

Alternate Paths to Legal Practice

UNIVERSAL RECOGNITION LAWS, REGISTRIES, AND COMPACTS

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY

Universal Licensure Recognition

Licensure requirements vary significantly from state to state; in fact, fewer than thirty occupations are licensed in all fifty states.ⁱ Historically, most states do not accept occupational licenses from another jurisdiction except through the more traditional evaluation of an individual's credentials and the full licensure endorsement process. For individuals who were not originally educated in the United States, this process can be very similar to their initial licensure application, and jurisdiction-specific requirements may be time consuming and costly. There are fewer hurdles to clear for applicants who graduated from education programs accredited by an agency approved by the board.ⁱⁱ

Jurisdictions pass universal recognition laws to minimize the barriers to work when an individual moves from one jurisdiction to another. Universal licensure recognition seeks to create a uniform process based on training or testing requirements an applicant has already completed for one jurisdiction to recognize the occupational license issued by another jurisdiction. Universal recognition proponents will argue that it is not a movement to deregulate any profession, but to facilitate the ability to begin legally working for a qualified applicant.

Universal license recognition laws typically are not an automatic recognition of another state's license but do require some standards. Eligible applicants must meet the following criteria:

- Must hold a license in good standing in their home state
- Cannot have any pending disciplinary action from the relevant board
- Cannot have a criminal record that would disqualify them from obtaining the license in the recognizing state

Applicants may still be required to take the following steps:

- Pay fees
- Take exams administered by the board in the recognizing state

Amongst jurisdictions with universal recognition laws, there is still a great deal of variability. Some jurisdictions require that an individual become a resident to take advantage of universal recognition laws. In some cases, regulatory boards have been

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very narrow in their interpretation of the law and minimized the impact on decreasing barriers.

Statutory language may require the licensing board to establish if other jurisdictions have substantial equivalency or similar equivalency of credentials to its own. However, the Goldwater Institute recommends prioritizing scope of practice over either of those standards.ⁱⁱⁱ Using scope of practice allows the jurisdiction to consider what activities/services an individual has already been approved to provide regardless of the education, training, and/or testing requirements of individual jurisdictions. Aside from graduates of non-CAPTE accredited programs, PT and PTA requirements for education and testing are almost identical throughout the United States. A jurisprudence examination for applicants would ensure individuals understood the nuances of state law and scope of practice differences when receiving licensure via universal recognition.

Table 1: Universal Recognition Laws (as of 5/17/2023)^{iv}

JURISDICTION	RESIDENCY	SUBSTANTIAL EQUIV	SIMILAR EQUIV	TOEFL FOR ENDORSEMENT	TOEFL FOR INITIAL
Arizona (2019)	Residency Requirement		Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”	Yes	Yes
Colorado (2020)		Requires “substantially equivalent” education, experience, or training			
Idaho (2020) Uniquely, if the home state’s license has a narrower scope of practice, the licensee can receive a limited license in Idaho.			Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”	Yes	Yes



Iowa (2020)	Residency Requirement		Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”	Yes	Yes
Kansas (2021) Licensing boards can still refuse licensing out-of-state applicants if it would “jeopardize the health and safety of the public.”	Residency Requirement		Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”		Yes
Mississippi (2021)	Residency Requirement		Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”	Yes	Yes
Missouri (2020)			Recognition of home state license if it has a similar “scope of practice” or “at the same practice level”	Yes	Yes
Montana (2020)		Requires “substantially equivalent” education, experience, or training		Yes	Yes
Nevada (2017)		Requires “substantially equivalent” education,			Yes

		experience, or training			
New Hampshire (2018)		Requires “substantially equivalent” education, experience, or training		Yes	Yes
New Jersey (2018)		Requires “substantially equivalent” education, experience, or training		Yes	Yes
New Mexico (2016, 2020)		Requires “substantially equivalent” education, experience, or training		Yes	Yes
Ohio (2022)			Satisfy minimum education, training, or experience requirements	Yes	Yes
Oklahoma (2021)	Residency Requirement	Requires “substantially equivalent” education, experience, or training			Yes
Pennsylvania (2019)		Requires “substantially equivalent” education, experience, or training			
South Dakota (2021)		Requires “substantially equivalent” education, experience, or training		Yes	Yes
Utah (2020)			Recognition of home state	Yes	Yes



The board can deny a license to an out-of-state applicant if it has “reasonable cause to believe that the person is not qualified to receive a license in this state.”			license if it has a similar “scope of practice” or “at the same practice level”		
Vermont (2020)				Yes	Yes
Wyoming (2021)		Requires “substantially equivalent” education, experience, or training		Yes	Yes

Telehealth

Already on the rise, the pandemic accelerated the growth of providing various healthcare services via telehealth. Many regulatory reforms adopted during the pandemic have been adopted as a permanent change. As efforts continue to improve access to healthcare and reduce regulatory burdens, some states have loosened their requirements for out-of-state healthcare providers. Recent legislative efforts have allowed providers without a license in the jurisdiction to register with the appropriate government entity and legally provide services in the jurisdiction. Some of these laws have limited time frames or other restrictions, but many do not. Some jurisdiction laws only apply to physicians or are limited to specific healthcare providers. All the following statutes apply to physical therapy providers and require the healthcare provider to have a valid, unrestricted license in another jurisdiction.

- AZ 2021 The board establishes and shall collect a fee to register as an out-of-state healthcare provider of telehealth services
- CT 2021 (effective until June 30, 2023) Provider must maintain professional liability insurance for professional malpractice in an amount equal to or greater than that required for the same provider licensed in CT
- DE 2021 Allows a healthcare provider to obtain an interstate telehealth registration
- FL 2019 Allows a healthcare provider to register with the applicable board and follow the FL scope of practice. A registered telehealth provider may not provide in-person services in FL. The Department must publish the names of all registrants.
- KS 2021 Telemedicine waiver issued by the board of healing arts
- VT 2022 Telehealth license or registration available
- WV 2021 Telehealth registration does not authorize in-person services and makes the healthcare provider subject to the jurisdiction of the board ^v

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As far as the federal landscape, a covered healthcare professional who is an employee of the Veterans Administration may provide services via telehealth in any jurisdiction, regardless of where the provider or patient is located. The healthcare provider must maintain an active, current, full, and unrestricted license in a jurisdiction but will not be held to the laws regarding out-of-state providers when providing services as an employee of the Veterans Administration.

Impact of the PT Compact

Typically, universal recognition and telehealth registration laws do not impact the Physical Therapy Compact in any way. The PT Compact is still beneficial as the individual must maintain the renewal requirements for only one home license and does not incur the same costs of licensure. Unlike universal recognition, the individual is not required to fill out multiple applications for multiple jurisdictions.

Jurisdictions with universal recognition laws can still benefit from Compacts. Compacts reduce barriers for practitioners to expand their reach and practice legally in other jurisdictions, whereas universal recognition does not. Compacts are a solution that addresses multiple jurisdictions for a single profession rather than a single jurisdiction solution for multiple professions. And most importantly, Compacts share a database of licensure and disciplinary information and may have other information-sharing requirements that enhance public protection.

One thing that universal recognition, telehealth registration, and compacts do is treat individuals with a license the same regardless of where they obtained their original entry-level education. Specifically for physical therapy, graduates of non-CAPTE accredited educational programs from one jurisdiction are not required to go through a different process to become authorized to practice than a graduate of a CAPTE-accredited program.

ⁱ “Breaking Down Barriers to Work with Universal Recognition,” Goldwater Institute, accessed May 16, 2023, <https://www.goldwaterinstitute.org/universalrecognition/>.

ⁱⁱ The Commission on Accreditation in Physical Therapy Education (CAPTE) is the only recognized accrediting body of physical therapy education programs in the United States.

ⁱⁱⁱ The model statutory language for the “Breaking Down Barriers to Work Universal Recognition of Occupational Licenses Act 2020” can be found [here](#).

^{iv} “State Reforms for Universal License Recognition,” Institute for Justice, accessed May 16, 2023, <https://ij.org/legislative-advocacy/states-reforms-for-universal-recognition-of-occupational-licensing/>.

^v For updates, please refer to “Cross-State Licensing,” Center for Connected Health Policy, accessed May 2023, <https://www.cchpca.org/topic/cross-state-licensing-professional-requirements/>.