



PHYSICAL THERAPY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
December 8, 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 September 10, 2015 (4-7)**
- C) Administrative Updates**
 - 1) Staff Changes
 - 2) Board Member – Term Expiration Date
 - a) Shari Berry – 07/01/2016
 - b) Lori Dominiczak – 07/01/2017
 - c) John Greany – 07/01/2019
 - d) Thomas Murphy – 07/01/2017
 - e) Sarah Olson – 07/01/2017
- D) Nominations, Elections, and Appointments**
- E) Legislative and Administrative Rule Matters**
 - 1) Assembly Bill 549, Relating to the Authority of Physical Therapists to Order X-rays and Granting Rule-making Authority **(8-9) (222)**
 - 2) PT and PTA Student Supervision and Potential Scope Statement **(10-13)**
 - 3) Adoption Order – CR 15-027 – Temporary Reentry Licensure **(14-23)**
- F) Temporary Practice by Physical Therapists Licensed in Another Jurisdiction – Board Discussion (24-26)**
- G) Physical Therapy Licensure Compact Discussion – APPEARANCES – Mark Lane, PT, Vice President, Federation of State Boards of Physical Therapy, and David Relling, PT, PhD, FSBPT Board Member and Wisconsin’s Board Liaison (27)**
- H) 2015 Annual Report – Discussion (28)**

- I) **Federation of State Boards of Physical Therapy (FSBPT) Matters**
 - 1) Travel Report: FSBPT Annual Meeting – Orlando, FL – October 15-17, 2015
- J) **Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports Informational Item(s)**
 - 1) Wisconsin Physical Therapy Association, Inc. (WPTA) Spring Conference – April 14-15, 2016 – Madison, WI
- K) Informational Items
- L) 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
- M) Public Comments
- N) **Future Agenda Items**
- O) **Consider Motion to Invite FSBPT Guests into Closed Session**

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.).

- P) **Education and Examination Matters**
 - 1) **Examination Update – APPEARANCE – Aaron Knautz, Licensing Exams Specialist, DSPS Office of Education and Examinations**
- Q) **Deliberation on Credentialing Matters**
 - 1) John T. Voelz, P.T. – Application Review **(29-199)**

R) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) Administrative Warning(s)
 - a) 14 PHT 017 – B.W.G. **(200-201)**
 - b) 15 PHT 004 – S.V.M. **(202-203)**
 - c) 15 PHT 020 – J.A.B. **(204-205)**
- 2) Case Closings(s)
 - a) 15 PHT 006 – K.J. **(206-210)**
 - b) 15 PHT 011 – E.L. **(211-213)**
 - c) 15 PHT 015 – L.K.N. **(214-217)**
 - d) 13 PHT 027 – M.G.H. **(218-221)**

S) 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

T) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- U) Open Session Items Noticed Above not Completed in the Initial Open Session
- V) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- W) Ratification of Licenses and Certificates

ADJOURNMENT

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
September 10, 2015**

PRESENT: Lori Dominiczak, PT; John Greany, PT; Thomas Murphy; Sarah Olson, PTA (*via GoToMeeting*)

EXCUSED: Shari Berry, PT

STAFF: Tom Ryan, Executive Director; and Nilajah Madison-Head, Bureau Assistant; Amber Cardenas Legal Counsel, and other department staff

CALL TO ORDER

Lori Dominiczak, Chair, called the meeting to order at 8:32 A.M. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Thomas Murphy moved, seconded by John Greany, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to approve the minutes of May 28, 2015 as published. Motion carried. Abstained: John Greany

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to approve the minutes of July 7, 2015 as published. Motion carried. Abstained: John Greany

NOMINATIONS, ELECTIONS, AND APPOINTMENTS

Liaison/Panel Appointments

2015 LIAISON APPOINTMENTS	
Credentialing Liaison	Shari Berry, Sarah Olson <i>Alternate: Lori Dominiczak</i>
Monitoring Liaison	Thomas Murphy <i>Alternate: Sarah Olson</i>
Education and Exams Liaison	John Greany, 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 Alternate: Sarah Olson
Screening Panel	Sarah Olson, Thomas Murphy Alternate: John Greany

MOTION: Sarah Olson moved, seconded by Thomas Murphy, to affirm the Chair’s appointment of liaisons. Motion carried unanimously.

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) MATTERS

John Greany to Attend the FSBPT 2015 Annual Meeting as Alternate Delegate

MOTION: Sarah Olson moved, seconded by Thomas Murphy, to affirm the Travel Liaison’s appointment of John Greany as the Board’s alternate delegate, in place of Shari Berry, to attend the FSBPT 2015 Annual Meeting on October 15-17, 2015 in Orlando, Florida and to authorize travel. Motion carried unanimously.

Travel Reports

MOTION: Thomas Murphy moved, seconded by John Greany, to authorize Lori Dominiczak to serve on the FSBPT Delegate Assembly Minutes Review Committee at the 2015 FSBPT Annual Delegate Assembly. Motion carried unanimously.

CLOSED SESSION

MOTION: Thomas Murphy moved, seconded by Sarah Olson, 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, Lori Dominiczak read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Lori Dominiczak - yes; John Greany – yes; Thomas Murphy – yes; Sarah Olson – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:56 A.M.

RECONVENE TO OPEN SESSION

MOTION: Thomas Murphy moved, seconded by John Greany, to reconvene in Open Session at 11:37 A.M. Motion carried unanimously.

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

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

APPEARANCE - AARON KNAUTZ, LICENSING EXAMS SPECIALIST, DSPS OFFICE OF EDUCATION AND EXAMINATIONS – REVIEW OF ORAL EXAM CRITICAL ITEMS

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to authorize John Greany to advise DSPS Staff regarding the Oral Examination. Motion carried unanimously.

CREDENTIALING MATTERS

Andrew P. Rumler, P.T. – Request for Extension of Temporary License

MOTION: John Greany moved, seconded by Thomas Murphy, to deny the request of Andrew P. Rumler, P.T. for an extension of his temporary license. **Reason for Denial:** Failure to establish hardship per Wis. Admin. Code § PT 3.01 (5). Motion carried unanimously.

ORDER FIXING COSTS

Christopher W. Hansen, P.T. (ORDER 0004151)(DHS Case# SPS-14-0018)(DLSC Case#12 PHT 019)

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Christopher W. Hansen, Respondent (ORDER 0004151)(DHS Case # SPS-14-0018)(DLSC Case#12 PHT 019). Motion carried unanimously.

PROPOSED STIPULATION(S), FINAL DECISION AND ORDER(S)

15 PHT 012 – Curt S. Gillilan, P.T.A.:

MOTION: Thomas Murphy moved, seconded by John Greany, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Curt S. Gillilan, P.T.A. Respondent, DLSC case number 15 PHT 012. Motion carried unanimously.

MOTION: John Greany moved, seconded by Thomas Murphy, to direct DSPS Credentialing Staff to place a hold on the license of Curt S. Gillilan, P.T.A. Motion carried unanimously.

CASE CLOSING(S)

14 PHT 006 – P.M.W.

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to close case 14 PHT 006, against P.M.W., for No Violation (NV). Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: John Greany moved, seconded by Sarah Olson, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Murphy moved, seconded by John Greany, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:50 A.M.

DRAFT

**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: 11/25/2015	
		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: 12/8/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Assembly Bill 549, relating to the authority of physical therapists to order X-rays and granting rule-making authority.	
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 Review. To view the latest bill information, go to: http://docs.legis.wisconsin.gov/2015/proposals/ab549			
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	

October 2015

WPTA Information to Legislators Regarding Ordering X-rays:

The WPTA urges your support for a bill that will allow physical therapists to order x-rays and for radiologic technologists to accept such orders to take x-ray films as directed. Prior to 2010 upon the enactment of Wisconsin Act 106, physical therapists in Wisconsin referred patients directly to radiologic technicians for x-rays in accordance with contemporary scope of practice and a legal opinion written in 2005 from the Department of Regulation and Licensing (now the Department of Safety and Professional Services).

A few key points:

- Under direct access – in place since 1987 – PT's see patients without a referral
- X-ray legislation will provide clarity to allow PT's to order x-rays
- Ordering x-rays is taught in all six accredited PT programs in Wisconsin and in all doctorate programs across the US
- This bill clarifies that PT's can order x-rays, not interpret them. Radiologists still review the images.
- Insurance billing would remain unchanged and sent by radiologist technicians
- Hospitals would still be allowed to determine by their own boards whether to adopt this model

For more than two years the WPTA has worked closely on this issue with several stakeholder groups, including the Wisconsin Medical Society, the Wisconsin chiropractic Association, the Alliance of Health Insurers, and the Wisconsin Hospital Association.

Based on these discussions, this legislation des the following:

- Opens the physical therapist practice act to make it explicitly clear that a physical therapist may order x-rays
- Ensures care communication and coordination with a patient's health care team
- Offers training requirements that must be further specified through rules promulgation by the Physical Therapy Examining Board (PTEB)
- Modifies the practice act for radiologist technicians to allow them to act on x-ray orders made by a physical therapist

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 9/23/2015 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: 12/8/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? PT and PTA student supervision and potential scope statement	
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 discuss PT and PTA student supervision and potentially request a scope statement to address any necessary administrative rule changes.			
11) Authorization			
Katie Vieira		9/23/2015	
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			
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.			

From: [Ryan, Thomas - DSPS](#)
To: [Vieira, Kathleen A - DSPS](#)
Subject: next PT agenda
Date: Wednesday, September 23, 2015 7:52:01 AM

Katie, we received this request for rule writing. Would you please put it into an agenda request form for the next PT meeting, as a rule writing discussion, per the Chair's request?

Thank you.

Board: Physical Therapy Examining Board

[REDACTED]
[REDACTED]

All of the PTA programs in the state technical college system (WTCS) would like clarification regarding whether or not it is appropriate under the WI PT practice act for a PTA to supervise a PTA student while performing physical therapy treatment if there is no PT onsite to directly supervise (in other words, under the PT's general supervision, rather than direct supervision). The Practice act (448.52 - c) states that a PT must provide direct supervision for the PTA student when providing care to the patient... However the Practice act also allows a PT to delegate tasks to a PTA, and delegation of supervision of the student PTA is not listed as a task which cannot be delegated. Nowhere in the practice act does it specifically address the role of the PTA in PTA student supervision. Many feel it is, or should be appropriate for a PT to delegate the task of direct supervision to a PTA. So again, the question is, if a PT were to delegate the immediate, direct supervision of the PTA student to a PTA, would that be acceptable? Obviously the student PTA would remain under the general supervision of the PT, but this would allow the PTA to supervise the PTA student when the PT is not onsite. This is especially important for certain settings where the PT is rarely onsite at the same time as the PTA and PTA student, such as Home Health Care, School settings, and in a SNF setting where the PT is perhaps onsite only onsite 1 or 2 days a week for evals and re-evaluations, and the PTA and PTA student would be at the facility alone the rest of the time. Currently, if it is understood that a PT must be onsite to directly supervise the PTA student, these settings are unable to take PTA students for clinical rotations, even if there are PTAs willing to supervise. I appreciate the board providing further clarification on this issue. Thank you!

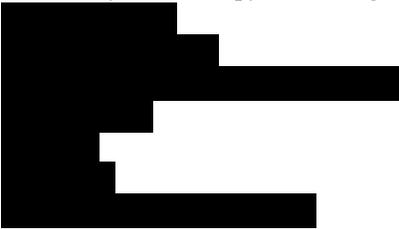
From: [DSPS PracticeFAQ4](#)
To: [Vieira, Kathleen A - DSPS](#)
Subject: FW: Supervision of students for inter-professional learning activities
Date: Wednesday, September 23, 2015 8:09:36 AM

Please add to the PT request so the Board has both.

The DSPS is committed to service excellence. Visit our survey at https://www.surveymonkey.com/s/DPD_BOARDS to evaluate your experience with the DSPS.

From: dsps@wisconsin.gov [mailto:dsps@wisconsin.gov]
Sent: Monday, August 03, 2015 8:26 AM
To: DSPS PracticeFAQ4
Subject: Supervision of students for inter-professional learning activities

Board: Physical Therapy Examining Board



As more and more DPT programs are incorporating inter-professional learning activities into their curriculum, questions related to appropriate student supervision during these activities have arisen. Many time, these activities include a group of students from a number of academic programs collaborating to address a wellness/prevention need in an identified client population. In many instances, these do not include hands on activities where the students actually perform an intervention. In these cases, the student group may use interviews with the client to establish need to referral or areas to address, collaborate to develop a plan to address, and submit that plan to a faculty member from their program for approval. In this scenario, would direct on premise supervision be required for PT students? In a second part of this scenario, what if the students then do some education for the client (again no hands on intervention)? Thank you for your consideration.

Kentucky rule:

201 KAR 327.040 Section 4(5)(h) Ensuring that a physical therapist assistant student fulfilling clinical education requirements shall receive on-site supervision of which eighty (80) percent may be by a credentialed physical therapist assistant;

Nebraska rule:

http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-137.pdf

Louisiana rule: (see Subchapter C Section 337)

http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-137.pdf

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 11/3/2015 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: 12/8/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Adoption Order – CR15-027 – Temporary Reentry Licensure	
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 adopt CR15-027 relating to temporary reentry licensure.			
11) Authorization			
Katie Vieira		11/3/2015	
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	
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
PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICAL THERAPY EXAMINING
PHYSICAL THERAPY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 15-027

ORDER

An order of the Physical Therapy Examining Board to repeal PT 1.02 (2), 1.04, and 3.02; to amend PT 1.03 (title) and (1) (intro.) and (a), 2.01 (5), and 8.02; to repeal and recreate PT 8.05, and to create PT 1.03 (1) (e) relating to temporary reentry licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071, 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 repealed. 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. amends PT 1.03 to align the administrative code with 2013 WI Act 114 by listing the licensure requirements rather than the application requirements.

SECTION 3. adds successful completion of required examinations to the list of licensure requirements.

SECTION 4. repeals licensure requirements in s. PT 1.04 that have been added to s. PT 1.03 in the proposed rule.

SECTION 5. amends PT 2.01 (5) to align the administrative code with 2013 WI Act 114.

SECTION 6. repeals the temporary reentry license.

SECTION 7. removes the application form language from s. PT 8.02. The Department is transitioning away from mailing paper renewal applications with advances in technology.

SECTION 8. 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 document is 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:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone (608) 261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. PT 1.02 (2) is repealed.

SECTION 2. PT 1.03 (title) and (1) (intro.) and (a) are amended to read:

PT 1.03 ~~Applications and credentials~~ Licensure requirements. (1) Every person applying for any class of license to provide physical therapy services shall ~~make application on forms provided by the board, and shall~~ submit to the board all of the following:

(a) A completed and verified application form provided by the board and the fees specified in s. 440.05 (1), Stats.

SECTION 3. PT 1.03 (1) (e) is created to read:

PT 1.03 (1) (e) Evidence of successful completion of the examinations specified in ch. PT 2.

SECTION 4. PT 1.04 is repealed.

SECTION 5. PT 2.01 (5) is amended to read:

PT 2.01 (5) The board shall notify each applicant ~~found eligible~~ for examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for examination as scheduled will void the applicant's examination application and require the applicant to reapply for examination unless prior scheduling arrangements have been made with the board by the applicant.

SECTION 6. PT 3.02 is repealed.

SECTION 7. 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 8. 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 specified in ch. PT 9.

(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 9. **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.

**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: 12/8/2015	
		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: Medical Examining Board			
4) Meeting Date: 11/25/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Temporary Practice by PTs Licensed in Another Jurisdiction – Board Discussion	
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: From the FSBPT Model Law: 3.04 Exemptions from Licensure [or Certification] A. This [act] does not restrict a person licensed under any other law of this jurisdiction from engaging in the profession or practice for which that person is licensed if that person does not represent, imply or claim that he/she is a physical therapist, physical therapist assistant, or a provider of physical therapy as defined in Article 1, 1.02B. B. The following persons are exempt from the licensure requirements of this [act] when engaged in the following activities: <ol style="list-style-type: none"> 1. A person in an entry-level professional education program approved by the board who is satisfying supervised clinical education requirements related to the person's physical therapist education while under onsite supervision of a physical therapist. 2. A physical therapist who is practicing in the United States Armed Services, United States Public Health Service or Veterans Administration pursuant to federal regulations for jurisdiction licensure of healthcare providers. If such person, while federally employed as a physical therapist, shall engage in the practice of physical therapy outside the course and scope of such federal employment, he/she shall then be required to obtain a license in accordance with this [act]. 3. A physical therapist who is licensed in another jurisdiction of the United States or credentialed to practice physical therapy in another country if that person is teaching, demonstrating or providing physical therapy services in connection with teaching or participating in an educational seminar of no more than 60 days in a calendar year. 4. A physical therapist who is licensed in another jurisdiction of the United States if that person is providing consultation by telehealth, as defined in [Definitions, Article 1.02], to a physical therapist licensed under this [act]. 5. A physical therapist who is licensed in a jurisdiction of the United States or credentialed in another country, if that person by contract or employment is providing physical therapy to patients/clients affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the jurisdiction for no more than 60 days in a calendar year. 			

Background Information:

I am now aware that professional sports teams, bands, and other entertainers who travel frequently often bring their own health care professionals with them. This often includes physical therapists. When a PT travels with their team to other states, it seems to me that they would need to be licensed in those states to provide PT services, even if they are only doing so for their team. I don't see any exemptions in the Minnesota Practice Act, anyway. Similarly, if a PT comes to work for one of our home teams, we would expect them to obtain a license to practice here, rather than relying on whatever license they have somewhere else. So when hockey and football and baseball and curling teams come to Minnesota to compete, and when the Rolling Stones and the US Skating Team come to the Twin Cities, those PTs traveling with them are essentially practicing without a license. I assume that this just gets repeatedly ignored by PTs across the country. Is anyone there aware of any previous attention to this? Thank you.

Marshall Shragg, MPH, Executive Director, Minnesota Board of Physical Therapy, 612-627-5406 (main), 612-548-2119 (direct), 612-280-9964 (cell) www.physicaltherapy.state.mn.us

Reply: 11/2/2015 4:04:38 PM by James Heider (OR)

Marshall: The situation you noted above has been addressed by Oregon in Statute. Here is the Oregon statutory language that exempts certain individuals from having to be licensed. See ORS 688.030(4)(b) 688.030 Application of ORS 688.010 to 688.201. ORS 688.010 to 688.201 do not apply to: (1) A person engaging in the domestic application of any activity included in the definition of the practice of physical therapy, if the person does not represent to anyone receiving services or to the public that the person is a physical therapist or a physical therapist assistant. (2) A person using any procedure included in the practice of physical therapy if the procedure is within the scope of practice of the person and the person: (a) Is licensed under a health care licensing law of this state; and (b) Does not represent or imply that the person is a physical therapist or a physical therapist assistant. (3) A person who is enrolled in an accredited physical therapy education program that leads to a degree as a physical therapist or a physical therapist assistant and who is satisfying supervised clinical education requirements under the direct supervision of a physical therapist. (4) A person licensed in the practice of physical therapy in another jurisdiction who is, for a period not to exceed 60 days in each calendar year: (a) Providing consultation from the other jurisdiction by means of telecommunications to a physical therapist in this state; (b) Providing physical therapy services to an individual employed by or affiliated with a touring theater company, a performing arts company, an athletic team or an athletic organization; or (c) Performing physical therapy while teaching or participating in an educational conference in this state.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: October 23, 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: 12/8/2015	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Physical Therapy Licensure Compact Discussion – APPEARANCES – Mark Lane, PT, Vice President, Federation of State Boards of Physical Therapy, and David Relling, PT, PhD, FSBPT Board Member and Wisconsin’s Board Liaison	
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 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: Mark Lane and David Relling of the FSBPT will appear before the Board to deliver a presentation describing the Physical Therapy Licensure Compact and updates from the Federation.			
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: Lori Dominiczak		2) Date When Request Submitted: 11/16/2015 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <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: 12/08/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2015 Annual Report - Discussion	
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: Discuss the 2015 Annual Report.			
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