



PHYSICAL THERAPY EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 25, 2016

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 December 8, 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 (8-12)

- 1) Election of Officers
- 2) Appointment of Liaisons and Delegation of Authority

E) Legislative and Administrative Rule Matters – Discussion and Consideration (13-19)

- 1) Update on Assembly Bill 549/Senate Bill 453 Relating to the Authority of Physical Therapists to Order X-Rays and Granting Rule-Making Authority
- 2) Update on Assembly Bill 726/Senate Bill 568 Relating to Renaming, Changing Membership and Eliminating Certain Professional Licensure Boards
- 3) Update on Senate Bill 698 Relating to Duties and Powers of DPS
- 4) Update on PT 1, 3, and 8 Relating to Temporary Reentry Licenses
- 5) DPS Staff Research Relating to Touring Physical Therapists/Emergency Response Physical Therapists Practicing in Wisconsin and Possible Legislation or Rulemaking Project
- 6) DPS Staff Research Relating to Supervision of Physical Therapist Assistant Students by Physical Therapist Assistants Under General Supervision and Possible Legislation or Rulemaking Projects
- 7) Update on Other Legislation and Pending or Possible Rulemaking Projects

- F) **2015 Physical Therapy Examining Board Annual Report – Board Review (20-23)**
- G) **Continuing Education Audit Report (24-25)**
- H) **Physical Therapy Licensure Compact – Board Review (26)**
- I) **Federation of State Boards of Physical Therapy (FSBPT) Matters, Including:**
 - 1) Board Member and Administrator Training – June 24-26, 2016 – Alexandria, VA
 - 2) Leadership Issues Forum – July 30-31, 2016 – Alexandria, VA
 - 3) FSBPT Annual Meeting – November 3-5, 2016 – Columbus, OH
 - 4) WPTA Meeting – April 14, 2016
- J) Speaking Engagement(s), Travel, or Public Relation Request(s), Reports, and Informational Item(s)
- K) **Informational Items**
 - 1) National Conference of State Legislatures (NCSL) Partnership Project on Telehealth: Telehealth Policy Trends and Considerations **(27)**
 - 2) White House Report on Occupational Licensing **(28)**
- 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**

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.).

O) Education and Examination Matters
1) **Examination Update – APPEARANCE – Aaron Knautz, Licensing Exams Specialist, DSPS Office of Education and Examinations**

P) Deliberation on Division of Legal Services and Compliance (DLSC) Matters
1) Administrative Warning(s)
2) Case Closings(s)
a) 14 PHT 022 **(29-32)**

Q) Open Cases

R) 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

S) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

V) Ratification of Licenses and Certificates

W) Board Member Training Presentation

ADJOURNMENT

NEXT MEETING DATE MAY 26, 2016

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
DECEMBER 8, 2015**

PRESENT: Shari Berry, PT; Lori Dominiczak, PT; John Greany, PT; Thomas Murphy; Sarah Olson, PTA

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

CALL TO ORDER

Lori Dominiczak, Chair, called the meeting to order at 8:30 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Shari Berry moved, seconded by Sarah Olson, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: John Greany moved, seconded by Sarah Olson, to approve the minutes of September 10, 2015 as published. Motion carried. Abstained: Shari Berry

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Assembly Bill 549, Relating to the Authority of Physical Therapists to Order X-rays and Granting Rule-making Authority

MOTION: Shari Berry moved, seconded by Sarah Olson, to designate Lori Dominiczak, or designee, to carry on active discussions with stakeholders and members of the public regarding Assembly Bill 549 and legislative rules review. Motion carried unanimously.

PT and PTA Student Supervision and Potential Scope Statement

MOTION: Shari Berry moved, seconded by Sarah Olson, to request that DSPTS Staff research whether a PT can delegate the supervision of a PTA Student to a PTA and the required level of supervision by the PT to the PTA Student. Motion carried unanimously.

Adoption Order – CR 15-027 – Temporary Reentry Licensure

MOTION: John Greany moved, seconded by Thomas Murphy, to approve the Adoption Order for Clearinghouse Rule 15-027 relating to Temporary Reentry Licensure. Motion carried unanimously.

2015 ANNUAL REPORT

MOTION: Shari Berry moved, seconded by Sarah Olson, to appoint Lori Dominiczak to draft the 2015 Annual Report. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S), AND REPORTS INFORMATIONAL ITEMS

Wisconsin Physical Therapy Association, Inc. (WPTA) Spring Conference – April 14-15, 2016 – Madison, WI

MOTION: Thomas Murphy moved, seconded by Shari Berry, to designate the Chair or an alternate to attend the WPTA Spring Conference on April 14-15, 2016 in Madison, WI and to authorize travel. 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, 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: Shari Berry - yes; Lori Dominiczak - yes; John Greany – yes; Thomas Murphy – yes; Sarah Olson – yes. Motion carried unanimously.

The Board convened into Closed Session at 12:18 P.M.

RECONVENE TO OPEN SESSION

MOTION: Shari Berry moved, seconded by Sarah Olson, to reconvene in Open Session at 12:50 P.M. Motion carried unanimously.

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

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

CREDENTIALING MATTERS

John T. Voelz, P.T. – Application Review

MOTION: John Greany moved, seconded by Thomas Murphy, to reinstate the license of John T. Voelz, P.T. to practice Physical Therapy in the State of Wisconsin once all requirements are met. Motion carried unanimously.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)
MATTERS**

Administrative Warning(s)

14 PHT 017 – B.W.G.

MOTION: Shari Berry moved, seconded by Sarah Olson, to issue an Administrative Warning in the matter of DLSC case number 14 PHT 017 – B.W.G. Motion carried unanimously.

15 PHT 004 – S.V.M.

MOTION: Shari Berry moved, seconded by Thomas Murphy, to issue an Administrative Warning in the matter of DLSC case number 15 PHT 004 – S.V.M. Motion carried unanimously.

15 PHT 020 – J.A.B.

MOTION: Shari Berry moved, seconded by Sarah Olson, to issue an Administrative Warning in the matter of DLSC case number 15 PHT 020 – J.A.B. Motion carried unanimously.

CASE CLOSING(S)

15 PHT 006 – K.J.

MOTION: Shari Berry moved, seconded by Sarah Olson, to close case 15 PHT 006, against K.J., for Insufficient Evidence (IE). Motion carried unanimously.

15 PHT 011 – E.L.

MOTION: Shari Berry moved, seconded by Thomas Murphy, to close case 15 PHT 011, against E.L., for Prosecutorial Discretion (P2). Motion carried unanimously.

15 PHT 015 – L.K.N.

MOTION: John Greany moved, seconded by Shari Berry, to close case 15 PHT 015, against L.K.N., for Insufficient Evidence (IE). Motion carried unanimously.

13 PHT 027 – M.G.H.

MOTION: Sarah Olson moved, seconded by Thomas Murphy, to close case 13 PHT 027, against M.G.H., for Insufficient Evidence (IE). 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 Sarah Olson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:53 P.M.

DRAFT

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

AGENDA REQUEST FORM

| | | | |
|---|--|--|--|
| 1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant | | 2) Date When Request Submitted: 01/25/16 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: 02/25/16 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Nominations, Elections, and Appointments Election of Officers Appointment of Liaisons and Delegation of Authority | |
| 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 shall Elect Officers and have the Chair appoint Liaisons. The Board shall also delegate authority as necessary. | | | |
| 11) Authorization | | | |
| <i>Nilajah D. Hardin</i> | | 02/25/16 | |
| 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. | | | |

PHYSICAL THERAPY EXAMINING BOARD

2015 ELECTIONS AND APPOINTMENTS

February 2015

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

| 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 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.

September 2015

| 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 <i>Alternate: Sarah Olson</i> |
| Screening Panel | Sarah Olson, Thomas Murphy <i>Alternate: John Greany</i> |

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

AGENDA REQUEST FORM

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|---|--|--|--|
| 1) Name and Title of Person Submitting the Request: Kelley Sankbeil Monitoring Supervisor Division of Legal Services and Compliance | | 2) Date When Request Submitted: January 9, 2016 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: February 25, 2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Delegation of Authority to Monitoring Liaison and Department Monitor | |
| 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: Delegated Authority Motion: <i>“ _____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i> | | | |
| 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. | | | |

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
- 8. Grant or deny a request to appear before the Board/Section in closed session.**

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

AGENDA REQUEST FORM

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|---|--|---|---|
| 1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator | | 2) Date When Request Submitted: 2/15/16 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: 2/25/16 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Update on Assembly Bill 549/Senate Bill 453 Relating to the Authority of Physical Therapists to Order X-rays and Granting Rule-Making Authority 2. Update on Assembly Bill 726/Senate Bill 568 Relating to Renaming, Changing Membership and Eliminating Certain Professional Licensure Boards 3. Update on Senate Bill 698 Relating to Duties and Powers of DSPS 4. Update on PT 1, 3, and 8 Relating to Temporary Reentry Licenses 5. DSPS Staff Research Relating to Touring Physical Therapists/Emergency Response Physical Therapists Practicing in Wisconsin and Possible Legislation or Rulemaking Project 6. DSPS Staff Research Relating to Supervision of Physical Therapy Students and Physical Therapy Assistant Students by Physical Therapy Assistants Under General Supervision and Possible Legislation or Rulemaking Project 7. Update on Other Legislation and Pending or Possible Rulemaking Projects | |
| 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: 1. Assembly Bill 549: http://docs.legis.wisconsin.gov/2015/proposals/reg/asm/bill/ab549 Senate Bill 453: http://docs.legis.wisconsin.gov/2015/proposals/reg/sen/bill/sb453 2. Assembly Bill 726: http://docs.legis.wisconsin.gov/2015/proposals/reg/asm/bill/ab726 Senate Bill 568: http://docs.legis.wisconsin.gov/2015/proposals/reg/sen/bill/sb568 3. Senate Bill 698: http://docs.legis.wisconsin.gov/2015/proposals/reg/sen/bill/sb698 | | | |
| 11) Authorization | | | |
| <i>Dale Kleven</i> | | <i>February 15, 2016</i> | |
| 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 | |

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

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

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|---|--|--|--|
| 1) Name and Title of Person Submitting the Request: Lori Dominiczak | | 2) Date When Request Submitted: 1/29/2016 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: 2/25/2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Senate Bill 568 | |
| 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 style="text-align: center;"><u>Copy of WPTA testimony re: SB 568</u></p> <p><i>The following letter was recently sent to Senate Members of the Committee on Government Operations and Consumer Protection from President Kip Schick:</i></p> <p>On behalf of our 2,500+ members of the Wisconsin Physical Therapy Association (WPTA), we ask that you oppose Senate Bill 568, relating to consolidating boards and councils.</p> <p>The WPTA represents physical therapists, physical therapist assistants, and students, all of whom seek to raise the standards of professionalism, safety, and quality of care in our field. We believe that Senate Bill 568 limits the state's ability to oversee the regulatory and disciplinary process effectively for our profession, which ultimately decreases public safety. Besides a relatively small cost savings to the State of Wisconsin, the proposed board consolidation has limited rationale.</p> <p>Consolidating the respective boards for physical therapists, athletic trainers, massage therapists and bodyworkers, and occupational therapists into the Medical Therapy Examining Board (MTEB) decreases the depth of regulatory oversight and dilutes discipline-specific understanding of separate and distinct professions. The proposed MTEB would be responsible for a wide range of activity that is likely to be less responsive, efficient, and effective.</p> <p>The Physical Therapy Examining Board (PTEB) formed in 2010, and was developed to allow the profession to be governed by physical therapists, a physical therapist assistant, and a public member. In its short existence, the PTEB has been very successful in promoting many initiatives that advance physical therapist practice while also ensuring public protection.</p> <p>The WPTA strives to support initiatives that reduce the cost of care, enhance the patient and family experience,</p> | | | |

improve outcomes, and support the overall health of the public. Senate Bill 568 is contrary to all of these aims; instead, the bill aims to decrease the cost to the state, and we believe the risks to patient care and safety are far outweighed by any financial benefit this legislation would provide. As a result, the WPTA asks you to oppose this consolidation measure.

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: 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: 02/25/2016 | 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: 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 |

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

AGENDA REQUEST FORM

| | | | |
|---|---|---|------|
| 1) Name and Title of Person Submitting the Request: | | 2) Date When Request Submitted: 1/15/2016 | |
| | | 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: 2/25/2016 | 5) Attachments: x Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? 2015 Physical Therapy Board Annual Report – Board Review | |
| 7) Place Item in: x 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: Review for approval. | | | |
| 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 |

**PHYSICAL THERAPY EXAMINING BOARD
2015 ANNUAL REVIEW**

- Board Members in 2015 were: Lori Dominiczak, PT (Brown Deer); Shari Berry, PT (Tomah); Sarah Olson, PTA (Readstown); John Greany, PT (La Crosse); and Thomas Murphy, Public Member (DePere). Officers in 2015 were Lori Dominiczak (Chair), Shari Berry (Vice Chair) and Sarah Olson (Secretary).

- 2015 Liaison Appointments:

Credentialing – Sarah Olson, Shari Berry (Alternate – Michele Thorman replaced by Lori Dominiczak September 10, 2015)

Monitoring – Thomas Murphy (Alternate – Sarah Olson)

Education and Exams – Michele Thorman (replaced by John Greany, September 10, 2015), Shari Berry (Alternate – Sarah Olson)

Legislative – Lori Dominiczak (Alternate – Shari Berry)

Travel – Lori Dominiczak (Alternate – Michele Thorman replaced by Shari Berry September 10, 2015)

Website – Shari Berry (Alternate – Sarah Olson)

Rules – Lori Dominiczak (Alternate – Shari Berry)

Professional Assistance Procedure – Thomas Murphy (Alternate – Sarah Olson)

Screening Panel – Sarah Olson, Thomas Murphy (Alternate – Michele Thorman replaced by John Greany September 10, 2015)

- The Board adopted rule changes to Wis. Admin. Code Chapters PT 1, 2, 3 and 8, related to the temporary reentry license on December 8, 2015.
- The Board continued to work with the Wisconsin Physical Therapy Association (WPTA) Continuing Education Approval Task Force regarding details pertaining to its course approval process, and in particular, online courses, with a report from that task force provided September 10, 2015. The WPTA continues to consider a number of factors when approving continuing education programs including the learning environment, content, and coordination with learning objectives.
- The Board approved language to be posted on the Wisconsin page of aPTitude, a Federation of State Boards of Physical Therapy (FSBPT) online tool for therapists to record continuing education activities.
- The Office of Education and Examinations, with assistance from the Board, was charged with reviewing the critical questions from the oral examination question bank to ensure they were appropriate.
- The Office of Education and Examinations initiated an audit of Wisconsin licensees' compliance with Wis. Admin. Code Chapter PT 9 for the 2013-2015 biennial licensure period. The Board authorized Shari Berry and Sarah Olson to serve as liaisons for the 2013-2015 continuing education audit.

- The Board initiated discussions of possible law changes relating to the supervision of physical therapist assistants.
- The Board initiated discussions surrounding the practice of physical therapy via telehealth.
- The Department of Safety and Professional Services informed program directors of all PT and PTA educational programs in Wisconsin of the changes to the National Physical Therapy Examination (NPTE) application and authorization to test procedures resulting from 2013 Wisconsin Act 114.
- The Board initiated discussions of temporary practice by physical therapists licensed in another jurisdiction, such as those providing physical therapy services for professional athletic teams, travelling performing arts groups or during disaster relief efforts.
- The Board welcomed Mark Lane and David Relling of FSBPT to the December 8, 2015 Board meeting. They presented information and invited discussion on the proposed Physical Therapy Licensing Compact along with other FSBPT initiatives.
- Sarah Olson (PTA Member) participated as a member of the FSBPT Membership Task Force in January 2015.
- Michele Thorman (PT Member) joined the FSBPT Continuing Competence Committee.
- Tom Ryan (Board Administrator) was elected to the FSBPT Nominating Committee at the Annual Meeting, October 17, 2015.
- Thomas Murphy (Public Member) attended the Federation of State Boards of Physical Therapy (FSBPT) Board Member and Administrator Training, June 12-14, 2015, in Alexandria, Virginia.
- Lori Dominiczak (PT Member) and Tom Ryan (Board Administrator) attended the FSBPT Leadership Issues Forum, August 1-2, 2015, in Alexandria, Virginia.
- Lori Dominiczak (Delegate), John Greany (Alternate Delegate) and Tom Ryan (Board Administrator) attended the FSBPT Annual Meeting, October 15-17, 2015, in Orlando, Florida. Lori Dominiczak served on the FSBPT Delegate Assembly Minutes Review Committee at the 2015 FSBPT Annual Delegate Assembly.
- Lori Dominiczak (PT Member) represented the Board at a Public Hearing held by the Assembly Committee on Health, December 16, 2015, for a “red tape review” of Wis. Admin. Code Chapters PT 1-9 and Assembly Bill 549, Relating to the Authority of Physical Therapists to Order X-rays and Granting Rule-making Authority.

- The Board authorized Lori Dominiczak (PT Member) as a representative to the WPTA Spring Conference Issues Forum, April 14-15, 2016.
- The Board administered 1 PT oral exam.

| <u>Licensing Activity</u> | <u>PT</u> | <u>PTA</u> |
|--|------------------|-------------------|
| Applications Received (approximate) | 379 | 170 |
| Licenses Issued | 382 | 175 |
| Renewals | 5376 | 1900 |

| <u>Enforcement Activity</u> | <u>PT and PTA</u> |
|---|--------------------------|
| New complaints received | 30 |
| Number of Respondents involved | 31 |
| Number of cases opened | 8 |
| Total cases/respondents closed | 40 |
| Total closed at screening | 29 |
| Total closed after investigation | 9 |
| Total closed with formal action | 2 |
| Cases pending as of 2/15 | 2 |

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

AGENDA REQUEST FORM

| | | | |
|--|---|---|--|
| 1) Name and Title of Person Submitting the Request: Pete Schramm, Continuing Education Specialist | | 2) Date When Request Submitted: 2/12/2016 <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: 2/25/2016 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Continuing Education Audit 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: | | | |
| 10) Describe the issue and action that should be addressed: Report on the 2013-2015 Continuing Education Audit for Physical Therapist and Physical Therapy Assistant; make motion to refer non-compliant license holders to DLSC | | | |
| 11) Authorization | | | |
| Pete Schramm | | 2/12/2016 | |
| 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. | | | |

2013-2015 Physical Therapy and Physical Therapy Assistant Continuing Education Audit Compliance Report

Physical Therapist (reg type 24) Audit

246 licensees were audited: 241 were randomly selected, 5 were added due to open investigations

Of 246 licensees audited, thirty-three (33) were not in compliance representing an 86.6% compliance rate. Following is the reason for noncompliance:

- Nine (9) submitted courses that occurred outside of the appropriate biennium
- Eight (8) submitted courses that were not acceptable under PT 9
- Six (6) did not submit proof of ethics or jurisprudence
- Three (3) did not submit supporting documentation for the courses on their attendance table
- Three (3) returned the certified mail notice but did not submit any additional materials.
- Two (2) submitted less than the required number of contact hours
- One (1) stated they could not complete continuing education due to medical hardship
- One (1) had both audit letters returned as undeliverable; no further information was submitted.

Physical Therapist Assistant (reg type 19) Audit

79 licensees were audited: 75 were randomly selected, 4 were added due to open investigations

Of 79 licensees audited, eleven (11) were not in compliance representing an 86.1% compliance rate. Following is the reason for noncompliance:

- Six (6) submitted courses that occurred outside of the appropriate biennium
- Two (2) submitted less than the required number of contact hours
- One (1) submitted courses that were not acceptable under PT 9
- One (1) did not submit supporting documentation for the courses on their attendance table
- One (1) did not submit proof of ethics or jurisprudence

**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: 1/6/2015 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: 2/25/2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Physical Therapy Licensure Compact – Board Review | |
| 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 of compact: https://www.fsbpt.org/Portals/0/documents/free-resources/LicensureCompactLanguage_20151006.pdf | | | |
| 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: Nilajah Hardin, Bureau Assistant on behalf of Tom Ryan, Executive Director | | 2) Date When Request Submitted: 01/25/16 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: 02/25/16 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? National Conference of State Legislatures (NCSL) Partnership Project on Telehealth: Telehealth Policy Trends and Considerations | |
| 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: Please review the following information: http://www.ncsl.org/documents/health/telehealth2015.pdf | | | |
| 11) Authorization | | | |
| <i>Nilajah D. Hardin</i> | | 01/25/16 | |
| 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

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|--|---|---|------|
| 1) Name and Title of Person Submitting the Request: | | 2) Date When Request Submitted: 12/4/2015 | |
| | | 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: 2/25/2016 | 5) Attachments: x Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Informational Item – White House Report on Occupational Licensing | |
| 7) Place Item in: x 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: Item is informational only. If the Board would like to discuss it, it could be added as a separately listed item on a future agenda. https://community.nabweb.org/system/files/licensing_report_final_nonembargo.pdf | | | |
| 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 |