



The NPTE Test Accommodations Game: PT Board in the Middle?

This article is based on a presentation by Jean Bickal, JD, Nancy R. Kirsch, PT, DPT, PhD, FAPTA, and Beth Sarfaty, PT, MB at the 2014 FSBPT Annual Meeting.

The number and types of National Physical Therapy Examination (NPTE) accommodation requests are increasing each year. Yet the bottom line may be whether candidates – especially those who receive accommodations in school and on the NPTE – can actually do the job of a competent physical therapist after receiving a university degree and passing the NPTE.

This presentation looked at some of the laws, rules, and regulations that govern accommodations and asked attendees how they would handle specific situations.

The primary law dictating accommodations for exam takers is the Americans with Disabilities Act (ADA). In addition, the Board and NPTE presenters need to be aware of Section 504 of the Rehabilitation Act. It has no Individualized Education Program (IEP), but has a specialized plan that allows for some accommodation. There is also the Family Education Rights and Privacy Act (FERPA), which prevents talking with anyone other than the person involved (especially when an adult) and restricts how much information may be passed along to a clinical site or an employer.

The ADA definition of disability, which was revised in 2008 to be more comprehensive, states that a disability is a physical or mental impairment that substantially limits one or more major life activities. There also is allowance for a record of such an impairment or being regarded as having such an impairment.

Major life activities are comprehensive. In general, they include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. The ADA does not apply to

impairments that are transitory and minor. A transitory impairment is one with an actual or expected duration of six months or less.

Statutory Provision Relating to Examinations

Under the ADA, any person or entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or post-secondary education, professional, or trade purposes must offer such examinations or courses in a place and manner accessible to persons with disabilities, or offer alternative accessible arrangements for such individuals.

Any private entity offering an examination covered by the ADA must assure that the examination is selected and administered so as to best ensure that the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual's impairment (except where those skills are the factors that the examination purports to measure). In addition, an examination that is designed for individuals with impairments must be offered at equally convenient locations, as often, and in as timely a manner as are other examinations.

Also, the examination must be administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements must be made.

When considering requests for modifications, accommodations, or auxiliary aids or services, the entity must give considerable weight to documentation of past circumstances received in similar testing situations, as well as such compliance provided in response to an IEP provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to section 504 of the Rehabilitation Act of 1973, as amended (often referred to as a Section 504 Plan).

Finally, the entity is required to respond in a timely manner to requests for adaptations to ensure equal opportunity for individuals with disabilities.

Required modifications may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

A private entity offering an examination must provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless it can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this section may include taped examinations, interpreters, or other effective methods of making orally delivered materials available to individuals with hearing impairments. Likewise, Brailled or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities must be provided.

Alternative accessible arrangements may include, for example, provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

Accommodations at the University Level

Accommodations must provide qualified students the opportunity to benefit as much from their educational experience as their non-disabled colleagues would. However, on admission candidates must say that they can perform the essential functions of a PT.

Accommodations that are not reasonable include a direct threat to the health or safety of others, a substantial change in an essential element of the curriculum, or a substantial alteration in the manner that services are provided.

Despite a student's poor performance in a clinical site, under FERPA the school cannot share the information with another clinical site. With the Board of PT, nothing could be shared, and similarly with an employer.

The Employer's Perspective

From a test perspective, a test-taking accommodation is reasonable. However, candidates may list depression, general and test-taking anxiety, critical thinking issues, problem-solving skills, etc., as reasons for accommodations. Those are all aspects that are found daily in the work setting.

The fact that they passed the test and have a degree from a university only says that they have the minimal competencies to do the job. On paper they look good. It is important to use the 90-day probation period to determine if these new employees are doing what is required on the job. What is needed to handle the job are self-regulation, self-control, problem solving, and prioritizing.

Other concerns surround when employment expectations aren't met after the 90-day probation period. Some must be coached over and over again or provided with additional resources and educational opportunities. If necessary, they are moved to another location – or out the door.

Attendees Insights

More than half of the attendees of the presentation were concerned that the accommodation may provide an unfair advantage for the candidate. Likewise, the attendees, asked whether they felt comfortable making ADA accommodation decisions, answered mainly they did not.

When asked what a licensing board should require to consider an accommodation, 22% of attendees responded that they would require a written request from a candidate, 18% documentation of previous accommodation, 12% a note from any type of healthcare provider, and 12% a note from a physician. Thirty-five percent of attendees responded that they did not know.

Nearly half (49%) of attendees said if a candidate asks for an accommodation after failing the exam, their board would request recent documentation of the disability and documentation of previous accommodations. Thirty-five percent said their board would treat the request like any other ADA request. Only 2% said their board would deny the accommodation.

Forty-seven percent of attendees believe the results of the NPTE should reflect it was taken with accommodations, with 15% strongly agreeing. Forty-four percent disagree, with 13% strongly disagreeing.

Only 29% of attendees say they consider if an accommodation was granted when reviewing a candidate for endorsement, with another 29% saying they wouldn't know if an accommodation was granted, 24% saying it wouldn't matter either way, and 27% said they didn't know. Only 2% said they would consider it.

A third (33%) of attendees said their primary concern about making an accommodation decision is permitting an accommodation that is inconsistent with safe practice, with 19% citing the consistency of their process, 15% worried about a legal challenge, 9% fearful of unfairly denying a reasonable accommodation, and 6% concerned about validating the documentation. Nineteen percent of attendees don't make accommodation decisions.

Nearly all attendees (98%) believe ADA accommodation criteria should be standard across jurisdictions, with 52% strongly agreeing.

Conversation Starters

To ensure all exam takers can meet the expectations of a PT, an essay component could be added to the exam to evaluate their emotional responses to situations that resemble clinical experiences. The problem is that someone will have to read them, and that would be subjective.

A determination needs to be made on the NPTE approval process. If one state says no accommodation, and the next state says yes, then the PT can get reciprocity and come back to the first state to work.

At what point do the persons who have received accommodations for many years enter into a real-life situation to determine if they can actually be successful in the workforce? It usually is up to the employer to determine if the person can be successful. Usually the person does not self-disclose to the employer about having had accommodations in school and on the test.

Whether or not a candidate received accommodations, however, the bottom line is if the person can do the job.



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Nancy R. Kirsch, PT, DPT, PhD received her PT degree from Temple University, her Master's in Health Education from Montclair University, Certificate in Health Administration from Seton Hall University, her PhD concentration in ethics from Rutgers University (formerly UMDNJ) and a Doctor of Physical Therapy from MGH. She owned a private practice for over 20 years and currently practices in a school-based setting. In addition, she is the Director of the Doctor of Physical Therapy Program at Rutgers, The State University of New Jersey. Nancy has been a member of the New Jersey Board of Physical Therapy Examiners since 1990 and was chairperson of the board for 12 years. Nancy, currently Vice President of the FSBPT Board, has also been active in the American Physical Therapy Association since she was a student. She served the New Jersey Chapter as Secretary and President, and as a delegate and chief delegate to the House of Delegates. She served the national association as a member of the ethics document revision task force. She also served a five-year term on the

APTA Ethics and Judicial Committee and the APTA Reference Committee. She received the Lucy Blair Service Award and was elected a Catherine Worthingham Fellow from National APTA and received the President's Award from the FSBPT. Dr. Kirsch writes a monthly column in *PT in Motion* Magazine, called "Ethics in Practice."



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