



**WEB/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
April 17, 2014**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda**
- B) Welcome New Members**
- C) Approval of Minutes of February 27, 2014 (4-8)**
- D) Appointments/Reappointments/Confirmations**
- E) Administrative Updates**
 - 1) Staff Updates
- F) Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) Report from Michele Thorman on her Speaking Engagement at the Wisconsin Physical Therapy Association (WPTA) Spring Conference held April 10 and 11, 2014
 - 2) Federation of State Boards of Physical Therapy (FSBPT) Board Member and Administrator Training, June 6-8, 2014, Alexandria Virginia – Consider Attendance
 - 3) FSBPT Portability Task Force Second Meeting, July 12-13, 2014, Alexandria Virginia – Consider Administrator Attendance
 - 4) FSBPT Leadership Issues Forum, August 2-3, 2014, Alexandria, Virginia – Consider Administrator Attendance
 - 5) 2014 FSBPT Annual Meeting and Delegate Assembly, September 18-20, 2014, San Francisco, California – Consider Attendance, Designate Delegate and Alternate, and Executive Director’s Attendance
- G) 2013 Physical Therapy Examining Board Annual Review (9-12)**
- H) Review of Position Statements (13-15)**

- I) Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions
 - 13) Presentation of Interim Order(s)
 - 14) Petitions for Re-Hearing
 - 15) Petitions for Assessments
 - 16) Petitions to Vacate Order(s)
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Requests for Disciplinary Proceeding Presentations
 - 19) Motions
 - 20) Petitions
 - 21) Appearances from Requests Received or Renewed
 - 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

J) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

K) Presentation and Deliberation of Stipulation and Interim Order

- 1) 13 PHT 027 – Matthew G. Hendrickson, P.T.A. **(16-20)**

L) Oral Exam Item Review (21)

M) Case Status Report

N) Case Closing(s)

- 1) 13 PHT 019 (E.M.) **(22-27)**

O) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions

- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

P) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Q) Open Session Items Noticed Above not Completed in the Initial Open Session

R) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

S) Ratification of Licenses and Certificates

ADJOURNMENT

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
February 27, 2014**

PRESENT: Shari Berry, PT; Lori Dominiczak, PT; Thomas Murphy; Sarah Olson, PTA; Michele Thorman, PT

STAFF: Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

Michele Thorman, Chair, called the meeting to order at 8:31 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item P – **REMOVE** the words “Full Board”

MOTION: Lori Dominiczak moved, seconded by Shari Berry, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Thomas Murphy moved, seconded by Lori Dominiczak, to approve the minutes of December 5, 2013 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Lori Dominiczak nominated Michele Thorman for the Office of Board Chair. Nomination carried.

Tom Ryan called for other nominations three (3) times.

Michele Thorman was elected as Board Chair.

VICE CHAIR

NOMINATION: Sarah Olson nominated Lori Dominiczak for the Office of Vice Chair. Nomination carried.

Tom Ryan called for other nominations three (3) times.

Lori Dominiczak was elected as Vice Chair.

SECRETARY

NOMINATION: Sarah Olson nominated Shari Berry for the Office of Secretary.
Nomination carried.

Tom Ryan called for other nominations three (3) times.

Shari Berry was elected as Secretary.

2014 ELECTION RESULTS	
Board Chair	Michele Thorman
Vice Chair	Lori Dominiczak
Secretary	Shari Berry

APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES

MOTION: Shari Berry moved, seconded by Sarah Olson, to approve the following appointments made by the Chair:

- a) **Credentialing Liaisons:** **Lori Dominiczak, Shari Berry;**
(Michele Thorman as the Alternate)
- b) **Monitoring Liaison:** **Thomas Murphy;**
(Sarah Olson as the Alternate)
- c) **Professional Assistance Procedure Liaison:** **Thomas Murphy;**
(Sarah Olson as the Alternate)
- d) **Education and Exams Liaisons:** **Michele Thorman, Shari Berry;**
(Sarah Olson as the Alternate)
- e) **Legislative Liaison:** **Lori Dominiczak;**
(Shari Berry as the Alternate)
- f) **Travel Liaison:** **Michele Thorman;**
(Lori Dominiczak as the Alternate)
- g) **Rules Liaison:** **Michele Thorman;**
(Shari Berry as the Alternate)
- h) **Website Liaison:** **Lori Dominiczak;**
(Sarah Olson as the Alternate)
- i) **DLSC Liaison:** [NONE]
- j) **Screening Panel:** **Lori Dominiczak, Thomas Murphy;**
(Sarah Olson as the Alternate)

Motion carried unanimously.

DELEGATED AUTHORITY MOTIONS

MOTION: Shari Berry moved, seconded by Lori Dominiczak, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Thomas Murphy, that the Board delegates authority to the Chair (or order of succession) to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Board members, on documents as necessary. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Lori Dominiczak, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

REVIEW OF CURRENT REQUIREMENTS FOR RATIO OF SUPERVISED PTA'S PER PT, AND THE LEVEL OF SUPERVISION REQUIRED

MOTION: Shari Berry moved, seconded by Sarah Olson, to appoint Michele Thorman as the Designee, and Lori Dominiczak as the Alternate, to present the issue of supervision ratios for PTAs at the WPTA Spring Conference and to bring comments back to the May 29, 2014 Board meeting. Motion carried unanimously.

REPORT FROM WPTA REPRESENTATIVE MIKE EDWARDS, REGARDING WPTA CE APPROVAL PROCESS AND AUDIT OUTCOME

MOTION: Shari Berry moved, seconded by Lori Dominiczak, to have a discussion about the next CE audit at an upcoming Board meeting. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Thomas Murphy, to invite Mike Edwards to the next Board meeting to provide a report on the WPTA CE Approval Process and Audit outcome. Motion carried unanimously.

THREE-YEAR LANGUAGE FOUND IN WIS. STAT. § 448.53(3) AND WISCONSIN ADMINISTRATIVE CODE CHS. PT 1, 2, AND 3 – ACTIVE PRACTICE RULE – BOARD DISCUSSION

MOTION: Lori Dominiczak moved, seconded by Shari Berry, to request DSPTS staff draft a Scope Statement revising rules related to Active Practice and Reentry to Practice and related rules. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS:

2013 WISCONSIN ACT 114 AND PT 1.04

MOTION: Shari Berry moved, seconded by Sarah Olson, to request DSPS staff draft a Scope Statement revising rules including, but not limited to, PT 1.04 in light of 2013 Wisconsin Act 114, relating to examination requirements. Motion carried unanimously.

CLOSED SESSION

MOTION: Michele Thorman moved, seconded by Lori Dominiczak, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigations with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). The Chair read the language of the motion aloud for the record. Roll Call Vote: Shari Berry - yes; Lori Dominiczak - yes; Thomas Murphy - yes; Sarah Olson - yes; Michele Thorman - yes. Motion carried unanimously.

The Board convened into Closed Session at 11:08 A.M.

RECONVENE TO OPEN SESSION

MOTION: Shari Berry moved, seconded by Sarah Olson, to reconvene in Open Session at 12:36 P.M. Motion carried unanimously.

REVIEW OF ORAL EXAM QUESTION BANK

Aaron Knautz, Department Licensing Exams Specialist, appeared before the Board in Closed Session to review the Oral Exam Question Bank.

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

MOTION: Shari Berry moved, seconded by Lori Dominiczak, to ratify all examination scores and to delegate to the Department the ratification of all licenses issued. Motion carried unanimously.

PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNINGS

MOTION: Lori Dominiczak moved, seconded by Sarah Olson, to issue an Administrative Warning in the matter of DLSC case number **13 PHT 017 (S.J.J.)**. Motion carried unanimously.

CASE CLOSING

MOTION: Thomas Murphy moved, seconded by Shari Berry, to close case number **13 PHT 013** against D.S. for insufficient evidence (IE). Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Lori Dominiczak moved, seconded by Thomas Murphy, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Sarah Olson moved, seconded by Shari Berry, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:37 P.M.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Daniel Agne, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 4/4/14 Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 4/17/14	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Physical Therapy Examining Board 2013 Annual Review	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board will review the attached 2013 annual report.			
11) Authorization			
Daniel Agne <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

PHYSICAL THERAPY EXAMINING BOARD 2013 ANNUAL REVIEW

- Board Members in 2013 were: Michele Thorman, PT (LaCrosse); Lori Dominiczak, PT (Brown Deer); Shari Berry, PT (Tomah), Jane Stroede, PTA (Wisconsin Dells), and Thomas Murphy, Public Member (DePere). Officers in 2013 were Michele Thorman (Chair), Lori Dominiczak (Vice Chair) and Shari Berry (Secretary).
- In October 2010 the Physical Therapy Examining Board (PTEB) initiated the process of replacing references to outdated language, updating, and clarifying its rules. Following a public hearing that included input from stakeholders, changes to Wis. Admin. Code Chapters PT 7 and PT 8 were adopted in September 2013.
- A review of current rules affecting small businesses was conducted in accordance with 2012 Wisconsin Executive Order 61 in order to identify any existing rules that hinder small business job creation and small business growth. Rules related to the supervision of licensed and unlicensed personnel were identified as potential hardships to conducting business. The Board began to discuss how to best address these concerns and appointed a member to present the issue and solicit comments from attendees at the Spring 2014 Wisconsin Physical Therapy Association (WPTA) Conference Issues Forum.
- The Board reviewed all position statements in accordance with 2011 Executive Order 50 and made changes to ensure compliance with state statutes and rules.
- The Board received a report from the WPTA Continuing Education Approval Task Force that included results from its CE course approval audits and details pertaining to its course approval process.
- The Board initiated a review of the oral examination question bank to ensure it remains consistent with current practice standards for the competent provision of physical therapy services.
- The Office of Education and Examinations was charged with requesting information from each of the four Board-approved equivalency evaluation organizations to review them for approval status.
- The Board approved a process allowing student PTs and PTAs in their final clinical internships who have completed their didactic education but have not yet graduated, to apply and sit for National Physical Therapy Examination (NPTE) and National Physical Therapy Assistant Examination (NPTAE) testing. Thirty-nine physical therapy students from 5 Wisconsin university programs and 3 programs from out of state opted for pre-graduation testing in 2013, with a 97% passing rate. Three students from 2 Wisconsin physical therapist assistant programs used this option in 2013, with a 100% passing rate.
- The Federation of State Boards of Physical Therapy (FSBPT) created a model for Supervised Clinical Practice as a requirement for licensure of Foreign Educated Physical

Therapists. A Board member was appointed to provide an overview of the model at the Spring 2014 WPTA Conference Issues Forum.

- Michele Thorman (Delegate), Shari Berry (Alternate Delegate) and Tom Ryan (Board Administrator) attended the FSBPT Annual Meeting in October 2013 in San Antonio, Texas.
- Members of the PTEB provided input to a survey regarding a possible merger of the Department of Safety and Professional Services and the Department of Agriculture, Trade and Consumer Protection (DATCP).
- The Board engaged in discussions and heard arguments from stakeholders with different views about whether trigger point dry needling (TPN) is within the scope of physical therapy practice. Representatives of the acupuncturist community presented arguments that TPN is not within the physical therapy scope of practice, FSBPT resources were consulted, and the experience of PT's currently using TPN in practice was considered.
- The Board administered 5 PT oral exams and 2 PTA oral exams.

<u>Licensing Activity</u>	<u>PT</u>	<u>PTA</u>
Applications Received	382	173
Licenses Issued	368	161
Renewals	5040	1710

<u>Enforcement Activity</u>	<u>PT and PTA</u>
New complaints received	30
Number of Respondents involved	31
Number of cases opened	11
Total cases/respondents closed	24
Total closed at screening	14
Total closed after investigation	5
Total closed with formal action	5
Cases pending as of 2/14	8

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Daniel Agne, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 3/31/2014 Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: TBD (April 2014)	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Position Statements	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board will be asked to review Position Statements reflecting the revisions made at the 12/5/2013 meeting.			
11) Authorization			
Daniel Agne <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



Positions Statements Related to Physical Therapy Issued by the Physical Therapy Examining Board

CAN A PHYSICAL THERAPIST IN WISCONSIN EVALUATE AND TREAT A PATIENT WITHOUT A REFERRAL?

With regard to physical therapy referrals, Wisconsin is considered a Direct Access state. A written referral is not required for the following physical therapy services related to the work, home, leisure, recreational, and educational environments: conditioning, injury prevention, application of biomechanics, and treatment of musculoskeletal injuries, with the exception of acute fractures or soft tissue avulsions ([Ch. PT 6](#)). Per [Wis. Stat. s. 448.56](#), a written referral is also not required if a physical therapist provides services in schools to children with disabilities, as part of a home health care agency, to a patient in a nursing home, or to an individual for a previously diagnosed medical condition after informing the individual's health care practitioner who made the diagnosis.

MAY A PHYSICAL THERAPIST LICENSED IN WISCONSIN PERFORM NEEDLE EMG?

Consistent with [Wis. Stat. s. 448.50\(4\)](#), the Board has determined that a Wisconsin licensed physical therapist may perform needle EMG (electromyography), surface EMG, and nerve conduction studies, provided that he or she has the appropriate education, training, and experience to perform them.

MAY A PHYSICAL THERAPIST ASSISTANT LICENSED IN WISCONSIN PERFORM JOINT MOBILIZATION AND MUSCLE ENERGY TECHNIQUES UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERAPIST?

Under [Wis. Admin. Code s. PT 5.01\(2\)\(g\)](#), a physical therapist may delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training, and experience. The physical therapist is responsible for managing all aspects of the physical therapy care of each patient under his or her care ([Wis. Stat. s. 448.56\(4\)](#)).

HOW MANY PHYSICAL THERAPIST ASSISTANTS MAY PRACTICE UNDER THE GENERAL SUPERVISION OF A PHYSICAL THERAPIST IN WISCONSIN?

No physical therapist may at any time supervise more than two (2) physical therapist assistants (full-time equivalents) practicing under general supervision, see [Ch. PT 5.01\(2\)\(j\)](#). In addition, the total number of physical therapist assistants, unlicensed personnel, and those who have temporary licenses may not exceed a combined total of four (4) under supervision by a licensed physical therapist (See [Ch. PT 5.02\(2\)\(k\)](#)).

CAN A PHYSICAL THERAPIST PRACTICING IN A SCHOOL IN THE STATE OF WISCONSIN PROVIDE SERVICES AT A UNIVERSAL LEVEL (I.E., OFFER INTERVENTION STRATEGIES FOR STUDENTS NOT IDENTIFIED AS STUDENTS WITH DISABILITIES OR PROVIDING SERVICES RELATED TO PREVENTION, FITNESS AND WELLNESS)?

[Wis. Stat. s 448.50\(4\)\(a\)3.](#), in part, defines physical therapy as “reducing risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.” Written referral for physical therapy services for children with disabilities in schools is not required as stated in [Wis. Stat. s 448.56\(1\)](#).

WHO CAN SUPERVISE A PT /PTA WITH A TEMPORARY LICENSE?

[PT 3.01\(3\)](#) and [\(4\)](#) state that PTs or PTAs with a temporary license must be supervised by “a person validly holding a regular license as a physical therapist.”

WHAT ARE THE SUPERVISORY REQUIREMENTS OF A PT /PTA WITH A TEMPORARY LICENSE?

[PT 3.01\(3\)](#) and [\(4\)](#) state that PTs and PTAs with a temporary license must receive direct, immediate and on premises supervision by “a person validly holding a regular license as a physical therapist.” Direct supervision does not mean “line of sight,” but does require that the supervisor be on the premises when services are provided. The supervisor must be available for immediate intervention if intervention becomes necessary.

CAN A PTA WITH A TEMPORARY LICENSE WORK UNDER GENERAL SUPERVISION?

[PT 3.01\(3\)](#) and [\(4\)](#) state that PTs and PTAs with a temporary license must receive direct, immediate and on premises supervision by “a person validly holding a regular license as a physical therapist.” Direct supervision does not mean “line of sight,” but does require that the supervisor be on the premises when services are provided. The supervisor must be available for immediate intervention if intervention becomes necessary.