



Oregon

Tina Kotek, Governor

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Information related to House Bill 4071

House Committee on Behavioral Health and Health Care

February 13, 2024

Dear Chair Nosse,

Per your request, I am providing background information related to HB 4071 as introduced, as well as the -2 and -3 amendments as they pertain to the Temporary Authorization to practice.

It is our understanding that the intent of the bill is to streamline the licensure application process for applicants already holding a valid authorization to practice in another jurisdiction of the United States, if they have or intend to change their residency to the state of Oregon. The bill appears to direct the health boards to issue a temporary authorization to practice within 10 days of submittal of an application for licensure if the applicant has demonstrated to the board, as determined in rule, good standing in another “state” and competency to practice. The temporary authorization is good for a period of up to one year, allowing applicants up to that full year to complete any continuing education requirements. It is unclear if the bill would allow the boards to screen for criminal history under determinants of good standing, nor is it clear if the bill would allow for the creation of a fee to offset the costs of implementing and administering the temporary authorization program.

The bill, as currently written, would have limited benefit for applicants for licensure as a physical therapist (PT) or physical therapist assistant (PTA) in Oregon for a number of reasons. First, the Oregon Board of Physical Therapy (OBPT) typically approves applications for licensure by endorsement within days of submittal of a completed application. While there are exceptions, these are typically related to disclosures, incomplete or inaccurate information on the application requiring further investigation, or due to delays in application materials from 3rd parties, such as license verifications and verification of core competency to practice in the form of verification of education and examination. Under the bill, these items would still need to be verified prior to issuing the temporary authorization, as the bill language directs that the board shall issue the permit only if the requirements have been met. In effect, the bill would allow for PT or PTA applicants to defer only continuing education requirements for up to one year. The only continuing education required of PT or PTA applicants is the legislatively mandated course maintained by the Oregon Pain Management Commission, which is a free 1.5-hour course. This would result either in individuals treating patients for up to a year without completing this requirement, or, if completed expeditiously, would mean that in the vast majority of instances, the temporary authorization to practice would either not be triggered, since the applications typically are approved well before the ten days, or would result in minimal or no benefit for either the applicant or general public above current practice.



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PTs and PTAs licensed in other jurisdictions wishing to practice in Oregon currently have two pathways for licensure. They may apply as an endorsement applicant, as referenced above, or they may purchase a compact privilege to practice in Oregon through the Physical Therapy Compact Commission (PTCC), if their home jurisdiction is a compact member. Compact privileges are issued by the PTCC, not by the OBPT, and are issued the same day application is made. Applicants for a compact privilege in Oregon are required to complete an Oregon jurisprudence examination prior to application to the PTCC.

Licensure by endorsement does not have a residency requirement, and in fact, an estimated 20+% of our applicants do not intend to move permanently to Oregon, but rather are working on short-term contracts. Some do ultimately decide to stay and change residency to Oregon, but they often do not know this at time of application. PTs and PTAs working under a compact privilege, by definition, cannot reside in Oregon but must maintain residency in their home jurisdiction under the terms of the PTCC. Workforce shortages are often filled by applicants on short term contracts, and the residency requirement in the current bill would not assist these applicants. However, as noted, the vast majority of endorsement applications are processed within days, and in the case of compact privileges, issued the same day.

The cost to implement and administer the temporary authorizations may have a detrimental impact on the OBPT without added benefit to applicants or to patients of physical therapy in Oregon, as the OBPT would need to redesign licensing systems and processes to accommodate the temporary authorization even if rarely triggered. As the board is self-funded through licensing fees, the OBPT may need to raise fees in order to cover the implantation and ongoing administration costs even if rarely used.

The OBPT has made significant improvements in application processing since 2016, with the adoption of the PT Compact, and since 2020 with the implementation of an online application and self-service portal, which allows for electronic submittal of most application materials and 3rd-party documents, such as transcripts and license verifications. The OBPT is actively focused on other ways to further streamline licensing application processing, as well as all services.

Finally, we would recommend clarifying the language referencing “other state” to reference “jurisdiction”, to allow for individuals licensed in Washington D.C., Virgin Islands or Puerto Rico, for example, or otherwise clarify the jurisdiction of origin. We would also request clarification on inclusion of consideration of criminal background in determination of good standing, as well as ability of boards to assess related fees.

Thank you for the opportunity to provide information related to HB 4071.

Michelle Sigmund-Gaines
Executive Director