



PHYSICAL THERAPY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
May 28, 2015

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 (1-3)**
- B) Approval of Minutes of February 26, 2015 (4-8)**
- C) 8:30 A.M. APPEARANCE: Deputy Secretary Jay Risch and Assistant Deputy Secretary Eric Esser (9)**
- D) 8:30 A.M. – PUBLIC HEARING: PT 1, 3, 8, Relating to Temporary Reentry Licensure (10)**
 - 1) Review of Clearinghouse Report
- E) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Other Informational Items
- F) Introductions, Announcements and Recognition**
 - 1) Recognition of Michele Thorman’s Service **(23)**
 - 2) New Board Member Appointee – John Greany **(24)**
- G) Legislative/Administrative Rule Matters**
 - 1) LRB-1138/1 Relating to Ratification of the Interstate Medical Licensure Compact **(25)**
 - 2) Status of Budget Initiative to Merge the Department of Safety and Professional Services (DPS) with the Department of Financial Institutions (DFI) **(26)**
 - 3) Current and Future Rule Making and Legislative Initiatives
 - 4) Administrative Rules Report
- H) Education and Examination Matters**
 - 1) **8:45 A.M. APPEARANCE – Aaron Knautz, Examination Specialist: Continuing Education Audit Report, 2013-2015 (28)**
- I) Communicating Availability of aPTitude to Licensees (29)**

J) **Communication with PT and PTA Schools Regarding 2013 Wisconsin Act 114 (30)**

K) **North Carolina Board of Dental Examiners vs. Federal Trade Commission – Review (31)**

L) **Federation of State Boards of Physical Therapy (FSBPT) Matters (31-32)**

M) **Future Agenda Items**

N) Informational Item(s)

O) 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), and Reports

P) 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.).

Q) **Credentialing Matters**

- 1) Application Review
 - a) Nancy L Fugate, PT **(33-99)**

R) **Deliberation on Continuing Education (CE) Waiver Requests**

- 1) E.L. – Request for Extension of Time to Complete CE Requirements for the 2015 License Renewal **(100-103)**
- 2) M.G. – Request for Waiver of CE Requirements for the 2015 License Renewal **(104-106)**
- 3) C.M. – Request for Waiver of CE Requirements for the 2015 License Renewal **(107-109)**

4) T.P. – Request for Waiver of CE Requirements for the 2015 License Renewal **(110-)**

S) Case Status Report

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

U) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

X) Ratification of Licenses and Certificates

ADJOURNMENT

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
February 26, 2015**

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

EXCUSED: Thomas Murphy

STAFF: Tom Ryan, Executive Director; and Taylor Thompson, Bureau Assistant

CALL TO ORDER

Michele Thorman, Chair, called the meeting to order at 8:30 A.M. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Add Application Review – Melissa Tesoro after Item Q

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

APPROVAL OF MINUTES

Corrections:

- Correct APTITUDE header to read aPTitude

MOTION: Shari Berry moved, seconded by Sarah Olson, to approve the minutes of December 11, 2014 as corrected. Motion carried unanimously.

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Sarah Olson nominated Lori Dominiczak for the Office of Board Chair.

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

Lori Dominiczak was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Lori Dominiczak nominated Shari Berry for the Office of Vice Chair.

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

Shari Berry was elected as Vice Chair by unanimous consent.

SECRETARY

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

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

Sarah Olson was elected as Secretary by unanimous consent.

2015 ELECTION OF OFFICERS	
Board Chair	Lori Dominiczak
Vice Chair	Shari Berry
Secretary	Sarah Olson

APPOINTMENT OF LIAISONS

2015 LIAISON APPOINTMENTS	
Credentialing Liaison	Shari Berry, Sarah Olson <i>Alternate: Michele Thorman</i>
Monitoring Liaison	Thomas Murphy <i>Alternate: Sarah Olson</i>
Education and Exams Liaison	Michele Thorman, Shari Berry <i>Alternate: Sarah Olson</i>
Legislative Liaison	Lori Dominiczak <i>Alternate: Shari Berry</i>
Travel Liaison	Lori Dominiczak <i>Alternate: Shari Berry</i>
Website Liaison	Shari Berry <i>Alternate: Sarah Olson</i>
Rules Liaison	Lori Dominiczak <i>Alternate: Shari Berry</i>
Professional Assistance Procedure Liaison	Thomas Murphy <i>Alternate: Sarah Olson</i>
Screening Panel	Sarah Olson, Thomas Murphy <i>Alternate: Michele Thorman</i>

MOTION: Shari Berry moved, seconded by Michele Thorman, to affirm the Chair's appointment of liaisons for 2015. Motion carried unanimously.

DELEGATED AUTHORITY MOTIONS

MOTION: Shari Berry moved, seconded by Sarah Olson, 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, to fill vacant appointment positions, and to act where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Sarah Olson, that the Board delegates authority to the Chair, highest ranking officer, or longest serving member of the Board, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, highest ranking officer, or longest serving member of the Board have the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Sarah Olson moved, seconded by Shari Berry, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

MOTION: Shari Berry moved, seconded by Michele Thorman, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

REVIEW AND DISCUSSION OF PT 1, 2, 3, 8 TEMPORARY REENTRY LICENSE

MOTION: Shari Berry moved, seconded by Sarah Olson, to authorize the Chair to approve of PT 1, 2, 3, 8 as amended relating to Temporary Reentry License for posting of EIA comments and submission to the Clearinghouse. Motion carried unanimously.

aPTitude AND RELATED MATTERS

MOTION: Michele Thorman moved, seconded by Sarah Olson, that the Board approves the following language to appear on the aPTitude website "The state licensing board is the final authority on requirements and whether or not activities meet requirements. Please check the state board website if you have any questions about the currency or accuracy of aPTitude's information: <http://dsps.wi.gov/Boards-Councils/Board-Pages/Physical-Therapy-Examining-Board-Main-Page/>. The state licensing board is not using aPTitude at this time to audit or verify licensees' completion of requirements. Use of aPTitude is voluntary by PT/PTA licensees for their own tracking purposes. PTs/PTAs selected for audit will be notified by the Wisconsin Department of Safety and Professional Services and advised of the compliance reporting process". Motion carried unanimously.

MOTION: Sarah Olson moved, seconded by Michele Thorman, to appoint Shari Berry to communicate with aPTitude regarding language on its website relating to Wisconsin laws, and to approve content on behalf of the Board. Motion carried unanimously.

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) MATTERS

FSBPT CONTINUING COMPETENCE COMMITTEE

MOTION: Shari Berry moved, seconded by Sarah Olson, to affirm the appointment of Michele Thorman for the FSBPT Continuing Competence Committee. Motion carried unanimously.

BOARD TRAVEL OPTIONS

MOTION: Shari Berry moved, seconded by Michele Thorman, to designate Thomas Murphy, Sarah Olson, and Tom Ryan to attend the 2015 Board Member and Administrator Training on June 12-14, 2015, in Alexandria, Virginia, and to authorize travel. Motion carried unanimously.

MOTION: Sarah Olson moved, seconded by Michele Thorman, to appoint Lori Dominiczak, Shari Berry, and Tom Ryan to attend the 2015 Leadership Issues Forum on August 1-2, 2015, in Alexandria, Virginia, and to authorize travel. Motion carried unanimously.

MOTION: Michele Thorman moved, seconded by Sarah Olson, to appoint Lori Dominiczak as the delegate, Shari Berry as the alternate, and Tom Ryan as the funded Administrator for the 2015 Annual Meeting and Delegate Assembly on October 15-17, 2015, in Orlando, Florida, and to authorize travel. Motion carried unanimously.

PHYSICAL THERAPY EXAMINING BOARD 2014 ANNUAL REPORT

MOTION: Shari Berry moved, seconded by Sarah Olson, to approve of the 2014 Annual Report as amended. Motion carried unanimously.

CLOSED SESSION

MOTION: Sarah Olson moved, seconded by Shari Berry, to 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.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Shari Berry - yes; Lori Dominiczak - yes; Sarah Olson - yes; Michele Thorman - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:46 A.M.

RECONVENE TO OPEN SESSION

MOTION: Sarah Olson moved, seconded by Shari Berry, to reconvene in Open Session at 11:36 A.M. Motion carried unanimously.

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

MOTION: Sarah Olson moved, seconded by Michele Thorman, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CONTINUING EDUCATION WAIVER REQUESTS

HOLLY FLOURKE

MOTION: Michele Thorman moved, seconded by Shari Berry, to request that Holly Flourke submit to the Board medical documentation of her condition and request documentation of completed continuing education since the last renewal deadline. Motion carried unanimously.

STEVEN KUPHAL

MOTION: Shari Berry moved, seconded by Michele Thorman, to grant the request for waiver of Steven Kuphal. Motion carried unanimously.

CASE CLOSING(S)

14 PHT 014 (S.D.B.)

MOTION: Lori Dominiczak moved, seconded by Shari Berry, to close case 14 PHT 014, against S.D.B., for Prosecutorial Discretion (P3). Motion carried unanimously.

APPLICATION REVIEW – MELISSA TESORO

MOTION: Shari Berry moved, seconded by Sarah Olson, to issue a notice of intent to deny the application of Melissa Tesoro for license to practice Physical Therapy; in the alternative, the Board will offer a limited license with terms to be defined and approved by Sarah Olson in consultation with DSPTS staff. **Reason for Denial:** Wis. Stat. § 448.57(2)(f) and Wis. Admin. Code § PT 7.025(23). Motion carried.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Shari Berry moved, seconded by Michele Thorman, to delegate ratification of examination results to DSPTS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 11:38 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 3/27/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? APPEARANCE - Deputy Secretary Jay Risch and Assistant Deputy Secretary Eric Esser	
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 checked="" 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:			
11) Authorization			
Taylor Thompson		3/27/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Paff Administrative Rules Coordinator		2) Date When Request Submitted: 5/6/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting									
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board											
4) Meeting Date: 5/28/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? PT 1, 3, 8 Public Hearing and review of Clearinghouse Report									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	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: N/A									
10) Describe the issue and action that should be addressed: The Board will hold a public hearing for PT 1, 3, and 8 (CR15-027) relating to temporary reentry licensure at 8:30am. The Board will review and discuss the Clearinghouse comments.											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-top: 1px solid black; border-bottom: 1px solid black;">Katie Paff</td> <td style="width: 30%; border-top: 1px solid black; border-bottom: 1px solid black; text-align: right;">5/6/2015</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				Katie Paff	5/6/2015	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
Katie Paff	5/6/2015										
Signature of person making this request	Date										
Supervisor (if required)	Date										
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STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICAL THERAPY EXAMINING
PHYSICAL THERAPY EXAMINING		BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Physical Therapy Examining Board to repeal PT 1.02 (2), and 3.02; to amend PT 1.04 and 8.02; to repeal and recreate PT 8.05, relating to temporary reentry licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 448.53 and 448.55, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 448.55 (3), Stats.

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., the Physical Therapy Examining Board (Board) is generally empowered to promulgate rules that will provide guidance within the profession and that interpret the statutes it enforces or administers. Pursuant to s. 448.55 (3), Stats., the Board has express authority to, “promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.” These proposed rules will give guidance within the profession regarding the requirements for renewing a license. Therefore, the Board is empowered both generally and specifically to promulgate the proposed rule.

Related statute or rule:

Wis. Admin Code chs. PT 1, 2 and 8

Plain language analysis:

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was amended by removing

language regarding the application deadline date. By requiring the completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination. Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination. Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

SECTION 1. repeals the term candidate for reentry from the Definitions section.

SECTION 2. removes the deadline date from the s. PT 1.04.

SECTION 3. repeals the temporary reentry license.

SECTION 4. removes the application form language from s. PT 8.02.

SECTION 5. amends the reinstatement language found in s. PT 8.05 by adding a provision on unmet discipline.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois allows restoration of license which has been expired or on inactive status for more than 5 years. Ill Admin. Code tit. 68 §1340.60 a). Licensees must do one of the following to restore their license: (1) submit certification of current licensure from another state or territory, (2) submit an affidavit attesting to military service, (3) pass the National Physical Therapy Examination, or (4) submit evidence of recent attendance at an educational program in physical therapy.

Iowa: Iowa allows reactivation of a license that has been on inactive status for more than five years. Licensees must provide verification of a license from every jurisdiction in which the licensee was licensed or has practiced during the time period that the licensee's Iowa license was inactive. The licensee must also provide verification of completion of

80 hours of continuing education within 2 years of the application for reactivation. 645 Iowa Admin. Code 200.15.

Michigan: Michigan allows relicensure of a license that has lapsed for 3 years or more. Licensees must: (1) submit a completed application on a form provided by the department, (2) pass an examination of Michigan laws and rules related to the practice of physical therapy, and (3) either establish that licensee has been employed as a physical therapist in another jurisdiction or pass the National Physical Therapy Examination. Mich. Admin. Code R.338.7137 (2).

Minnesota: Minnesota does not renew, reissue, reinstate, or restore a license that has lapsed or has not been renewed within two annual license renewal cycles. A licensee whose license has been cancelled for nonrenewal must obtain a new license and fulfill all the current requirements for licensure at that time. Minn. Statutes 148.737.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include reviewing administrative rules and statutes of other states and comparing them to current Wisconsin Administrative Code.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days and no comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. Comments must be received on or before the public hearing to be held on May 28, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 1.02 (2) is repealed.

SECTION 2. PT 1.04 is amended to read:

PT 1.04 Application deadline and fees. The completed application and all required documents must be received by the board ~~at its office not less than 30 days prior to the date of the examination. The~~ along with the required fees specified in s. 440.05 (1), Stats., ~~shall accompany the application.~~

SECTION 3. PT 3.02 is repealed.

SECTION 4. PT. 8.02 is amended to read:

PT 8.02 Renewal required; method of renewal. Each licensee shall renew his or her license biennially with the department. ~~On or before February 1 of each odd-numbered year the department shall mail to each licensee at his or her last known address as it appears in the records of the board an application form for renewal.~~ Each licensee shall complete a renewal application form and return it with the required fee to the department prior to the next succeeding March 1.

SECTION 5. PT 8.05 is repealed and recreated to read:

PT 8.05 Requirements for late renewal and reinstatement. A license shall expire if it is not renewed by March 1 of each odd-numbered year, except for temporary licenses granted pursuant to ch. PT 3. A licensee who allows their license to expire may apply to the board to renew or reinstate their license by completing one of the following:

(1) **RENEWAL BEFORE 5 YEARS.** If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and completion of the continuing education requirements.

(2) **RENEWAL AFTER 5 YEARS OR MORE.** If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on renewal of the license, including oral

examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This section does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(3) REINSTATEMENT. A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been surrendered or revoked, may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of the completion of the requirements under s. PT 8.05 (2).

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Physical Therapy Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

PT 1, 3, 8

3. Subject

Temporary Reentry Licensure

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was amended by removing language regarding the application deadline date. By requiring the completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination.

Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination.

Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule was posted for a period of 14 days to solicit comments from the public. No businesses, business sectors, associations representing businesses, local governmental units, or individuals contacted the department about the proposed rule during that time period.

11. Identify the local governmental units that participated in the development of this EIA.

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

None. This rule does not affect local government units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have an economic or fiscal impact on businesses, business sectors, public utility rate payers, local government units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the rule include bringing the current administrative code in line with statute as impacted by 2013 Wisconsin Act 114 and clarifying the processes for returning to the practice of physical therapy, late renewal, and reinstatement. The alternative to implementing the rule would be to leave the administrative code in conflict with statute and to leave these processes unclarified

14. Long Range Implications of Implementing the Rule

Clearer, more consistent examination and application processes.

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois allows restoration of license which has been expired or on inactive status for more than 5 years. Ill Admin. Code tit. 68 §1340.60 a). Licensees must do one of the following to restore their license: (1) submit certification of current licensure from another state or territory, (2) submit an affidavit attesting to military service, (3) pass the National Physical Therapy Examination, or (4) submit evidence of recent attendance at an educational program in physical therapy.

Iowa allows reactivation of a license that has been on inactive status for more than five years. Licensees must provide verification of a license from every jurisdiction in which the licensee was licensed or has practiced during the time period that the licensee's Iowa license was inactive. The licensee must also provide verification of completion of 80 hours of continuing education within 2 years of the application for reactivation. 645 Iowa Admin. Code 200.15.

Michigan allows relicensure of a license that has lapsed for 3 years or more. Licensees must: (1) submit a completed application on a form provided by the department, (2) pass an examination of Michigan laws and rules related to the practice of physical therapy, and (3) either establish that licensee has been employed as a physical therapist in another jurisdiction or pass the National Physical Therapy Examination. Mich. Admin. Code R.338.7137 (2).

Minnesota does not renew, reissue, reinstate, or restore a license that has lapsed or has not been renewed within two annual license renewal cycles. A licensee whose license has been cancelled for nonrenewal must obtain a new license and fulfill all the current requirements for licensure at that time. Minn. Statutes 148.737.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

17. Contact Name

Katie Paff

18. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Scott Grosz
Clearinghouse Director

Margit S. Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 15-027

AN ORDER to repeal PT 1.02 (2) and 3.02; to amend PT 1.04 and 8.02; and to repeal and recreate PT 8.05, relating to temporary re-entry licensure.

Submitted by **PHYSICAL THERAPY EXAMINING BOARD**

03-18-2015 RECEIVED BY LEGISLATIVE COUNCIL.

04-10-2015 REPORT SENT TO AGENCY.

SG:MM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-027

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

- a. The rule analysis should cite s. 440.071, Stats., as one of the statutes interpreted in the rule.
- b. In the rule analysis, quotation marks should be used around the term “candidate for reentry”.
- c. In several instances, stricken text appears in the rule analysis. This text should be removed from the final analysis. However, related to one of those instances, the analysis should include a deadline for submission of comments on the proposed rule.

4. Adequacy of References to Related Statutes, Rules and Forms

Section PT 8.05 (1) should contain a cross-reference to the rule provision that specifies the continuing education requirements that an applicant for renewal must complete.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. The proposed changes in the rule-making order allow an individual to take an examination before they submit an application for licensure. However, several provisions of the current rule that are not amended by the rule-making order appear to be unworkable if an individual wishing to take an examination has not submitted an application for licensure. For example, under current practice, individuals notify the board of their desire to take the required examination by submitting a completed application under s. PT 1.04 and the board notifies applicants, under s. PT

2.01 (5), of the time and place scheduled for the examination. How will this notice be provided under the proposed changes? In addition, s. PT 2.01 requires a panel to review each application for licensure to determine whether an individual is required to take an oral examination. If an individual has not submitted an application for licensure, how will the panel make that determination?

b. The rule analysis should explain why SECTION 4 of the proposed rule eliminates the department's duty to mail application renewal forms to licensees.

c. In s. PT 8.05 (3), must an applicant for reinstatement whose license has been expired less than five years, and who has unmet disciplinary requirements, provide evidence of completion of disciplinary requirements in order to be eligible for reinstatement? Should the reference to "section" in the last sentence of s. PT 8.05 (3) refer instead to subs. (1) and (2) or solely to sub. (2)? If intended to apply to subs. (1) and (2), the board should consider placing the sentence in a separate subsection.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 4/8/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Recognition of Michele Thorman's Service	
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: Item should be placed early in open session.			
11) Authorization			
Taylor Thompson		4/8/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME: Mr. John Greany, Ph.D.

MAILING ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

RESIDES IN: La Crosse, WI

TELEPHONE: [REDACTED]

OCCUPATION: University of Wisconsin La Crosse
Associate Professor

APPOINTED TO: Physical Therapy Examining Board
Physical Therapist

TERM: A term to expire July 1, 2019

SUCCEEDS: Ms. Michele Anne Thorman

SENATE CONFIRMATION: Required

DATE OF APPOINTMENT: July 1, 2015

DATE OF NOMINATION: May 18, 2015

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood on behalf of Tom Ryan		2) Date When Request Submitted: 4/29/2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? LRB-1138/1 Relating to Ratification of the Interstate Medical Licensure Compact	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	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: N/A	
10) Describe the issue and action that should be addressed: Board Discussion			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: DSPS		2) Date When Request Submitted: 5/15/2015	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Status of Budget Initiative to Merge DSPS with the Department of Financial Institutions	
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? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <p>Board, Council and Committee Members:</p> <p>As you may know, Governor Scott Walker’s recently proposed budget included an initiative to merge the Department of Safety and Professional Services (DSPS) and the Department of Financial Institutions (DFI) into one regulatory agency.</p> <p>In an effort to keep our valued board members apprised of the latest information regarding the proposed consolidations, we wanted to alert you to an announcement from Governor Walker that he has asked legislators to remove the merger of our agencies from the budget and not move forward with this initiative.</p> <p>For those who may be interested, Governor Walker’s statement is below:</p> <p><i>After hearing concerns from legislators, stakeholders, and the WHEDA and WEDC Boards, we asked legislators to remove the proposed agency mergers from the state budget and we asked the bill authors to not move forward with the proposed separate legislation. My sincere thanks to the bill authors, Senator Gudex, Representative Hutton, Senator Roth, and Representative Ballweg, for their hard work and collaboration on these bills. Given the issues raised at the recent joint WEDC/WHEDA board meeting, it is not the appropriate time to pursue these proposals.</i></p> <p>We appreciate the time and effort all of our board, council and committee partners have put into evaluating the best ways to provide exceptional customer service and consumer protection to the citizens of the state of Wisconsin. Our commitment to effective, efficient, accountable government remains steadfast. We look forward to partnering with you to continually improve and create seamless government services for our customers.</p> <p>Sincerely, Secretary Dave Ross</p>			

11)	Authorization
Signature of person making this request	Date
Supervisor (if required)	Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)	Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lori Dominiczak		2) Date When Request Submitted: 5/15/2015	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Continuing Education Audit Report, 2013-2015	
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? If yes, who is appearing? Yes – Aaron Knautz, Office of Education and Examinations	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Report to the Board.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 4/22/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Communicating Availability of aPTitude to Licensees	
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:			
11) Authorization			
Taylor Thompson		4/22/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Michele Thorman		2) Date When Request Submitted: 5/14/2015	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Communication with PT and PTA Schools Regarding 2013 Wisconsin Act 114	
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? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board Discussion of Act 114 as it relates to PT and PTA school examination eligibility decisions.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 3/30/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 5/28/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Supreme Court Decision Involving NC Dentistry Board	
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:			
11) Authorization			
Taylor Thompson		3/30/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			

1. The Department is aware that on February 25, 2015, the U.S. Supreme Court issued a decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission.
2. The Department, while continuing to analyze this decision, has developed preliminary opinions and guidance to regulatory boards.
 - a. This decision should not affect regulatory boards who are acting within their regulatory authority. For example, when a regulatory board disciplines a credential holder for unprofessional conduct, such board action is within the acceptable parameters of the board's authority and should not trigger anti-trust issues.
 - b. The investigation and discipline of unlicensed practice should be left to the Department. This has been the Department's long-standing position and should not trigger anti-trust issues.
 - c. The Department is, and has been, aware of potential anti-trust issues concerning regulatory boards. As such, this decision is not a surprise.
 - d. The Department has consistently advised regulatory boards to act within their powers set out in the statutes. This advice remains the same following this decision.
 - e. The Department will continue to analyze the decision and to monitor discussions about the decision especially in areas with potential anti-trust implications such as unlicensed practice, scope of practice and advertising. The Department will update the boards on any important developments.