because it is duplicative of statute.

Fiscal Impact on the Agency:

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursement rates, etc. over and above what is currently expended for that function. It does not include more intangible costs or benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

8. Describe the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings).

The proposed rules are not expected to have a fiscal impact to the department.

9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rule(s).

No agency appropriation has been made and no funding source has been provided for any expenditures associated with the proposed rules.

10. Describe how the proposed rule(s) is necessary and suitable to accomplish its purpose, in relationship to the burden(s) it places on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

The proposed rules provide a mechanism for the licensing and regulation of individuals seeking to practice physical therapy in this state, as required by statute.

The proposed changes to R 338.7126, R 338.7131, R 338.7132, R 338.7133, R 338.7134, R 338.7137, R 338.7138, R 338.7139, R 338.7141, R 338.7142, R 338.7145, R 338.7146, R 338.7149, and R 338.7163 update adopted standards, eliminate ambiguous language, and provide clarity to licensees to assist them with understanding and complying with the requirements under the rules. The changes to these proposed rules do not impose burdens on individuals that are more restrictive than the burdens imposed under the current rules.

R 338.7135 and R 338.7147: These rules pertain to eligibility to sit for the NPTE for physical therapists and NPTE for physical therapist assistants for applicants with nonaccredited education. Removing the exception that allowed applicants to satisfy the requirement of demonstrating a working knowledge of the English language if the nonaccredited educational program was taught in English may require more applicants to satisfy the TOEFL-iBT requirement. Only applicants with nonaccredited training from an educational program that was taught in one of the primarily English-speaking countries listed are exempt under the proposed rules. The cost for satisfying the TOEFL-iBT requirement will not change, but more applicants may be required to meet the TOEFL-iBT requirement. The proposed changes are

necessary to protect the public safety by ensuring applicants have demonstrated a minimum level of knowledge of the English language that is necessary to safely practice physical therapy within the state of Michigan.

R 338.7136 and R 338.7148: These rules pertain to licensure by endorsement for physical therapists and physical therapist assistants. The cost for passing the MPTJE and MPTAJE will not change, but more applicants may be required to pass the MPTJE and MPTAJE. The proposed changes are necessary to protect the public safety by ensuring applicants have demonstrated the knowledge of the statutes and rules pertaining to physical therapy that is necessary to safely practice physical therapy within the state of Michigan.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The proposed changes eliminate the ability for applicants who submit late renewal applicants from completing PDR credits within the 60-day late renewal application period. However, the proposed changes are necessary to ensure the rule complies with the statutory requirement under MCL 333.17823 that requires applicants for renewal to complete PDR credits during the license term, which ends on the expiration date of the license. In addition, the proposed changes require applicants to retain documentation of completing PDR credits for 4 years after the renewal application to allow the department to ensure licensees are in compliance with the rules because the department uses an audit-lookback period of 4 years.

A. Despite the identified burden(s), identify how the requirements in the rule(s) are still needed and reasonable compared to the burdens.

R 338.7135 and R 338.7147: These rules pertain to eligibility to sit for the NPTE for physical therapists and NPTE for physical therapist assistants for applicants with nonaccredited education. The proposed rules are necessary to ensure an applicant with nonaccredited education who is taught in a country where English is not the primary language possesses the minimum working knowledge of the English language that is necessary to protect the public. The cost and burdens associated with taking the TOEFL-iBT is necessary, suitable, and the least burdensome means for these applicants to demonstrate a working knowledge of the English language.

R 338.7136 and R 338.7148: These rules pertain to licensure by endorsement for physical therapists and physical therapist assistants. The proposed rules are necessary to ensure all Michigan licensees have demonstrated the minimum knowledge necessary to safely practice on the public within Michigan. The cost and burdens associate with taking the MPTJE and MPTAJE is necessary, suitable, and the least burdensome means for these applicants to demonstrate their ability to safely practice on the public within Michigan.

R 338.7161: This rule pertains to renewal of a physical therapist license and a physical therapist assistant license. The proposed rule is necessary to ensure applicants for license renewal comply with the statutory requirements under MCL 333.17823. The burdens associated with completing PDR credits during the license term and retaining documentation of completing the PDR credits for 4 years is necessary, suitable, and the least burdensome means for ensuring applicants comply with the renewal requirements.

Impact on Other State or Local Governmental Units:

11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for such other state or local governmental units as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There is no expected increase or decrease in revenues to other state or local units, nor are there cost increases or reductions on other state or local government units anticipated because of the proposed rules.

A. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There is no expected increase or decrease in revenues to other state or local government units, nor are there cost increases or reductions on other state or local government units anticipated because of the proposed rules.

12. Discuss any program, service, duty or responsibility imposed upon any city, county, town, village, or school district by the rule(s).

The proposed rules do not impose any program, service, duty, or responsibility upon any city, county, town, village, or school district.

A. Describe any actions that governmental units must take to be in compliance with the rule(s). This section should include items such as record keeping and reporting requirements or changing operational practices.

The proposed rules do not impose any program, service, duty, or responsibility upon any city, county, town, village, or school district.

13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rule(s).

State and local government units will not incur additional expenditures because of implementing the proposed rules. Therefore, no appropriation or funding source is necessary.

Rural Impact:

14. In general, what impact will the rule(s) have on rural areas?

The proposed rules are not anticipated to have a disparate impact on rural areas.

A. Describe the types of public or private interests in rural areas that will be affected by the rule(s).

Public or private interests in rural areas will not be affected because the proposed rules do not impact rural areas. The proposed rules pertain to licensure of physical therapists and physical therapist assistants all over the state.

Environmental Impact:

15. Do the proposed rule(s) have any impact on the environment? If yes, please explain.

The proposed rules will have no impact on the environment.

Small Business Impact Statement:

16. Describe whether and how the agency considered exempting small businesses from the proposed rule(s).

No consideration was given to exempting small businesses because the proposed rules update licensure requirements on individuals not small businesses.

17. If small businesses are not exempt, describe (a) how the agency reduced the economic impact of the proposed rule(s) on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rule(s) upon small businesses as described below, per MCL 24.240(1)(a)-(d), or (b) the reasons such a reduction was not lawful or feasible.

No consideration was given to exempting small businesses because the proposed rules update licensure requirements on individuals not small businesses.

A. Identify and estimate the number of small businesses affected by the proposed rule(s) and the probable effect on small business.

The department does not collect or have access to information that would allow it to identify and estimate the number of small businesses that may be affected. It is not possible to estimate the number of small businesses affected by the proposed rules.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

Because the proposed rules pertain to individuals and not small businesses, there are no differing compliance or reporting requirements or timetables for small businesses. They are unnecessary for the proposed rules.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The proposed rules do not impose any reporting requirements on small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rule(s).

The department did not establish performance standards to replace design or operation standards.

18. Identify any disproportionate impact the proposed rule(s) may have on small businesses because of their size or geographic location.

The proposed rules affect individual licensees rather than small businesses. Therefore, the rules are not expected to have a disproportionate impact on small businesses based on size or geographic location.

19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rule(s).

The proposed rules do not require any reports and will not require increased costs to businesses because the rules impact individual licensees.

20. Analyze the costs of compliance for all small businesses affected by the proposed rule(s), including costs of equipment, supplies, labor, and increased administrative costs.

It is not anticipated that small businesses will incur any additional costs because the proposed rules apply to individuals not small businesses.

21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rule(s).

The proposed rules are not expected to require any legal, consulting, or accounting services in order for small businesses to comply with the proposed rules because the proposed rules affect individual licensees.

22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

The proposed rules are not expected to cause economic harm or adversely affect a small business' competition in the marketplace because the rules affect individual licensees rather than small businesses.

23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser

standards for compliance by small businesses.

The proposed rules do not exempt or provide different standards for small businesses because the rules impose requirements on individual licensees.

24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The department does not have the authority to exempt licensees that own a small business. If the department exempted small businesses, it would create a disparity in the regulation of a profession and have a negative impact on the public safety.

25. Describe whether and how the agency has involved small businesses in the development of the proposed rule(s).

Small businesses were not specifically involved because the proposed rules affect individual licensees; not small businesses.

- A. If small businesses were involved in the development of the rule(s), please identify the business(es).

No specific small businesses were involved in the development of the proposed rules.

Cost-Benefit Analysis of Rules (independent of statutory impact):

26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The proposed rules do not affect businesses or groups because the proposed rules impose requirements on individual licensees.

- A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rule(s).

The proposed rules do not affect businesses or groups because the proposed rules impose requirements on individual licensees.

- B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

There are no anticipated additional costs imposed upon businesses or other groups as a result of compliance because the proposed rules affect individual licensees; not businesses or other groups.

27. Estimate the actual statewide compliance costs of the proposed rule(s) on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

Licensees and applicants will continue to have minimal costs associated with the licensure, renewal, and relicensure requirements.

R 338.7135 and R 338.7147: These rules pertain to eligibility to sit for the NPTE for physical therapists and NPTE for physical therapist assistants for applicants with nonaccredited education. Removing the exception that allowed applicants to satisfy the requirement of demonstrating a working knowledge of the English language if the nonaccredited educational program was taught in English may require more applicants to satisfy the TOEFL-iBT requirement. Only applicants with nonaccredited training from an educational program that was taught in one of the primarily English-speaking countries listed are exempt under the proposed rule. The cost for satisfying the TOEFL-iBT requirement will not change, but more applicants may be required to meet the TOEFL-iBT requirement. The proposed change is necessary to protect the public safety by ensuring applicants have demonstrated a minimum level of knowledge of the English language that is necessary to safely practice physical therapy within the state of Michigan.

R 338.7136 and R 338.7148: These rules pertain to licensure by endorsement for physical therapists and physical therapist assistants. Minimum costs may be incurred as the result of requiring applicants to take the MPTJE and MPTAJE. The proposed changes are necessary to protect the public safety by ensuring applicants have demonstrated the knowledge of the statutes and rules pertaining to physical therapy that is necessary to safely practice physical therapy within the state of Michigan.

A. How many and what category of individuals will be affected by the rules?

All individuals seeking to be licensed as a physical therapist or physical therapist assistant in Michigan will be affected.

R 338.7135 and R 338.7147: These rules pertain to eligibility to sit for the NPTE for physical therapists and NPTE for physical therapist assistants for applicants with nonaccredited education. The proposed changes will affect all applicants with nonaccredited training from a country other than a country listed within the proposed rule.

338.7136 and R 338.7148: These rules pertain to licensure by endorsement for physical therapists and physical therapist assistants. The proposed changes will affect all applicants seeking licensure by endorsement.

B. What qualitative and quantitative impact does the proposed change in rule(s) have on these individuals?

R 338.7135 and R 338.7147: These rules pertain to eligibility to sit for the NPTE for physical therapists and NPTE for physical therapist assistants for applicants with nonaccredited education. The proposed changes will ensure applicants who graduate from a nonaccredited educational program possess the minimum level of knowledge of the English language that is necessary to safely practice physical therapy within the state of Michigan. All applicants who graduate from a nonaccredited educational program that was not taught in one of the primarily English-speaking countries listed will be required to pass the TOEFL-iBT only once to demonstrate possessing the required minimum level of knowledge of the English language.

R 338.7136 and R 338.7148: These rules pertain to licensure by endorsement for physical therapists and physical therapist assistants. The proposed changes will ensure applicants seeking licensure by endorsement possess the minimum knowledge of Michigan statutes and rules pertaining to physical therapy necessary to ensure they can safely practice physical therapy within the state of Michigan by taking the MPTJE and the MPTAJE.

28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule(s).

R 338.7137 and R 338.7149: This rule pertains to relicensure requirements for physical therapists and physical therapist assistants. The proposed changes will reduce costs to some applicants by eliminating the need to obtain PDR credits. The applicants that will be affected by this proposed change are those with a license that has lapsed for 3 years or less who have practiced in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately preceding the date of application for relicensure.

29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rule(s). Provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear, concise language, and eliminate vague language used in the rules. The rules also add requirements mandated by statute and ensure all applicants meet minimum requirements necessary to protect the public safety. These changes will help the public and licensees better understand the requirements for licensure.

30. Explain how the proposed rule(s) will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have a noticeable impact on business growth, job growth, or job elimination.

31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by their industrial sector, segment of the public, business size, or geographical location.

32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of a proposed rule(s) and a cost-benefit analysis of the proposed rule(s).

Commission on Accreditation in Physical Therapy Education
<http://www.capteonline.org>

Foreign Credentialing Commission of Physical Therapy
<http://www.fccpt.org>

Federation of State Boards of Physical Therapy
<http://www.fsbpt.org>

Illinois
<https://www.in.gov/pla/pt.htm>

Indiana
<https://www.idfpr.com/profs/pt.asp>

Minnesota
<https://mn.gov/boards/physical-therapy>

New York
<http://www.op.nysed.gov/prof/pt/>

Ohio
<http://otptat.ohio.gov/Physical-Therapy>

Pennsylvania
<http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/PhysicalTherapy>

Wisconsin
<https://dps.wi.gov/pages/Professions/PT/Default.aspx>

- A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rule(s).

No estimates were made because the rules are required by statute.

Alternatives to Regulation:

33. Identify any reasonable alternatives to the proposed rule(s) that would achieve the same or similar goals. Include any statutory amendments that may be necessary to achieve such alternatives.

There are no reasonable alternatives to the proposed rules because they are required by statute.

A. In enumerating your alternatives, include any statutory amendments that may be necessary to achieve such alternatives.

There are no reasonable alternatives to the proposed rules because they are required by statute.

34. Discuss the feasibility of establishing a regulatory program similar to that in the proposed rule(s) that would operate through private market-based mechanisms. Include a discussion of private market-based systems utilized by other states.

Private market-based mechanisms cannot serve as an alternative because statute requires the board and the department to promulgate rules. The regulation of physical therapy is a state function because the state is responsible for protecting the public health, safety, and welfare. All of the Great Lake states regulate the profession of physical therapy.

35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rule(s). This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

There are no reasonable alternatives to the proposed rules because they are required by statute. The proposed rules are necessary for the administration and enforcement of the licensure process.

Additional Information:

36. As required by MCL 24.245b(1)(c), describe any instructions on complying with the rule(s), if applicable.

The instructions for compliance are included in the rules.

 ↓ To be completed by the ORR ↓

PART 4: REVIEW BY THE ORR

Date RISCBA received:	10-24-2018
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Date RISCBA approved:	01/03/19
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Date of disapproval:	
Explanation:	