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**PHYSICAL THERAPY EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**May 23, 2018**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**8:30 A.M.**

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

**A) Adoption of Agenda (1-3)**

**B) Approval of Minutes of February 7, 2018 (4-9)**

**C) Administrative Updates**

- 1) Department and Staff Updates
- 2) Board Member Status
  - a) Shari Berry – 7/1/2020 (*Reappointed, not yet confirmed*)
  - b) John Greany – 7/1/2019
  - c) Sarah Olson – 7/1/2021 (*Reappointed, not yet confirmed*)
  - d) Bailey Steffes – 7/1/2021 (*Appointed, not yet confirmed*)
  - e) Kathryn Zalewski – 7/1/2021 (*Appointed, not yet confirmed*)

**D) Conflicts of Interest**

**E) Legislative and Administrative Rule Matters – Discussion and Consideration (10-18)**

- 1) Adoption Order for Clearinghouse Rule 17-091 – PT 2 and 9, Relating to Examinations and Continuing Education
- 2) 2018 Assembly Bill 942 – Physical Therapy Licensure Compact
- 3) Update on Other Legislation and Pending or Possible Rulemaking Projects

**F) Federation of State Boards of Physical Therapy (FSBPT) Matters**

- 1) Update on Compact Status
- 2) Alternate Approval Pathway

**G) Supervision of Students – Board Discussion**

**H) Physical Therapy Board 2017 Annual Report – Board Review for Approval (19-21)**

**I) Test of English as a Foreign Language (TOEFL) Scores – Board discussion**

- J) Speaking Engagement(s), Travel, or Public Relation Request(s) and Reports – Discussion and Consideration
- K) Credentialing Matters
- L) Education and Examination Matters
- M) Informational Items
- N) Items Added After Preparation of Agenda:
  - 1) Introductions, Announcements and Recognition
  - 2) Appointments, Reappointments, and Confirmations
  - 3) Administrative Updates
  - 4) Liaison, Panel, and Committee Reports
  - 5) Education and Examination Matters
  - 6) Credentialing Matters
  - 7) Practice Matters
  - 8) Legislation/Administrative Rule Matters
  - 9) Liaison Report(s)
  - 10) Board Liaison Training and Appointment of Mentors
  - 11) Informational Item(s)
  - 12) Disciplinary Matters
  - 13) Presentations of Petition(s) for Summary Suspension
  - 14) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 15) Presentation of Proposed Decisions
  - 16) Presentation of Interim Order(s)
  - 17) Petitions for Re-Hearing
  - 18) Petitions for Assessments
  - 19) Petitions to Vacate Order(s)
  - 20) Petitions for Designation of Hearing Examiner
  - 21) Requests for Disciplinary Proceeding Presentations
  - 22) Motions
  - 23) Petitions
  - 24) Appearances from Requests Received or Renewed
  - 25) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports
- O) Public Comments
- P) Future Agenda Items

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

- Q) Credentialing Matters
- R) **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
  - 1) **Proposed Stipulations, Final Decisions and Orders (23-29)**
    - a) 17 PHT 018 – Karen Targo, P.T.
  - 2) **Case Closings(s) (30-32)**
    - a) 17 PHT 032 – C.J.

- S) Open Cases
- T) Deliberation of Items Added After Preparation of the Agenda
  - 1) Board Liaison Training
  - 2) Education and Examination Matters
  - 3) Credentialing Matters
  - 4) Disciplinary Matters
  - 5) Monitoring Matters
  - 6) Professional Assistance Procedure (PAP) Matters
  - 7) Petition(s) for Summary Suspensions
  - 8) Proposed Stipulations, Final Decisions and Orders
  - 9) Administrative Warnings
  - 10) Proposed Final Decision(s)
  - 11) Matters Relating to Costs
  - 12) Case Closings
  - 13) Case Status Report
  - 14) Petition(s) for Extension of Time
  - 15) Proposed Interim Orders
  - 16) Petitions for Assessments and Evaluations
  - 17) Petitions to Vacate Orders
  - 18) Remedial Education Cases
  - 19) Motions
  - 20) Petitions for Re-Hearing
  - 21) Appearances from Requests Received or Renewed

- U) Consulting with Legal Counsel

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

- V) Open Session Items Noticed Above Not Completed in the Initial Open Session
- W) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- X) Board Member Training (22)**
- Y) Credential Liaison Training**
- Z) Delegation and Ratification of Examinations, Licenses and Certificates

**ADJOURNMENT**

**NEXT SCHEDULED MEETING: AUGUST 22, 2018**

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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 at 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**PHYSICAL THERAPY EXAMINING BOARD  
MEETING MINUTES  
February 7, 2018**

**PRESENT:** Shari Berry, PT; John Greany, PT; Sarah Olson, PTA; Bailey Steffes (*arrived at 8:45*); Kathryn Zalewski, PT

**STAFF:** Tom Ryan, Executive Director; Laura Smith, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Shari Berry, Chair, called the meeting to order at 8:40 a.m. A quorum was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** John Greany moved, seconded by Sarah Olson, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Kathryn Zalewski moved, seconded by Sarah Olson, to approve the minutes of January 5, 2018 as published. Motion carried. John Greany abstained.

**ADMINISTRATIVE UPDATES**

**Election of Officers**

***Board Chair***

**NOMINATION:** Greany nominated Berry for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Berry was elected as Chair by unanimous consent.

***Vice Chair***

**NOMINATION:** Berry nominated Greany for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Greany was elected as Vice Chair by unanimous consent.

***Secretary***

**NOMINATION:** Berry nominated Olson for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Olson was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
<b>Board Chair</b>	Shari Berry
<b>Vice Chair</b>	John Greany
<b>Secretary</b>	Sarah Olson

#### LIAISON APPOINTMENTS

2018 LIAISON APPOINTMENTS	
<b>Credentialing Liaison(s)</b>	Shari Berry, Kathryn Zalewski Alternate – Bailey Steffes
<b>Office of Education and Examinations Liaison</b>	John Greany*, Shari Berry Alternate – Bailey Steffes *John Greany is the primary liaison for CE hardship requests, and Shari Berry is alternate
<b>Monitoring Liaison</b>	Sarah Olson Alternate – John Greany
<b>Professional Assistance Procedure (PAP) Liaison</b>	Sarah Olson Alternate – Bailey Steffes
<b>Legislative Liaison</b>	Shari Berry Alternate – Kathryn Zalewski
<b>Travel Liaison</b>	John Greany Alternate – Shari Berry
<b>Administrative Rules Liaison</b>	Shari Berry Alternate – Kathryn Zalewski
<b>Website Liaison</b>	Shari Berry Alternate – John Greany
<b>Screening Panel</b>	Sarah Olson, John Greany Alternate – Kathryn Zalewski

**MOTION:** John Greany moved, seconded by Bailey Steffes, to affirm the Chair's appointment of liaisons and screening panel for 2018. Motion carried unanimously.

#### DELEGATION MOTIONS

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

**MOTION:** John Greany moved, seconded by Sarah Olson, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving

member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

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

**MOTION:** Sarah Olson moved, seconded by Bailey Steffes, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

#### ***Document Signature Delegation***

**MOTION:** Bailey Steffes moved, seconded by John Greany, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

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

**MOTION:** Sarah Olson moved, seconded by John Greany, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** John Greany moved, seconded by Kathryn Zalewski, to delegate credentialing authority to DSPS to act upon those applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

#### ***Monitoring Delegations***

**MOTION:** Bailey Steffes moved, seconded by John Greany, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

#### ***Travel Delegation***

**MOTION:** John Greany moved, seconded by Sarah Olson, to authorize the travel liaison or alternate to approve all Board travel. Motion carried unanimously.

#### ***Education Delegations***

**MOTION:** Sarah Olson moved, seconded by Kathryn Zalewski, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to CE, education and examinations. Motion carried unanimously.

### ***Voluntary Surrenders***

**MOTION:** Bailey Steffes moved, seconded by Kathryn Zalewski, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

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

**MOTION:** Kathryn Zalewski moved, seconded by John Greany, to authorize Department staff to provide national regulatory bodies with all Board member contact information that the Department retains on file. Motion carried unanimously.

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

**MOTION:** John Greany moved, seconded by Kathryn Zalewski to designate the Chair or chief presiding officer, or longest serving member of the Board, by order of 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:** Bailey Steffes moved, seconded by Sarah Olson, to grant the Rules Liaison the ability to address all rule-making language. Motion carried unanimously.

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

**MOTION:** Kathryn Zalewski moved, seconded by John Greany, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### ***Occupational Licensure Study Liaison***

**MOTION:** Kathryn Zalewski moved, seconded by Bailey Steffes, to designate the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

## **LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

### **Position Statements of the Physical Therapy Examining Board**

**MOTION:** Sarah Olson moved, seconded by Bailey Steffes, to remove the existing Position Statements and Frequently Asked Questions on the Physical Therapy Examining Board's webpage. Motion carried unanimously.

**MOTION:** Bailey Steffes moved, seconded by John Greany, to authorize the Administrative Rules Liaison to contact the Governor's Office regarding the status of PT 2 and 9,

and to speak on behalf of the Board regarding PT 2 and 9. Motion carried unanimously.

## **FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) MATTERS**

### **2018 FSBPT Travel Invitations**

- MOTION:** John Greany moved, seconded by Sarah Olson, to designate Kathryn Zalewski to attend the 2018 Regulatory Training for Members and Board Staff – June 8-10, 2018 in Alexandria, VA and to authorize travel. Motion carried unanimously.
- MOTION:** John Greany moved, seconded by Bailey Steffes, to designate Tom Ryan to attend the Leadership Issues Forum – July 14-15, 2018 in Alexandria, VA and to authorize travel. Motion carried unanimously.
- MOTION:** Sarah Olson moved, seconded by Kathryn Zalewski, to designate John Greany, as the Board's delegate, to attend the Leadership Issues Forum – July 14-15, 2018 in Alexandria, VA and to authorize travel. Motion carried unanimously.
- MOTION:** Kathryn Zalewski moved, seconded by Sarah Olson, to designate John Greany, as the Board's delegate, Sarah Olson as alternate, and Tom Ryan, to attend the 2018 Annual Meeting and Delegate Assembly October 25-28, 2018 in Reston, VA and to authorize travel. Motion carried unanimously.

### **CLOSED SESSION**

- MOTION:** John Greany moved, seconded by Kathryn Zalewski, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair 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; John Greany – yes; Sarah Olson – yes; Bailey Steffes-yes; Kathryn Zalewski-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:54 a.m.

### **RECONVENE TO OPEN SESSION**

- MOTION:** John Greany moved, seconded by Bailey Steffes, to reconvene in Open Session at 10:25 a.m. Motion carried unanimously.

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

- MOTION:** John Greany moved, seconded by Bailey Steffes, 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.)*

## **CREDENTIALING MATTERS**

### **Oral Examination – Sue P. Cash, PT**

**MOTION:** John Greany moved, seconded by Kathryn Zalewski, to approve the Physical Therapist application of Sue P. Cash, without an oral examination, once all requirements are met. Motion carried unanimously.

## **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

### **Proposed Stipulations, Final Decisions and Orders**

#### ***16 PHT 042 – Becky L. Asleson, PTA***

**MOTION:** John Greany moved, seconded by Bailey Steffes, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Becky L. Asleson, PTA, DLSC case number 16 PHT 042. Motion carried unanimously.

### **Case Closings(s)**

#### ***16 PHT 022 (M.S.F.)***

**MOTION:** Bailey Steffes moved, seconded by Sarah Olson, to close the DLSC case number 16 PHT 022, against M.S.F. for Prosecutorial Discretion (P3). Motion carried unanimously.

#### ***17 PHT 019 (J.F.)***

**MOTION:** Sarah Olson moved, seconded by John Greany, to close the DLSC case number 17 PHT 019, against J.F. for Insufficient Evidence. Motion carried unanimously.

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

**MOTION:** Sarah Olson 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 Bailey Steffes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:42 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b> <b>5/11/18</b> <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date:              ▪ 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  <b>Physical Therapy Examining Board</b>			
<b>4) Meeting Date:</b>  <b>5/23/18</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Legislative and Administrative Rule Matters – Discussion and Consideration</b> <b>1. Adoption Order for Clearinghouse Rule 17-091 - PT 2 and 9 Relating to Examinations and Continuing Education</b> <b>2. 2017 Assembly Bill 942 – Physical Therapy Licensure Compact</b> <b>3. Update on Other Legislation and Pending or Possible Rulemaking Projects</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>  <b>2. <a href="#">2017 Assembly Bill 942 – Physical Therapy Licensure Compact</a></b>			
<b>11) Authorization</b>  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%;"><i><b>Dale Kleven</b></i></div> <div style="width: 45%;"><i><b>May 11, 2018</b></i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Signature of person making this request</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Supervisor (if required)</div> <div>Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div>Date</div> </div>			
<b>Directions for including supporting documents:</b> <b>1. This form should be attached to any documents submitted to the agenda.</b> <b>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</b> <b>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</b>			

STATE OF WISCONSIN  
PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICAL THERAPY
PHYSICAL THERAPY EXAMINING	:	EXAMINING BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 17-091)

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ORDER

An order of the Physical Therapy Examining Board to repeal PT 2.01 (Note), 9.02 (1m) and (5), and 9.03 (Note) and to amend PT 2.01 (2), (4), (5), and (8) (a), (b), and (c), 2.03 and (Note), 9.03 (1) and (2), 9.04 (1) (a), (2), and (3) (intro.), Table 9.04 lines (a), (h), (i), (j), (l), (n), (p), (r), and (t), and 9.05, relating to examinations and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 440.03 (4m) and 448.54, Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 448.535 (2), and 448.55 (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.535 (2), Stats., provides the Board may waive the licensing requirement to pass an examination, and requires the Board to promulgate rules for granting this waiver.

Section 448.55 (3), Stats., provides “[t]he examining board shall promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.”

**Related statute or rule:**

None.

**Plain language analysis:**

The Physical Therapy Examining Board conducted a comprehensive evaluation and update of chs. PT 2 and 9 to ensure the rules are consistent with current professional, academic, and licensing and renewal practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section PT 2.01 (2) is revised to clarify how the Board determines if an applicant is required to complete an oral examination.

- Section PT 2.03 is revised to clarify the Board’s requirements for reexamination only apply to the statutes and rules examination it administers.
- Section PT 9.04 (2) is revised to specify that, in order to be approved, a continuing education activity must integrally relate to the practice of physical therapy.
- Section PT 9.05 is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
- Other provisions throughout chs. PT 2 and 9 have been revised to remove outdated notes, provide clarity, and conform to current drafting standards.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:**

68 Ill. Admin. Code 1340.40 and 1340.61 contain the examination requirements for licensure as a physical therapist in Illinois and continuing education requirements for renewing an Illinois license in physical therapy.

**Iowa:** 645 IAC 200.4 and 203 contain the examination requirements for licensure as a physical therapist in Iowa and continuing education requirements for renewing an Iowa license in physical therapy.

**Michigan:** Mich Admin Code, R 338.7132 to R 338.7135 and R 338.7161 to R 338.7163, contain the examination requirements for licensure as a physical therapist in Michigan and continuing education requirements for renewing a Michigan license in physical therapy.

**Minnesota:** Minnesota Rules, Parts 5601.2100 to 5601.2700, contain the continuing education requirements for renewing a Minnesota license in physical therapy.

**Summary of factual data and analytical methodologies:**

The rules were developed by reviewing the provisions of chs. PT 2 and 9 to ensure the rules are consistent with current professional, academic, and licensing and renewal practices and applicable Wisconsin statutes.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted at or before the date and time the public hearing on these proposed rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Department of Safety and Professional Services' website and in the Wisconsin Administrative Register.

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TEXT OF RULE

SECTION 1. PT 2.01 (2), (4), (5), and (8) (a), (b), and (c) are amended to read:

**PT 2.01 (2)** An application filed under s. PT 1.03 for an applicant meeting any condition under sub. (1) (a) to (j) shall be reviewed by an application review panel consisting of at least 2 board members designated by the chairperson of the board. The panel shall determine whether the applicant is eligible for a regular license without completing required to complete an oral examination.

**(4)** Where both written and oral examinations are required, they shall be scored separately and the applicant shall achieve a passing grade on ~~both~~ all examinations to qualify for a license.

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

**(8) (a)** The test of English as a foreign language as administered by the ~~educational testing service~~ Educational Testing Service.

**(b)** The test of written English as administered by the ~~educational testing service~~ Educational Testing Service.

(c) The test of spoken English as administered by the ~~educational testing service~~ Educational Testing Service.

SECTION 2. PT 2.01 (Note) is repealed.

SECTION 3. PT 2.03 and (Note) are amended to read:

**PT 2.03 Failure and reexamination.** An applicant who fails to achieve a passing ~~grades~~ grade on the ~~examinations required under this chapter~~ examination on statutes and rules may ~~apply for reexamination on forms provided by the board~~ retake the examination upon submission of a. ~~For each reexamination, the application shall be accompanied by the reexamination fee. If an applicant for reexamination fails to achieve passing grades on the second reexamination, the applicant may not be admitted to further examination until the applicant reapplies for licensure and presents to the board evidence of further professional training or education as the board may consider appropriate in the applicant's specific case.~~

(Note) A list of all current examination and reexamination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708 or by email at dsps@wisconsin.gov.

SECTION 4. PT 9.02 (1m) and (5) are repealed.

SECTION 5. PT 9.03 (1) and (2) are amended to read:

**PT 9.03 (1)** Unless granted a postponement or waiver under sub. (8), every physical therapist shall complete at least 30 hours of board-approved continuing education in each biennial registration period, as specified in s. 448.55 (3), Stats. Four of the required 30 hours shall be in the area of ethics, ~~and~~ jurisprudence, or both.

**(2)** Unless granted a postponement or waiver under sub. (8), every physical therapist assistant shall complete at least 20 hours of board-approved continuing education in each biennial registration period, as specified in s. 448.55 (3), Stats. Four of the required 20 hours shall be in the area of ethics, ~~and~~ jurisprudence, or both.

SECTION 6. PT 9.03 (Note) is repealed.

SECTION 7. PT 9.04 (1) (a) and (2) are amended to read:

**PT 9.04 (1) (a)** The program constitutes an organized program of learning ~~which that contributes directly to the professional competency of the licensee~~ licensee's knowledge, skill, behavior, and abilities related to the practice of physical therapy.

**(2)** ~~The continuing education activities~~ An activity described in table ~~Table~~ PT 9.04 may qualify for continuing education hours. To be approved for credit, the activity shall integrally relate to the practice of the profession.

SECTION 8. PT Table 9.04 lines (a), (h), (i), (j), (l), (n), (p), (r), and (t) are amended to read:

**TABLE PT 9.04  
(Partial Table)**

(a) Successful completion of relevant academic coursework.	No limit. <del>[10 contact hours = one One semester credit; equals 10 contact hours, and one quarter credit equals 6.6 contact hours = quarter credit].</del>
(h) Presenting seminars, continuing education courses, workshops, lectures, or symposia which have been approved by recognized health– related organizations including the American Physical Therapy Association and the Wisconsin Physical Therapy Association.  <b>Note:</b> <del>No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are limited to the extent of the revision.</del>	No limit <u>for the initial presentation. No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted, but are limited to the extent of the revision.</u>
(i) Teaching in an academic course in physical therapy as a guest lecturer.  <b>Note:</b> <del>No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are limited to the extent of the revision.</del>	No limit. <del>[10 contact hours = one One semester credit; equals 10 contact hours, and one quarter credit equals 6.6 contact hours = one quarter credit].</del> <u>No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted, but are limited to the extent of the revision.</u>
(j) Teaching in an academic course in physical therapy.  <b>Note:</b> <del>No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are not limited to the extent of the revision.</del>	No limit. <del>[10 contact hours = one One semester credit; equals 10 contact hours, and one quarter credit equals 6.6 contact hours = one quarter credit].</del> <u>No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted, but are limited to the extent of the revision.</u>
(l) <del>Attending employer</del> <u>Employer</u> –provided continuing education, <del>including video and non-interactive on-line courses.</del>	Up to 15 contact hours for physical therapists. Up to 10 contact hours for physical therapist assistants.
(n) Developing alternative media materials, including computer software, programs, and video instructional material.	<del>4</del> <u>One</u> contact hour per product. Up to 5 contact hours
(p) Serving as a supervisor for students fulfilling clinical observation requirements.	<del>4</del> <u>One</u> contact hour per contact hour with students, up to 5 contact hours.

(r) Participating as a resident or as a mentor in a formal nonacademic mentorship.	4 <del>One</del> contact hour per each 8 contact hours for both the resident and mentor, up to 5 contact hours.
(t) Serving as a delegate to the American Physical Therapy Association House of Delegates, <del>on</del> <u>or a member of</u> a professional committee, board, or task force.	Up to 5 contact hours.

SECTION 9. PT 9.04 (3) (intro.) is amended to read:

**PT 9.04 (3) (intro.)** ~~The~~ None of the following activities ~~shall not be awarded~~ qualify for continuing activity credit education hours:

SECTION 10. PT 9.05 is amended to read:

**PT 9.05 ~~Proof~~ Certification and audit of attendance at continuing education programs requirements.** Applicants for renewal shall ~~be required to certify their attendance at completion of required continuing education programs hours.~~ The board ~~may conduct a random audit of all licensees on a biennial basis for compliance with continuing education requirements, and~~ shall audit any licensee who is under investigation by the board for alleged misconduct.

SECTION 11. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

-----  
(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Physical Therapy Examining Board

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

☒ Original   ☐ Updated   ☐ Corrected

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2. Administrative Rule Chapter, Title and Number

PT 2 and 9

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3. Subject

Examinations and continuing education

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4. Fund Sources Affected

☐ GPR   ☐ FED   ☒ PRO   ☐ PRS   ☐ SEG   ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

---

7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

☐ Yes   ☒ No

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9. Policy Problem Addressed by the Rule

The Physical Therapy Examining Board conducted a comprehensive evaluation and update of chs. PT 2 and 9 to ensure the rules are consistent with current professional, academic, and licensing and renewal practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section PT 2.01(2) is revised to clarify how the Board determines if an applicant is required to complete an oral examination.
  - Section PT 2.03 is revised to clarify the Board's requirements for reexamination only apply to the statutes and rules examination it administers.
  - Section PT 9.04 (2) is revised to specify that, in order to be approved, a continuing education activity must integrally relate to the practice of physical therapy.
  - Section PT 9.05 is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
  - Other provisions throughout chs. PT 2 and 9 have been revised to remove outdated notes, provide clarity, and conform to current drafting standards.
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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

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11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

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## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

The Department estimates one-time administrative costs of \$200. These costs may be absorbed in the agency budget.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated references. If the rule is not implemented, it will continue to contain outdated notes and references.

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14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated references.

- 
15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:**

68 Ill. Admin. Code 1340.40 and 1340.61 contain the examination requirements for licensure as a physical therapist in Illinois and continuing education requirements for renewing an Illinois license in physical therapy.

**Iowa:** 645 IAC 200.4 and 203 contain the examination requirements for licensure as a physical therapist in Iowa and continuing education requirements for renewing an Iowa license in physical therapy.

**Michigan:** Mich Admin Code, R 338.7132 to R 338.7135 and R 338.7161 to R 338.7163, contain the examination requirements for licensure as a physical therapist in Michigan and continuing education requirements for renewing a Michigan license in physical therapy.

**Minnesota:** Minnesota Rules, Parts 5601.2100 to 5601.2700, contain the continuing education requirements for renewing a Minnesota license in physical therapy.

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- |                  |                          |
|------------------|--------------------------|
| 17. Contact Name | 18. Contact Phone Number |
| Dale Kleven      | (608) 261-4472           |



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This document can be made available in alternate formats to individuals with disabilities upon request.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:			
Physical Therapy Examining Board			
4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?	
5/23//2018	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Physical Therapy Board 2017 Annual Report – Board Review for Approval	
7) Place Item in:		8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
<input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		No.	
10) Describe the issue and action that should be addressed:			
The Board will review the Report for approval.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

## **PHYSICAL THERAPY EXAMINING BOARD 2017 ANNUAL REVIEW**

- Board Members in 2017: Shari Berry, PT (Tomah); Lori Dominiczak, PT (Brown Deer) (Replaced in November); John Greany, PT (La Crosse); Sarah Olson, PTA (Readstown); Bailey Steffes, Public Member (Milwaukee); and Kathryn Zalewski, PT (Wauwatosa).
- Officers in 2017: Shari Berry (Chair); John Greany (Vice Chair); and Sarah Olson (Secretary).

- 2017 Board Liaison Appointments:

Credentialing- Shari Berry, John Greany (Alternate- Sarah Olson)

Monitoring- Sarah Olson (Alternate- Lori Dominiczak)

Education and Exams- John Greany, Shari Berry (Alternate – Sara Olson)

Legislative- Shari Berry (Alternate- Lori Dominiczak)

Travel- Shari Berry (Alternate- John Greany)

Website- Sarah Olson (Alternate- Shari Berry)

Rules- Shari Berry (Alternate- John Greany)

Professional Assistance Procedure- Sarah Olson (Alternate- Lori Dominiczak)

Screening Panel- Sarah Olson, John Greany (Alternate- Lori Dominiczak)

- The Board formally recognized the contributions of outgoing Board members Thomas Murphy and Lori Dominiczak for their service to the Physical Therapy Examining Board.
- The Board welcomed Natalie Harms, the Federation of State Boards of Physical Therapy (FSBPT) Board of Directors' Wisconsin Regional Liaison, and Jeff Rosa, FSBPT Managing Director, Continuing Competence, to the May 24, 2017 Board meeting. They presented information and invited discussion on updates related to FSBPT initiatives.
- The Board adopted Wisconsin Administrative Code PT Chapter 10 relating to the authority of physical therapists to order x-rays.
- The Board continued work on updates to Wisconsin Administrative Code Chapters PT 2 and 9, relating to Examinations and Continuing Education.
- The board continued to work with the Wisconsin Physical Therapy Association (WPTA) on initiatives for a Licensure Compact for Physical Therapists and on clarifying language on the supervision of student physical therapist assistant students.
- The Board initiated processes to participate in the FSBPT's Alternate Approval Pathway for the National Physical Therapy Examination.

- The Board completed an update of the Physical Therapist Assistant (PTA) Oral Examination and the State Law Examination.
- Sarah Olson (PTA Member) and Tom Ryan (Board Administrator) attended the FSBPT Leadership Issues Forum, July 29-30, 2017, in Alexandria, VA.
- Sarah Olson (Delegate), Shari Berry (Alternate Delegate) and Tom Ryan (Board Administrator) attended the 2017 Annual Meeting and Delegate Assembly, November 2-4, 2017, in Santa Ana Pueblo, NM.
- Tom Ryan (Board Administrator) served as the Vice Chair of the FSBPT Nominating Committee and the Vice Chair of the FSBPT's Council of Board Administrators (CBA).

<b><u>Licensing Activity</u></b>	<b><u>PT</u></b>	<b><u>PTA</u></b>
<b>Applications Received</b>	<b>453</b>	<b>169</b>
<b>Licenses Issued</b>	<b>363</b>	<b>122</b>
<b>License Renewals</b>	<b>5,682</b>	<b>2,075</b>
<b><u>Enforcement Activity</u></b>	<b><u>PT and PTA</u></b>	
<b>New complaints received</b>	<b>33</b>	
<b>Number of Respondents involved</b>	<b>33</b>	
<b>Number of cases opened</b>	<b>6</b>	
<b>Total cases/respondents closed</b>	<b>29</b>	
<b>Total closed at screening</b>	<b>19</b>	
<b>Total closed after investigation</b>	<b>7</b>	
<b>Total closed with formal action</b>	<b>3</b>	
<b>Cases pending as of January 2018</b>	<b>7</b>	

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Shari Berry, Chair, Physical Therapy Examining Board		2) Date When Request Submitted:  3/23/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  Physical Therapy Examining Board			
4) Meeting Date:  5/23//2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page?  Board Member Training	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? If yes, who is appearing?  No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:  Shari Berry has asked that the full Board discuss liaison training resources.			
11) <div style="text-align: center;">Authorization</div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Signature of person making this request</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Supervisor (if required)</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <span>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</span> <span>Date</span> </div>			