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**VIRTUAL/TELECONFERENCE**  
**PHYSICAL THERAPY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**May 3, 2023**

*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 description of the actions of the Board.*

**AGENDA**

**8:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of February 8, 2023 (5-11)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
    - a. Berry, Shari – 7/1/2020
    - b. Carter, Barbara – 7/1/2025
    - c. Greany, John – 7/1/2023
    - d. Johnson, Steven W. – 7/1/2025
    - e. McEldowney, Todd – 7/1/2025
- F. Physical Therapy Compact Update – Discussion and Consideration**
- G. Federation of State Boards of Physical Therapy (FSBPT) Matters – Discussion and Consideration
- H. Board Chair Meeting – Discussion and Consideration (12)**
- I. Annual Review of the Temporary Changes to Digital Health Requirements – Discussion and Consideration**
- J. PT 6 – Discussion and Communications**
- K. Legislative and Policy Matters – Discussion and Consideration

- L. Administrative Rule Matters – Discussion and Consideration
    - 1) Pending or Possible Rulemaking Projects
  - M. **Speaking Engagements, Travel, or Public Relation Requests, and Reports**
    - 1) Travel Report: FSBPT Board Member and Administrator Training – Virtual – March 10-12, 2023
  - N. **Conference Attendance – Discussion and Consideration**
  - O. **Review of Practice Questions and Answers – Department Policy – Discussion and Consideration**
  - P. **Liaison Reports – Discussion and Consideration**
  - Q. Discussion and Consideration of Items Added After Preparation of Agenda
    - 1) Introductions, Announcements and Recognition
    - 2) Administrative Matters
    - 3) Election of Officers
    - 4) Appointment of Liaisons and Alternates
    - 5) Delegation of Authorities
    - 6) Education and Examination Matters
    - 7) Credentialing Matters
    - 8) Practice Matters
    - 9) Legislative and Policy Matters
    - 10) Administrative Rule Matters
    - 11) Liaison Reports
    - 12) Board Liaison Training and Appointment of Mentors
    - 13) Public Health Emergencies
    - 14) Informational Items
    - 15) Division of Legal Services and Compliance (DLSC) Matters
    - 16) Presentations of Petitions for Summary Suspension
    - 17) Petitions for Designation of Hearing Examiner
    - 18) Presentation of Stipulations, Final Decisions and Orders
    - 19) Presentation of Proposed Final Decisions and Orders
    - 20) Presentation of Interim Orders
    - 21) Petitions for Re-Hearing
    - 22) Petitions for Assessments
    - 23) Petitions to Vacate Orders
    - 24) Requests for Disciplinary Proceeding Presentations
    - 25) Motions
    - 26) Petitions
    - 27) Appearances from Requests Received or Renewed
    - 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports
  - R. **Public Comments**
- CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**
- S. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) **Case Closings**
  - a. 22 PHT 011 – C.S.K. (13-20)
- 2) **Proposed Stipulation and Final Decision and Order**
  - a. 22 PHT 004 – Andrea R. Lyon, P.T. (21-27)

- T. Deliberation of Items Added After Preparation of the Agenda
1. Education and Examination Matters
  2. Credentialing Matters
  3. DLSC Matters
  4. Monitoring Matters
  5. Professional Assistance Procedure (PAP) Matters
  6. Petitions for Summary Suspensions
  7. Petitions for Designation of Hearing Examiner
  8. Proposed Stipulations, Final Decisions and Orders
  9. Proposed Interim Orders
  10. Administrative Warnings
  11. Review of Administrative Warnings
  12. Proposed Final Decisions and Orders
  13. Matters Relating to Costs/Orders Fixing Costs
  14. Case Closings
  15. Board Liaison Training
  16. Petitions for Assessments and Evaluations
  17. Petitions to Vacate Orders
  18. Remedial Education Cases
  19. Motions
  20. Petitions for Re-Hearing
  21. Appearances from Requests Received or Renewed
- U. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- V. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- W. Open Session Items Noticed Above Not Completed in the Initial Open Session
- X. Delegation and Ratification of Examinations, Licenses and Certificates

**ADJOURNMENT**

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE**

**VIRTUAL/TELECONFERENCE**

**10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

**CLOSED SESSION** – Reviewing Applications and Conducting Oral Examination of **zero (0)** (at time of agenda publication) Candidates for Licensure – **John Greany** and **Shari Berry**

**NEXT MEETING: AUGUST 9, 2023**

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 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
PHYSICAL THERAPY EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 8, 2023**

**PRESENT:** Shari Berry, PT; Barbara Carter, PTA; John Greany, PT (*excused at 10:41 a.m.*); Steven Johnson, PT; Todd McEldowney

**STAFF:** Tom Ryan, Executive Director; Joseph Ricker, Legal Counsel; Sofia Anderson, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Shari Berry, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with five (5) members present.

**ADOPTION OF AGENDA**

**MOTION:** Todd moved, seconded by Barbara Carter, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 30, 2022**

**MOTION:** John Greany moved, seconded by Barbara Carter, to approve the Minutes of November 30, 2022 as published. Motion carried. Abstained: Steven Johnson

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Shari Berry nominated John Greany for the Office of Chairperson. John Greany accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

John Greany was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Shari Berry nominated Steven Johnson for the Office of Vice Chairperson. Steven Johnson accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Steven Johnson was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Shari Berry nominated Barbara Carter for the Office of Secretary. Barbara Carter accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Barbara Carter was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	John Greany
<b>Vice Chairperson</b>	Steven Johnson
<b>Secretary</b>	Barbara Carter

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Barbara Carter, John Greany <i>Alternate:</i> Steven Johnson
<b>Education and Examinations Liaison(s)</b>	Barbara Carter, John Greany <i>Alternate:</i> Steven Johnson
<b>Monitoring Liaison(s)</b>	Steven Johnson <i>Alternate:</i> John Greany
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Barbara Carter <i>Alternate:</i> Todd McEldowney
<b>Legislative Liaison(s)</b>	John Greany <i>Alternate:</i> Barbara Carter
<b>Travel Authorization Liaison(s)</b>	Barbara Carter <i>Alternate:</i> Steven Johnson
<b>Website Liaison(s)</b>	Barbara Carter, John Greany <i>Alternate:</i> Todd McEldowney
<b>Compact Liaison</b>	Barbara Carter <i>Alternate:</i> John Greany
<b>Screening Panel</b>	John Greany, Todd McEldowney <i>Alternate:</i> Steven Johnson

## **Delegation of Authorities**

### ***Document Signature Delegations***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by John Greany, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### ***Delegated Authority for Urgent Matters***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### ***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** Shari Berry moved, seconded by Todd McEldowney, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

### ***Delegation to Chief Legal Counsel for Stipulated Resolutions***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

### ***Monitoring Delegations***

#### **Delegation of Authorities for Monitoring**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 8, 2023 agenda materials on pages 18-20. Motion carried unanimously.

### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Barbara Carter moved, seconded by Shari Berry, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

### ***Credentialing Authority Delegations***

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Shari Berry moved, seconded by Steven Johnson, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

#### **Delegation of Authority for Conviction Reviews**

**MOTION:** Shari Berry moved, seconded by Steven Johnson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of physical therapy. Motion carried unanimously.

#### **Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed**

**MOTION:** Shari Berry moved, seconded by Todd McEldowney, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous physical therapy credential and there is no new discipline. Motion carried. Opposed: John Greany

#### **Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous physical therapy credential and there is no new conviction record. Motion carried unanimously.



### **Delegated Authority for Application Denial Reviews**

**MOTION:** Shari Berry moved, seconded by Steven Johnson, that the Department's Attorney Supervisors are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### **Delegation of Authority for Military Reciprocity Reviews**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

### ***Pre-Screening Delegation to Open Cases***

**MOTION:** Shari Berry moved, seconded by Steven Johnson, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

### ***Pre-Screening Delegation to Close Cases***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

### ***Voluntary Surrenders***

**MOTION:** Shari Berry moved, seconded by Todd McEldowney, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Steven Johnson, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

### ***Education and Examination Liaison(s) Delegation***

**MOTION:** Todd moved, seconded by Barbara Carter, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

### ***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Barbara Carter moved, seconded by Shari Berry, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### ***Legislative Liaison Delegation***

**MOTION:** Barbara Carter moved, seconded by Shari Berry, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### ***Travel Authorization Liaison Delegation***

**MOTION:** Barbara Carter moved, seconded by Steven Johnson, to delegate authority to the Travel Authorization Liaison(s) to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

### ***Website Liaison(s) Delegation***

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

### ***Compact Liaison(s) Delegation***

**MOTION:** Shari Berry moved, seconded by Todd McEldowney, to delegate to the Compact Liaison the authority to act and answer questions on any matters related to the Physical Therapy Licensure Compact. Motion carried unanimously.

## **2022 PHYSICAL THERAPY EXAMINING BOARD ANNUAL REPORT – BOARD REVIEW**

**MOTION:** Barbara Carter moved, seconded by Todd McEldowney, to approve the Physical Therapy Examining Board 2022 Annual Review. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR  
PUBLIC RELATION REQUESTS, AND REPORTS**

**Consideration of Attendance: FSBPT Board Member and Administrator Training – Virtual – March 10-12, 2023**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to designate Steven Johnson, as the Board’s delegate, to attend the FSBPT Board Member and Administrator Training on March 10-12, 2023 Virtually. Motion carried unanimously.

**Consideration of Attendance: FSBPT Leadership Issues Forum (LIF) – Arlington, VA – July 15-16, 2023**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to designate John Greany, as the Board’s delegate, and Steven Johnson as the Board’s alternate delegate, to attend the FSBPT Leadership Issues Forum (LIF) on July 15-16, 2023 in Arlington, VA. Motion carried unanimously.

**Consideration of Attendance: FSBPT Annual Meeting and Delegate Assembly – Virtual – October 16, 2023**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to designate John Greany, as the Board’s delegate, and Steven Johnson as the Board’s alternate delegate, to attend the FSBPT Delegate Assembly on October 16, 2023 Virtually. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to designate John Greany, as the Board’s delegate, and Steven Johnson as the Board’s alternate delegate, to attend the FSBPT Annual Meeting on October 19-21, 2023 in Jacksonville, FL. Motion carried unanimously.

**DELEGATION AND RATIFICATION OF EXAMINATIONS,  
LICENSES AND CERTIFICATES**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

*John Greany was excused at 10:41 a.m.*

**ADJOURNMENT**

**MOTION:** Shari Berry moved, seconded by Barbara Carter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:42 a.m.

## Highlights of Board Chair Meeting on 3/7/2023 at 11:30 am.

Marco Uzeirovic- Appointment office:

- Priority is to make sure all positions on boards are filled. If you have recommendations, please send to the governor's office.

Dan Hereth-

Budget highlights

- 30 additional positions for staff
  - o 16 involved in direct approval of applications (More licenses are being granted more quickly. However it is clear that there is a "trailing cohort" of 20-30% of applicants who need higher level of service.)
  - o 14 additional call staff (will replace the current contract assist we have now)
  - o 10 board services positions (assist board work)
- New positions :
  - o New license navigators (aide those with complex situations in application and will be the interface with educators, employers, etc.)
  - o 5 new positions to deal with reciprocity licensing. "The originating state has to be substantially similar" which can involve complex and time-consuming analysis of each state's laws/ rules.

Audit updates

- The results of the audit should ultimately support the budget requests/ needs.
- If this affects your board, the department will assist so there is minimal impact to board business and licensing

Technology updates

- LicenseE processes continued to be reviewed and augmented as needed.
- May 1, approx.. 2/3 of remaining professions will go into LicenseE
- Complaint process service scheduled to go into LicenseE in the fall

Gwen Jones-

Staffing

- Thank you to Tom Ryan and Brad Wojciechowski for stepping up to help all boards when staff changes occurred at the executive director level.
- A new executive director has been hired and started today.

Training

- Wisconsin Public Records Law training and Ethics for Public Official officials must be completed by all members of boards. If attending conferences as a board representative, finishing training first is mandatory.
- Conference attendees- complete a report for their board and the department. (Is there a required format?)
- Training content is being updated to assist board members.