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**VIRTUAL/TELECONFERENCE**  
**PHYSICAL THERAPY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**February 8, 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 November 30, 2022 (5-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition**
  - 1) Introduction of Steven Johnson, Physical Therapist Member (Succeeds: Zalewski)
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) 2023 Meeting Dates (**7**)
  - 3) Annual Policy Review (**8-11**)
  - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities (**12-20**)
  - 5) 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. 2022 Physical Therapy Examining Board Annual Report – Board Review – Discussion and Consideration (21-24)**

- I. Annual Review of the Temporary Changes to Teletherapy Supervisory Requirements – Discussion and Consideration**
- J. Question and Response Regarding PT 6 – Discussion and Consideration**
- 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) Consideration of Attendance: American Physical Therapy Association - Wisconsin Chapter Conference – Peawaukee, WI – April 27-28, 2023
  - 2) Consideration of Attendance: FSBPT Board Member and Administrator Training – Virtual – March 10-12, 2023
  - 3) Consideration of Attendance: FSBPT Leadership Issues Forum (LIF) – Arlington, VA – July 15-16, 2023
  - 4) Consideration of Attendance: FSBPT Annual Meeting and Delegate Assembly – Virtual – October 16, 2023
- N. Liaison Reports – Discussion and Consideration**
- O. 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
- P. 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.).**

**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 3, 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://dsps.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  
NOVEMBER 30, 2022**

**PRESENT:** Shari Berry, PT; Barbara Carter, PTA; John Greany, 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 8:31 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** Todd McEldowney moved, seconded by John Greany, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 10, 2022**

**MOTION:** John Greany moved, seconded by Todd McEldowney, to approve the Minutes of August 10, 2022 as published. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Shari Berry moved, seconded by Todd McEldowney, 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; and Todd McEldowney-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:20 a.m.

## CREENTIALING MATTERS

### Application Review

#### *Saint Luke Her – Predetermination Applicant*

**MOTION:** Todd McEldowney moved, seconded by Barbara Carter, to issue a determination that Saint Luke Her is disqualified from obtaining an unrestricted PT credential at this time, but should he apply for a PT credential in the future, given no further law violations and additional proof of rehabilitation, he may be eligible for a limited credential. **Reason for Denial:** 111.335 (4) (a) 1. Motion carried unanimously.

#### RECONVENE TO OPEN SESSION

**MOTION:** Barbara Carter moved, seconded by John Greany, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:16 a.m.

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

**MOTION:** Barbara Carter moved, seconded by John Greany, 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:** John Greany 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.

#### ADJOURNMENT

**MOTION:** Todd McEldowney moved, seconded by John Greany, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:20 a.m.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/14/2022 <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: 2/8/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
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 applicable: N/A
10) Describe the issue and action that should be addressed:  The Board will review and potentially make a motion to approve the follow 2023 meeting dates:  a. Wednesday, February 8, 2023 – Virtual b. Wednesday, May 3, 2023 – Virtual c. Wednesday, August 9, 2023 – Virtual d. Wednesday, November 29, 2023 – Virtual			
11) Authorization			
<i>Katlin Schwartz</i>		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 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: Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/14/2022 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: All Boards			
4) Meeting Date: First Meeting of 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input 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 applicable: 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"> <li>1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings.             <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year = 2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. 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.</li> <li>3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. Mandatory Training: All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting.</li> <li>5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. 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. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>7. 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 scheduled start time.             <ul style="list-style-type: none"> <li>• 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.</li> </ul> </li> <li>8. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely.</li> </ol>			
11) <b>Katlin Schwartz</b> Signature of person making this request		Authorization  12/14/2022 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			



## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL <b>EXAMPLE EXAMINING BOARD</b>			BOARD OR COUNCIL MEMBER'S NAME <b>MARY SUNSHINE</b>	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		<i>1/4/2021</i>		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Travel Voucher

Staple Receipts Face Up On Backside

For Agency Use Only

<b>Safety &amp; Professional Services</b>															
Department/ Division			<u>Example Examining Board</u>			Emp ID		100012345		Z					
State Officer/Employee Name			<u>Mary Sunshine</u>			Address		2424 Happy Road							
Mo/Yr			From/To:			City		Pleasant Prairie		State		WI		Zip-Code 53158	
FY	FUND	BUSINESS UNIT	DEPART	APPR CLASS	OBJECT	PROJECT	BALANCE SHEET ACCT	REPORTING CATEGORY	PROJECT NUMBER	AMOUNT					
2021	10000	16500	1651300200	12100	7340000	16500P1<BRD ID>									
				12800		16500P2<TRD ID>									
				22100											
										<b>TOTALS</b>					

Official Business		Travel Points		HDQS-TIME		Personal Vehicle	Meals, including tips			Other Allowable Expenses		Total Allowable Expenses		
Date	Purpose of Trip	From	To	Depart	Return	Miles	Lodging	Morning	Noon	Evening	Item	Amount	Taxable	Non-Taxable
Use	Board Meeting	Home base	Madison	Report times you left		Miles	P-card	\$8.00	\$10.00	\$20.00			Report	Report
separate		Madison	Home base	and returned home if		must be		Maximum in-state amounts					meal cost	meal cost
lines for	You must identify			meals are claimed		split.	Enter		or				here if there	here if there
each leg	the purpose of					Cannot	"P-card"	\$10.00	\$15.00	\$25.00			is NO	IS an
of your	your trip.					place	when hotel	Maximum out-of-state amounts					overnight	overnight
trip.						roundtrip	is provided						stay.	stay.
						total on	by DSPS	Must leave	Must leave	Must return				
						one line.		home	home	home after				
								before	before	7:00 p.m.				
								6:00 a.m.	10:30 a.m.					
									and return					
									home after					
									2:30 p.m.					
<b>LEGEND:</b>		<b>Staff can fill in these areas.</b>				<b>Board Member MUST fill in these areas</b>								

\*Item billed directly to the state agency

<b>Sub-Totals</b>														
											<b>Mileage Costs</b>			
											<b>Totals</b>			
											<b>Total Expenditure</b>			
											<b>Less Travel Advance</b>			
											<b>Net Amount Due</b>			

**Claimant's Statement § 16.53 Wisconsin Statutes**

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State. Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date \_\_\_\_\_ Claimant's Signature \_\_\_\_\_

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

Agency Head or Authorized Representative \_\_\_\_\_

Date \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/14/2022 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: 2/8/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> <li>1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson &amp; Secretary</li> <li>2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</li> <li>3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.             <ol style="list-style-type: none"> <li>a. Credentialing Delegations</li> <li>b. Monitoring Delegations</li> <li>c. Pre-Screening Delegations</li> </ol> </li> </ol>			
11) <span style="float: right;">Authorization</span> Katlin Schwartz <span style="float: right;">12/14/2022</span> <hr/> Signature of person making this request <span style="float: right;">Date</span> <hr/> Supervisor (Only required for post agenda deadline items) <span style="float: right;">Date</span> <hr/> Executive Director signature (Indicates approval for post agenda deadline items) <span style="float: right;">Date</span>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## PHYSICAL THERAPY EXAMINING BOARD

### 2022 Elections and Liaison Appointments

ELECTION RESULTS	
<b>Chairperson</b>	Shari Berry
<b>Vice Chairperson</b>	Barbara Carter
<b>Secretary</b>	John Greany

#### Appointment of Liaisons and Alternates

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

#### Delegation of Authorities

##### *Document Signature Delegations*

**MOTION:** John Greany moved, seconded by Kathryn Zalewski, 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:** John Greany moved, seconded by Barbara Carter, 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:** Barbara Carter moved, seconded by Kathryn Zalewski, 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:** John Greany moved, seconded by Kathryn Zalewski, 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.

#### *Monitoring Delegations*

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

**MOTION:** Barbara Carter moved, seconded by Todd McEldowney, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 9, 2022 agenda materials on pages 19-20. Motion carried unanimously.

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

**MOTION:** Barbara Carter moved, seconded by Kathryn Zalewski, 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:** John Greany moved, seconded by Kathryn Zalewski, 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:** Kathryn Zalewski 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:** Kathryn Zalewski moved, seconded by John Greany, 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:** John Greany moved, seconded by Kathryn Zalewski, 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 History Has Been Previously Reviewed**

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

### ***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:** Todd McEldowney moved, seconded by John Greany, 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:** Todd McEldowney moved, seconded by Barbara Carter, 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 and Examination Liaison(s) Delegation*

**MOTION:** Todd McEldowney moved, seconded by John Greany, 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 Kathryn Zalewski, 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:** Kathryn Zalewski moved, seconded by Todd McEldowney, 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:** John Greany moved, seconded by Todd McEldowney, 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:** Todd McEldowney 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:** John Greany moved, seconded by Kathryn Zalewski, 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.

## **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.

### **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.~~
5. 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 written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. *(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.

9. 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: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2<sup>nd</sup> Reduction: 28 screens plus 1 hair test
  - d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

### **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 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 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.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee 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 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

### **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.

Updated 12/13/2021

2022 Roles & Authorities

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Shari Berry, Board Chair		2) Date when request submitted: 1/23/23 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: 2/8/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2022 Physical Therapy Board Annual Report – Board 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? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review the draft annual report and consider approving it.			
11) <b>Authorization</b>			
Signature of person making this request			Date
Supervisor (Only required for post agenda deadline items)			Date
Executive Director signature (Indicates approval for post agenda deadline items)			Date
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 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

### 2022 Annual Review

- **Board Members in 2022:** 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). Kathryn Zalewski resigned in early 2022.

- **Officers in 2022:** Shari Berry (Chair), Barb Carter (Vice Chair), and John Greany (Secretary).

- **2022 Liaison Appointments:**

Credentialing – Shari Berry, Kathryn Zalewski (Alternate – Barbara Carter)

Monitoring – Todd McEldowney (Alternate – John Greany)

Education and Exams – Shari Berry, Barbara Carter (Alternate – Kathryn Zalewski)

Legislative – Shari Berry (Alternate – Kathryn Zalewski)

Travel – Barbara Carter (Alternate – John Greany)

Website – Barbara Carter, John Greany (Alternate – Todd McEldowney)

Professional Assistance Procedure – John Greany (Alternate – Todd McEldowney)

Screening Panel – Todd McEldowney, John Greany (Alternate – Kathryn Zalewski)

Licensure Compact – Shari Berry (Alternate- Kathryn Zalewski)

- **PT Compact Implementation:**

The PT Licensure Compact Law was enacted in Wisconsin (2019 Wisconsin Act 100) on February 5th, 2020, which included the addition of Subchapter X, Wis. Stat. s.448.985, to Chapter 448 in the Medical Practice Act.

- o The board wrote and submitted rules related to the Compact (CR #20-056: PT 1 to 10). Implementation of the Physical Therapy Licensure Compact was complete and effective as of July 2, 2021.

- o The Department actively worked to secure operational processes. Compact Privileges were ready for issue beginning October 3, 2022.

- **Administrative Rules:**

The board wrote and submitted emergency and permanent rules for Wis. Admin. Code PT Chapter 5, relating to supervision of physical therapist assistants.

- o The following rule project is complete and effective as of July 1, 2022:

- o Wis. Admin. Code PT 5 Related to Supervision of Physical Therapist Assistants

o Other rules in-progress: None at this time

• **Conference, Training and Special Meetings:**

- o Shari Berry (delegate) virtually attended the **2022 Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum (LIF)** – July 23-24, 2022.
- o Shari Berry (delegate) attended the virtual **FSBPT Delegate Workshop and Assembly** on October 24<sup>th</sup>, 2022.
- o Shari Berry (delegate) virtually attended **the 2022 FSBPT Annual Meeting and Delegate Assembly** – October 28-29, 2022.
- o Shari Berry presented an overview of the changes to PT Chapter 5 at the **APTA Wisconsin Hot Topic/Professional Issues Forum** during the Fall Conference on October 6<sup>th</sup>, 2022.

• **Licensure Process Update:**

- o The department completed its transition for new PT/PTA applicants using **LicensE**, an online application system.
  - Sandbox opportunity provided to all schools/ educators
  - Instructional videos and manuals completed and posted online
- o Renewals for PT/PTA will be done through LicensE for current license holders.
- o Lori Dominiczak, former PTEB board chairperson and member, completed review of the Jurisprudence exam with the department. Relevancy and updated statute and rule references completed.

• **Board actions to Address Department Resources:**

- o The board sent a letter to the Joint Legislative Council Study Committee on Occupational Licensing and the Joint Committee on Finance requesting that DSPS be allowed to utilize reserve funds currently lapsed from fee revenue to adequately perform its duties to protect the residents of Wisconsin, not restrict timely entry into its regulated professions, and provide adequate customer service.

• **Licensing Activity:**

	<u>PT</u>	<u>PTA</u>
Applications Received	243	58
Licenses Issued	477	111
License Renewals	0	0
Act 10 credential totals	43	2
Predetermination Reviews	2	0

• **Enforcement Activity (PT and PTA):**

**Complaints received:**

Source of complaints received (*Note: A complaint may have more than one source*):

- o Anonymous: 1
- o Consumer: 2

- o Employer: 1
- o Family: 1
- o Licensee: 1
- o National Practitioner Databank: 1
- o Physical Therapist Compact/New Hampshire Governing Board of Physical Therapists: 1
- o Self: 2:
- o Wisconsin Department of Health Services: 7
- **Number of respondents involved: 15**
- **Number of cases opened for investigation: 3**

**Total cases/respondents closed: 21**

*Note: Cases/respondents closed in 2022 may have been received in previous years.*

- Closed at screening: 15
- Closed after investigation: 3
- Closed with formal action: 3
- Cases pending as of January 2023: 2

**Projects for 2023:**

- Track process, successes, and barriers related to applicants who apply for Compact privileges and Foreign Educated Physical Therapists.
- Review website instructions for compact licensure and LicenseE applications/ renewals.
- Monitor licensure process to determine if delays are improving.