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Indicates New Matter

COMMITTEE REPORT

April 4, 2019

**H. 3703**

Introduced by Reps. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill

S. Printed 4/4/19--H.

Read the first time January 22, 2019.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3703) to amend Section 40‑45‑230, Code of Laws of South Carolina, 1976, relating to examination requirements for licensure by the Board of Physical Therapy Examiners, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 40‑45‑230(G), as contained in SECTION 1, by deleting the subsection in its entirety and inserting:

/ “(G) If an applicant fails the examination, whether or not taken in South Carolina, the applicant may take the examination a second time on payment of the examination fee and completion of an official application. If the applicant fails the examination for a second time, whether or not taken in this State, the applicant may take the examination a third time on payment of the examination fee and completion of an official application. If an applicant fails the examination a third time, whether or not taken in this State, the applicant may take the examination a fourth time on payment of the examination fee and completion of an official application. If an applicant fails the examination a fourth time, whether or not taken in this State, the applicant may take the examination a fifth time. If an applicant fails the examination a fifth time, the applicant, in addition to the requirements for the previous examination, must take courses the board may require and furnish evidence of completing these courses before taking the examination a sixth time. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Updated for Additional Agency Response**

**Introduced on January 22, 2019**

**State Expenditure**

This bill increases the maximum number of times an applicant may attempt the licensure examination for physical therapists (PT) and physical therapist assistants (PTA). These examinations are administered by the Federation of State Boards of Physical Therapy (FSBPT), and fees for the examination are paid directly to the federation. Current South Carolina law limits the number of examination attempts to three. This includes attempts in all states, not just South Carolina. Before a third attempt, the South Carolina Board of Physical Therapy Examiners (board) requires an applicant to complete additional coursework. This bill will increase the total number of examination attempts to six, which is the maximum number of attempts allowed by the FSBPT. In addition, this bill will delay the requirement for additional coursework until after the fifth failed attempt.

Physical therapists and physical therapist assistants are licensed by the Board of Physical Therapists, which is under the regulation of LLR. Because the examinations are administered by the FSBPT, LLR does not incur costs due to testing. In addition, the failure rate for these examinations is low. The FSBPT reports that an average of 90 percent of all PT and PTA applicants successfully pass the examination on their first attempt. Over the past three years, the state board has averaged 270 license applications per year, with an average of 29 applicants requiring retesting. While not able to determine an exact number, the board provided an anecdotal estimate of roughly 10 applicants that have been required to appear before the board over the last few years after failing the examination on a second attempt. Therefore, this bill will have no expenditure impact on LLR. This fiscal impact statement has been updated based on a response from LLR.

**State Revenue**

This bill increases the number of times an applicant for a PT or PTA license may attempt the licensure examination. Because the fee for the examination is paid directly to the FSBPT, LLR does not receive any revenue from the testing process. Therefore, this bill will have no revenue impact on LLR. This fiscal impact statement has been updated based on a response from LLR.

**Introduced on January 22, 2019**

**State Expenditure**

This bill increases the maximum number of times an applicant may attempt the licensure examination given by the Board of Physical Therapists. This bill applies to physical therapists and physical therapist assistants. Currently, an applicant may attempt the licensure examination a total of three times. This bill will increase that number to six. Physical therapists and physical therapist assistants are licensed by the Board of Physical Therapists, which is under the regulation of LLR. The expenditure impact of this bill is pending, contingent upon a response from the Department of Labor, Licensing and Regulation (LLR).

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40‑45‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS LICENSURE BY THE BOARD FROM TWO TO SIX; AND TO AMEND SECTION 40‑45‑260, RELATING TO LIMITS ON ATTEMPTS TO PASS LICENSURE EXAMINATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS, SO AS TO INCREASE THE MAXIMUM NUMBER OF SUCH ATTEMPTS FROM TWO TO SIX.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑45‑230(G) and (H) of the 1976 Code is amended to read:

“(G) If an applicant fails the examination, whether or not taken in South Carolina, the applicant may take the examination a second time on payment of the examination fee and completion of an official application. If the applicant fails the examination for a second time, whether or not taken in this State, the applicant may take the examination a third time on payment of the examination fee and completion of an official application. If an applicant fails the examination a third time, whether or not taken in this State, the applicant may take the examination a fourth time on payment of the examination fee and completion of an official application. If an applicant fails the examination a forth time, whether or not taken in this State, the applicant may take the examination a fifth time, the applicant, in addition to the requirements for the previous examination, must take courses the board may require and furnish evidence of completing these courses before taking the examination a sixth time.

(H) No person may be licensed under this chapter if the person has failed the examination ~~three~~ six or more times, whether or not the exam was taken in South Carolina.”

SECTION 2. Section 40‑45‑260(D) of the 1976 Code is amended to read:

“(D) The board must not issue a physical therapist or physical therapist assistant license to an applicant who has failed to achieve a passing score ~~three~~ six or more times on a board‑approved licensure examination.”

SECTION 3. This act takes effect upon approval by the Governor.

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