



**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
February 3, 2021**

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 December 2, 2020 (5-8)**
- 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) Annual Policy Review **(9)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(10-18)**
 - 4) Board Members – Term Expiration Dates
 - a. Berry, Shari – 7/1/2020
 - b. Carter, Barbara – 7/1/2021
 - c. Greany, John – 7/1/2023
 - d. McEldowney, Todd – 7/1/2021
 - e. Zalewski, Kathryn – 7/1/2021
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1) Administrative Rules Reporting Requirement Under 227.29, Stats.
 - a. 2021 Administrative Rules Review and Draft Report **(19-23)**
 - 2) Pending or Possible Rulemaking Projects
 - a. Possible Rulemaking Projects – 2021 Administrative Rules Review
 - b. Emergency Rule Relating to Implementation of the Physical Therapy Licensure Compact
- G. Legislative and Policy Matters – Discussion and Consideration**
 - 1) Compact Status

H. Review of the 2020 Board Annual Report – Discussion and Consideration (24-26)

I. Foreign Education – Discussion and Consideration

J. Public Agenda Request: Temporary Changes to PT 5 Regarding Teletherapy

K. COVID-19 – Discussion and Consideration

L. Federation of State Boards of Physical Therapy (FSBPT) Matters – Discussion and Consideration

M. 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) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

N. 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.).

O. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 19 PHT 009 & 19 PHT 010 – R.S.J. **(27-28)**

P. Credentialing Matters

1) Application Reviews

- a. Anna Vaughn – Physical Therapy Renewal Applicant (**29-53**)

Q. 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

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- S. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- T. Open Session Items Noticed Above Not Completed in the Initial Open Session
- U. 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: MAY 5, 2021

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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 interpreter services for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
DECEMBER 2, 2020**

PRESENT: Shari Berry, PT; Barbara Carter, PTA; John Greany, PT; Todd McEldowney; Kathryn Zalewski, PT

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv; and other Department Staff

CALL TO ORDER

Shari Berry, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: John Greany moved, seconded by Kathryn Zalewski, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 12, 2020

MOTION: Todd McEldowney moved, seconded by Kathryn Zalewski, to approve the Minutes of August 12, 2020 as published. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE (CR) 20-054, PT 1, RELATING TO
RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS,
AND THEIR SPOUSES**

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Kathryn Zalewski moved, seconded by John Greany, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-054 (PT 1), relating to reciprocal credentials for service members, former service members, and their spouses, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**PUBLIC HEARING ON CLEARINGHOUSE RULE (CR) 20-055, PT 1, 5, & 7,
RELATING TO SUPERVISION OF STUDENTS**

Review and Respond to Public Comments and Clearinghouse Report

MOTION: John Greany moved, seconded by Barbara Carter, to accept all Clearinghouse comments for CR 20-055 (PT 1, 5, and 7), relating to supervision of students. Motion carried unanimously.

MOTION: Barbara Carter moved, seconded by Todd McEldowney, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-055 (PT 1, 5, and 7), relating to supervision of students, for submission to the Governor's Office and Legislature. Motion carried unanimously.

PUBLIC HEARING ON CLEARINGHOUSE RULE (CR) 20-056, PT 1 - 10, RELATING TO IMPLEMENTATION OF THE PHYSICAL THERAPY LICENSURE COMPACT

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Todd McEldowney moved, seconded by Kathryn Zalewski, to reject Clearinghouse comment 4 and to accept all other Clearinghouse comments for CR 20-056 (PT 1 to 10), relating to implementation of the physical therapy licensure compact. Motion carried unanimously.

MOTION: Kathryn Zalewski moved, seconded by John Greany, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-056 (PT 1 to 10), relating to implementation of the physical therapy licensure compact, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Administrative Rules Reporting Requirements Under s. 227.29, Stats.

MOTION: Kathryn Zalewski moved, seconded by Barbara Carter, to designate Shari Berry and John Greany to serve as liaisons to DSPS staff for drafting a report pursuant to Wis. Stat. s. 227.29 for submission in 2021, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

PUBLIC AGENDA REQUEST: TEMPORARY CHANGES TO PT 5 REGARDING TELETHERAPY

MOTION: Kathryn Zalewski moved, seconded by John Greany, pursuant to PT 5.01(2)(b), to approve reasonable alternative methods of contact between physical therapist assistants and their supervising physical therapists as necessary and appropriate due to the COVID-19 pandemic. The Board shall review this approval at its next meeting and subsequent meetings to amend, rescind, or continue as appropriate. Motion carried unanimously.

MOTION: Barbara Carter moved, seconded by Todd McEldowney, to authorize the Chairperson to approve a Scope Statement relating to supervision of physical therapist assistants, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Todd McEldowney moved, seconded by John Greany, to 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), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Shari Berry, Chairperson, 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; Barbara Carter-yes; John Greany-yes; Todd McEldowney-yes; and Kathryn Zalewski-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:43 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

18 PHT 008 – D.D.

MOTION: Todd McEldowney moved, seconded by Barbara Carter, to close DLSC Case Number 18 PHT 008 against D.D., for Insufficient Evidence. Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders

19 PHT 008 – Mark L. Wilson, P.T.

MOTION: Kathryn Zalewski moved, seconded by Barbara Carter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark L. Wilson, P.T., DLSC Case Number 19 PHT 008. Motion carried. Abstained: John Greany

RECONVENE TO OPEN SESSION

MOTION: John Greany moved, seconded by Todd McEldowney, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:52 a.m.

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

MOTION: Todd McEldowney moved, seconded by Kathryn Zalewski, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

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

MOTION: Barbara Carter moved, seconded by John Greany, 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: John Greany moved, seconded by Kathryn Zalewski, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:56 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/29/2020 <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: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
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 <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 be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
<i>Kimberly Wood</i>		12/29/2020	
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: <ol style="list-style-type: none"> 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: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: 25 January 2021 <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: 3 February 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
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 <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: 1) The Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. <ul style="list-style-type: none"> a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo) c. Pre-Screening Delegations (Questions: Gretchen Mrozinski) 			
11) Authorization			
Megan Glaeser		25 January 2021	
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

2020 Elections and Liaison Appointments

2020 ELECTION RESULTS	
Chairperson	Shari Berry
Vice Chairperson	John Greany
Secretary	Kathryn Zalewski

Appointment of Liaisons and Alternates

2020 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Shari Berry, Kathryn Zalewski <i>Alternate: Barbara Carter</i>
Office of Education and Examinations Liaison	John Greany*, Barbara Carter <i>Alternate: Kathryn Zalewski</i> <i>*John Greany is the primary liaison for CE hardship requests, and Shari Berry is alternate</i>
Continuing Education Hardship Liaison	John Greany <i>Alternate:</i>
Monitoring Liaison	Todd McEldowney <i>Alternate: John Greany</i>
Professional Assistance Procedure (PAP) Liaison	John Greany <i>Alternate: Todd McEldowney</i>
Legislative Liaison	Shari Berry <i>Alternate: Kathryn Zalewski</i>
Travel Liaison	Barbara Carter <i>Alternate: John Greany</i>
Administrative Rules Liaison	Shari Berry <i>Alternate: Kathryn Zalewski</i>
Website Liaison	John Greany <i>Alternate: Barbara Carter</i>
Screening Panel	Todd McEldowney, John Greany <i>Alternate: Kathryn Zalewski</i>

Delegation of Authorities

Document Signature Delegations

MOTION: John Greany 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: Barbara Carter moved, seconded by Todd McEldowney, 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: John Greany moved, seconded by Todd McEldowney, 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 of Loss of Quorum

MOTION: John Greany moved, seconded by Barbara Carter, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Barbara Carter moved, seconded by John Greany, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the February 5, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Barbara Carter moved, seconded by John Greany, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the

Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Todd McEldowney moved, seconded by Barbara Carter, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: John Greany moved, seconded by Barbara Carter, that the Department's Attorney Supervisors, DLSC Administrator, or their designee 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.

Pre-Screening Delegation to Open Cases

MOTION: John Greany moved, seconded by Todd McEldowney, 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: John Greany moved, seconded by Todd McEldowney, 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: Barbara Carter moved, seconded by John Greany, 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.

Education, Continuing Education and/or Examination Delegation(s)

MOTION: John Greany moved, seconded by Todd McEldowney, 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: Barbara Carter moved, seconded by John Greany, 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: John Greany moved, seconded by Barbara Carter 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.

Rules Liaison Delegation

MOTION: John Greany moved, seconded by Barbara Carter, to grant the Rules Liaison the ability to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Todd McEldowney moved, seconded by Barbara Carter, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: John Greany moved, seconded by Barbara Carter, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison

MOTION: 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.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: 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.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: 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.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of physical therapy.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of physical therapy.

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

MOTION: 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.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors 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.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) 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/disciplinary/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/disciplinary/remedial 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 a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ 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 of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~

- e. ~~Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~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 education ~~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 education ~~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 of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 1/22/21 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: 2/3/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Administrative Rules Reporting Requirement Under 227.29, Stats. a. 2021 Administrative Rules Review and Draft Report 2. Pending or Possible Rulemaking Projects a. Possible Rulemaking Projects - 2021 Administrative Rules Review b. Emergency Rule Relating to Implementation of the Physical Therapy Licensure Compact	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>January 22, 2021</i> 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.			

Following is a summary of items identified by Shari Berry and John Greany as they conducted their review of the Board's administrative rules.

2021 Rules Review

SB: PT 1.02 (12)- You may have already addressed this with our rule submission for PT Chapter ... but do we need to edit the definition of “supervisor” based on our proposed changes to PT Chapter 5 and students?

SB: PT 1.03 (1) (d) (1-4) Do we need to list what should be submitted to the educational services? If their processes change, etc... we could be out of alignment with them.

JG: PT 1.03 (3) “the board may waive the requirements under sub (1) (c)” shouldn't it be sub (1) (c) and (d).

JG: PT 2.01 (2) comment: does this happen within our sub committees? Does PT 1.03 (1) have (a) to (j) or (a) to (e) sub sections?

JG: PT 2.01 (6) (c) comment: when has this happened last? Should it not be a regular item once per year?

SB: PT 2.01 (8) I am not sure we can address this without a rule change but here goes... applicants cannot get their original scores from TOEFL testing centers if they are older than 1-2 years. The liaisons will often approve an application for licensure based on “evidence” that they took the TOEFL tests and passed. (Applicants submit their scores.) This section says they have to take the test but it does not require how the board verifies this... so, is this language appropriate to allow us continue to “verify it as the board sees fit” or do we need to address the language listed here? JG comment: shouldn't there be a comment for foreign trained PT's who hold PT license in another jurisdiction or have completed an educational degree in US (MS or doctorate)?

JG: PT 3.01 comment: can administration provide how many temp licenses are requested/granted per year?

SB: PT 4.01 (3) Is the statement “providing the practice is confined to the geographical area for which the license is issued” relevant? When we issue a locum tenens license, do we limit it to the employer/facility that requested it or do we issue a WI license in general? I am unfamiliar with what that license looks like which is why I have the question. If we grant a WI license without restriction for 90 days, then that statement is not relevant. JG: can administration provide how many for the last 5-8 years? Since compact is coming – consider dropping in near future?

SB: PT 5.01(2)(h) This will have to be addressed with telehealth language in the future... what does “on site assessment” mean when using telehealth options for service? For now, I don't think we can change, do anything with it... JG: May want to try to find a quick fix for telehealth (digital health) practices.

SB: PT 5.02 (2) (g) (h) These are redundant of rules in statute but I would recommend keeping them as listed as it provides clarity for licensees.

SB: PT 6. 01 (3) This is also redundant of statute but would recommend keeping for clarity and reinforcement of responsibility to refer.

SB: PT 7.025 I am not sure I understand the difference between (19) and (20). Are they redundant? IF not redundant, should a statement found in 7.025(20)(b) also be added to (19)? The department would have to determine if it is related to the practice of PT?

JG: PT 7.025 (2) suggest wording change from “effective July 1, 2010” to “a violation of the current “Code of Ethics” as approved by”

JG: PT 10 – just a comment at some point all PT’s will have DPT. Put on radar for the future

Shari L. Berry
Chairperson

John F. Greany
Vice Chairperson

Kathryn R. Zalewski
Secretary

PHYSICAL THERAPY EXAMINING BOARD



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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

VI. Status of rules identified in the Board’s previous report:

Rule	Description of the legislation that restricted the Board’s authority	Status of action taken to address
PT 9.05	The Board’s authority to request verification of compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	Section PT 9.05 has been amended to reflect 2017 Act 59. Final rules (CR 17-091) were effective July 1, 2018.

Thank you.

Sincerely,

Shari Berry
Chairperson
Physical Therapy Examining Board

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Shari Berry, Chair		2) Date when request submitted: 1/26/2021 <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: Council on Physician Assistants			
4) Meeting Date: 1/28/2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of the 2020 Board Annual 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? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Physical Therapy Examining Board Chair provides members with the prior year's Annual Review for discussion during the first meeting of the year.			
11) Authorization			
<i>Valerie Payne</i>		1/26/2021	
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

2020 Annual Review

- **Board Members in 2020:** Shari Berry, PT (Tomah); Barbara Carter, PTA (Black River Falls); John Greany, PT (La Crosse); Todd McEldowney, Public Member (Rhinelander); and Kathryn Zalewski, PT (Milwaukee).
- **Officers in 2020:** Shari Berry (Chair), John Greany (Vice Chair), and Kathryn Zalewski (secretary).
- **2020 Liaison Appointments:**
 - Credentialing- Shari Berry, Kathryn Zalewski (Alternate- Barb Carter)
 - Monitoring- Todd McEldowney (Alternate- John Greany)
 - Education and Exams- John Greany, Barbara Carter (Alternate – Kathryn Zalewski)
 - Legislative- Shari Berry (Alternate- Kathryn Zalewski)
 - Travel- Barbara Carter (Alternate- John Greany)
 - Administrative Rules - Shari Berry (Alternate-Kathryn Zalewski)
 - Website- John Greany (Alternate- Barbara Carter)
 - Professional Assistance Procedure- John Greany (Alternate- Todd McEldowney)
 - Screening Panel- Todd McEldowney, John Greany (Alternate- Kathryn Zalewski)
 - Licensure Compact- Kathryn Zalewski
- **PT Compact Implementation:**

Licensure Compact Language enacted in Wisconsin (2019 Wisconsin Act 100) on February 5th, 2020 which included the addition of section 448.985 to Chapter 448 in the Medical Practice Act.

 - The board wrote and submitted rules related to licensure compact. Anticipate full promulgation of rules in 2021.
 - The Department actively worked all year on identifying and securing operational needs to issue and accept compact privileges. Anticipate full participation in 2021.
- **Administrative Rules:**
 - Language to clarify supervision of PT and PTA students enacted in Wisconsin (2019 Wisconsin Act 138) on March 3rd, 2020. The result is amended **SECTION 1. 448.52 (1m) (c)** of the statutes to read:
 - **448.52 (1m) (c)** A physical therapy student or a physical therapist assistant student performing physical therapy procedures and related tasks, if doing so is within the scope of the student's education or training. The examining board may promulgate rules related to the supervision of students who perform physical therapy procedures and related tasks.
 - The board wrote and submitted rules related to supervision of students. Anticipate full promulgation of rules in 2021.
 - The board wrote and submitted rules related to PT Chapter 1, relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses. Anticipate full promulgation of rules in 2021.
- **WI Administrative Code Chapter 5 – PTA and Unlicensed Personnel:**
 - The board approved other forms of communication between PT and PTA to meet the requirements in PT 5.02(b). This will be reviewed at each meeting.

- **Conference and Training:**
 - Kathryn Zalewski (delegate), John Greany (alternate delegate), and Valerie Payne (Board Administrator) were unable to attend the virtual **2020 Leadership Issues Forum (LIF)** – July 18-19, 2020 as the FSBPT cancelled all in person meetings.
 - Barbara Carter and Valerie Payne were unable attended the **2020 Regulatory Training** for Members and Board Staff – June 19-20,2020 as the FSBPT cancelled all in person meetings.
 - Kathryn Zalewski (Delegate), John Greany (Alternate Delegate), and Valerie Payne (Board Administrator) attended the virtual presentation of the **2020 Annual Meeting and Delegate Assembly** – October 22-24, 2020.

• <u>Licensing Activity</u>	<u>PT</u>	<u>PTA</u>
Applications Received	444	146
Licenses Issued	398	93
License Renewals	37	7

• <u>Covid Temp Permits</u>		
Emergency Order 16 temp permit totals:	85	12
Emergency Order 2 temp permit totals:	36	11

• **Enforcement Activity** PT and PTA

Complaints received: 17

Source of complaints received:

Note: A complaint may have more than one source.

- Consumer: 2
- Employer: 1
- Family: 1
- Federation of State Boards of Physical Therapy: 3
- Government Agency - State of Wisconsin
- Department of Health Services: 2
- Office of Commissioner of Insurance: 3
- Inmate: 1
- Licensee: 1
- Newspaper: 1
- Self: 2

- Number of respondents involved: 18

- Number of cases opened for investigation: 4

Note: There are 4 complaints in the “Complaint Received” status (as of 01/21/2021) therefore they are not included in this answer.

Total cases/respondents closed: 25

Note: Cases/respondents closed in 2020 may have been received in previous years.

- Closed at screening: 18
- Closed after investigation: 3
- Closed with formal action: 4

Cases pending as of January 2019: 6