



PHYSICAL THERAPY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
August 12, 2020

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 (1-3)**
- B. Approval of Minutes of May 6, 2020 (4-7)**
- C. Conflicts of Interest**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
- F. Legislative and Policy Matters – Discussion and Consideration**
 - 1. Compact Status (**8**)
- G. Administrative Rule Matters – Discussion and Consideration (9-10)**
 - 1. Preliminary Rule Draft: Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses (**11-19**)
 - 2. Preliminary Rule Draft: Supervision of Students (**20-39**)
 - 3. Preliminary Rule Draft and Emergency Rule Draft: Implementation of the Physical Therapy Licensure Compact (**40-53**)
 - 4. Pending or Possible Rulemaking Projects
- H. Foreign Education – Discussion and Consideration**
- I. Supervision of Students – Discussion and Consideration**
- J. COVID-19 – Discussion and Consideration**
- K. Federation of State Boards of Physical Therapy (FSBPT) Matters – Discussion and Consideration**

L. Speaking Engagements, Travel, or Public Relation Requests, and Reports

1. Travel Report: Leadership Issues Forum on July 18-19, 2020 in Alexandria, VA – Kathryn Zalewski & John Greany

M. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

N. Public Comments

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

O. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Case Closings**
 - a. 18 PHT 003 – G.H. **(54-59)**
 - b. 18 PHT 008 – D.D. **(60-64)**

P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM N207

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

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of one (1) (at time of agenda publication) Candidates for Licensure – **John Greany** and **Shari Berry**

NEXT DATE: DECEMBER 2, 2020

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer at 608-266-2112 or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
MAY 6, 2020**

PRESENT: Shari Berry, PT (*in-person*); Barbara Carter, PTA; John Greany, PT; Todd McEldowney; Kathryn Zalewski, PT

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Kimberly Wood, Program Assistant Supervisor-Adv.; Daniel Betekhtin, Bureau Assistant; and other Department Staff

CALL TO ORDER

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

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF FEBRUARY 5, 2020

MOTION: Todd McEldowney moved, seconded by John Greany, to approve the Minutes of February 5, 2020 as published. Motion carried. Abstained: Kathryn Zalewski

ADMINISTRATIVE RULE MATTERS

Scope Statement PT 1, 5, and 7, Relating to Supervision of Students

MOTION: Kathryn Zalewski moved, seconded by John Greany, to approve the Scope Statement revising PT 1, 5, and 7, relating to supervision of students, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: John Greany moved, seconded by Todd McEldowney, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement relating to supervision of students, the Chairperson is authorized to approve the notice required under s. 227.136 (2), Stats.. Motion carried unanimously.

Scope Statement: PT 1, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Kathryn Zalewski moved, seconded by Barbara Carter, to approve the Scope Statement revising PT 1, relating to reciprocal credentials for service members, former service members, and their spouses, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Todd McEldowney moved, seconded by John Greany, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement relating to reciprocal credentials for service members, former service members, and their spouses, the Chair is authorized to approve the notice required under s. 227.136 (2), Stats.. Motion carried unanimously.

Pending or Possible Rulemaking Projects

2019 Wisconsin Act 100: Physical Therapy Licensure Compact

MOTION: Kathryn Zalewski moved, seconded by Barbara Carter, to request DSPS staff draft a Scope Statement relating to the Physical Therapy Licensure Compact, and to designate the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to advise DSPS staff. Motion carried unanimously.

MOTION: Todd McEldowney moved, seconded by John Greany, to designate the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Scope Statement relating to the Physical Therapy Licensure Compact, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Kathryn Zalewski moved, seconded by John Greany, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on the Scope Statement relating to the Physical Therapy Licensure Compact, the Chairperson, (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) is authorized to approve the notice required under s. 227.136 (2), Stats.. Motion carried unanimously.

PHYSICAL THERAPY EXAMINING BOARD 2019 ANNUAL REVIEW

MOTION: John Greany moved, seconded by Todd McEldowney, to approve the Physical Therapy Examining Board Annual Review as published. Motion carried unanimously.

FOREIGN EDUCATION

MOTION: John Greany moved, seconded by Kathryn Zalewski, to designate the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to work with DSPS staff to review the licensure processes including, but not limited to, foreign educated applicants. Motion carried unanimously.

CLOSED SESSION

MOTION: Kathryn Zalewski moved, seconded by Barbara Carter, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Shari Berry, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Shari Berry-yes; Barbara Carter-yes; John Greany-yes; Todd McEldowney-yes; and Kathryn Zalewski-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:00 a.m.

CREDENTIALING MATTERS

Education Equivalency Review

Orla T. Magorrian, PT

MOTION: Kathryn Zalewski moved, seconded by John Greany, to find educational equivalency in the Physical Therapist application of Orla T. Magorrian, PT, and to approve this application once all requirements are met. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

18 PHT 016 – Erin M. Leanna, PT

MOTION: Kathryn Zalewski moved, seconded by John Greany, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Erin M. Leanna, PT, DLSC Case Number 18 PHT 016. Motion carried unanimously.

Case Closings

18 PHT 012 – D.F.

MOTION: Todd McEldowney moved, seconded by Kathryn Zalewski, to close DLSC Case Number 18 PHT 012 against D.F., for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:29 a.m.

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

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

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

DELEGATION AND RATIFICATION OF EXAMINATIONS, LICENSES AND CERTIFICATES

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

The meeting adjourned at 10:34 a.m.



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the “[Suggest an Agenda Item](#)” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: Susan

Last Name: Lamberton

Association/Organization: Physical Therapy Assistant

Address Line 1: 880 Uhen Ct.

Address Line 2:

City: Burlington

State: WI

Zip: 53105

Phone Number: (262) 210-9891

Email: sm.lamberton@gmail.com

Subject: Physical Therapy Compact

Issue to Address: Physical Therapy Compact timeline for issuing licenses in order to assist therapists with significant unemployment rates due to Oct 2019, Jan 2020 medicare changes and pandemic.

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

AGENDA REQUEST FORM

| | | | |
|--|---|---|--|
| 1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator | | 2) Date When Request Submitted: 7/31/20 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting | |
| 3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board | | | |
| 4) Meeting Date: 8/12/20 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Preliminary Rule Draft: Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 2. Preliminary Rule Draft: Supervision of Students 3. Preliminary Rule Draft and Emergency Rule Draft: Implementation of the Physical Therapy Licensure Compact 4. Pending or Possible Rulemaking Projects | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: |
| 10) Describe the issue and action that should be addressed: | | | |
| 11) Authorization | | | |
| Signature of person making this request <i>Dale Kleven</i> | | Date <i>July 31, 2020</i> | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

PT 1.03 Licensure requirements.

(1) ~~Every~~ Except as provided under subs. (3) and (4), every person applying for any class of license to provide physical therapy services shall submit to the board all of the following:

(a) A completed and verified application form provided by the board and the fees specified in s. 440.05 (1), Stats.

Note: Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at www.dsp.wi.gov.

(c) For a physical therapist, verified documentary evidence of graduation from a school of physical therapy; for a physical therapist assistant, verified documentary evidence of satisfactory completion of a physical therapist assistant educational program approved by the board.

(d) In the case of a graduate of a foreign school of physical therapy or physical therapist assistant educational program, verification of educational equivalency to a board-approved school of physical therapy or physical therapist assistant educational program, ~~the.~~ The verification required under this paragraph shall be obtained from a board-approved foreign graduate evaluation service, based upon submission to the evaluation service of all of the following material:

1. A verified copy of transcripts from the schools from which secondary education was obtained.
2. A verified copy of the diploma from the school or educational program at which professional physical therapy or physical therapist assistant training was completed.
3. A record of the number of class hours spent in each subject, for both preprofessional and professional courses. For subjects which include laboratory and discussion sections, the hours must be described in hours per lecture, hours per laboratory, and hours per discussion per week. Information must include whether subjects have been taken at basic entry or advanced levels.
4. A syllabus which that describes the material covered in each subject completed.

(e) Evidence of successful completion of the examinations specified in ch. PT 2.

(2) If an applicant is a graduate of a school of physical therapy or a physical therapist assistant educational program not approved by the board, the board shall determine whether the applicant's educational training is equivalent to that specified in sub. (1) (c). In lieu of its own evaluations, the board may use evaluations prepared by a board-approved evaluation service. The cost of an evaluation shall be paid by the applicant.

Note: The board periodically reviews and approves foreign graduate evaluation services. A list of board-approved evaluation services is available upon request ~~from the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935~~ by calling (608) 266-2112.

(3) The board may waive the requirement under sub. (1) (c) for an applicant who establishes, to the satisfaction of the board, all of the following:

(a) ~~That he or she~~ The applicant is a graduate of a physical therapy school or a physical therapist assistant educational program.

(b) ~~That he or she~~ The applicant is licensed as a physical therapist or physical therapist assistant by another licensing jurisdiction in the United States.

(c) ~~That the~~ The jurisdiction in which ~~he or she~~ the applicant is licensed required the licensee applicant to be a graduate of a school or educational program approved by the licensing jurisdiction or of a school or educational program that the licensing jurisdiction evaluated for educational equivalency.

(d) ~~That he or she~~ The applicant has actively practiced as a physical therapist or physical therapist assistant, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of ~~his or her~~ application.

Note: The board approves those schools of physical therapy and physical therapist assistant educational programs that are at the time of the applicant's graduation recognized and approved by the Commission on Accreditation in Physical Therapy Education.

Note: Under 2001 Wis. Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.

(4) A reciprocal license to provide physical therapy services shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this subsection.

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Physical Therapy Examining Board to **repeal** PT 1.03 (3) (d) (Note 2); to **amend** PT 1.03 (1) (intro.), (a) (Note), and (d) (intro.), 3., and 4., (2) (Note), and (3) (a) to (d); and to **create** PT 1.03 (4), relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

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

Section 440.09 (5), Stats., provides “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members. The proposed rule also updates and repeals obsolete notes, and makes other changes to provide clarity and meet current standards for drafting administrative code.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Physical Therapy Examining Board.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

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

TEXT OF RULE

SECTION 1. PT 1.03 (1) (intro.), (a) (Note), and (d) (intro.), 3., and 4., (2) (Note), and (3) (a) to (d) are amended to read:

PT 1.03 (1) (intro.) ~~Every~~ Except as provided under subs. (3) and (4), every person applying for any class of license to provide physical therapy services shall submit to the board all of the following:

(a) (Note) Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(d) (intro.) In the case of a graduate of a foreign school of physical therapy or physical therapist assistant educational program, verification of educational equivalency to a board-approved school of physical therapy or physical therapist assistant educational program, ~~the~~ The verification required under this paragraph shall be obtained from a board-approved foreign graduate evaluation service, based upon submission to the evaluation service of all of the following material:

3. A record of the number of class hours spent in each subject, for both preprofessional and professional courses. For subjects which include laboratory and discussion sections, the hours must be described in hours per lecture, hours per laboratory, and hours per discussion per week. Information must include whether subjects have been taken at basic entry or advanced levels.

4. A syllabus ~~which~~ that describes the material covered in each subject completed.

(2) (Note) The board periodically reviews and approves foreign graduate evaluation services. A list of board-approved evaluation services is available upon request ~~from the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935~~ by calling (608) 266-2112.

(3) (a) ~~That he or she~~ The applicant is a graduate of a physical therapy school or a physical therapist assistant educational program.

(b) ~~That he or she~~ The applicant is licensed as a physical therapist or physical therapist assistant by another licensing jurisdiction in the United States.

(c) ~~That the~~ The jurisdiction in which he or she the applicant is licensed required the ~~licensee~~ applicant to be a graduate of a school or educational program approved by the licensing jurisdiction or of a school or educational program that the licensing jurisdiction evaluated for educational equivalency.

(d) ~~That he or she~~ The applicant has actively practiced as a physical therapist or physical therapist assistant, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of ~~his or her~~ application.

SECTION 2. PT 1.03 (3) (d) (Note 2) is repealed.

SECTION 3. PT 1.03 (4) is created to read:

PT 1.03 (4) A reciprocal license to provide physical therapy services shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this subsection.

SECTION 4. 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)

Chapter PT 1

LICENSE TO PRACTICE PHYSICAL THERAPY

PT 1.01 Authority and purpose. (1) The rules in this chapter are adopted by the physical therapy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), and 15.405 (7r), 448.53 (1), Stats.

(2) The rules in this chapter are adopted to govern the issuance of licenses to physical therapists and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats.

PT 1.02 Definitions. As used in chs. PT 1 to 9:

(1) “Board” means the physical therapy examining board.

(3) “Client” means a person who has contracted for, who receives, and or who has previously received or contracted for, the professional services of a physical therapist, a physical therapist assistant, student or temporary licensee, whether the physical therapist, student or temporary licensee is paid or unpaid for the service, and regardless of where such services occur. If a client is a person under age 18, the client’s parent or legal guardian are also clients.

(4) “Direct, immediate, on–premises supervision” means face–to–face contact between the supervisor and the person being supervised, as necessary, with the supervisor physically present in the same building when the service is performed by the person being supervised.

(5) “Direct, immediate, one–to–one supervision” means one– to–one supervision with face–to–face contact between the person being supervised and the supervisor. The supervisor may assist the person being supervised as necessary.

(6) “FSBPT” means the Federation of State Boards of Physical Therapy.

(7) “General supervision” means direct, on–premises contact between a supervisor, and a physical therapist, physical therapist assistant, student or temporary licensee being supervised, as necessary. Between direct contacts, a supervisor is required to maintain indirect, off–premises telecommunication contact such that the person being supervised can, within 24 hours, establish direct telecommunication with a supervisor.

(8) “Informed consent” means a client’s voluntary, knowing and understood agreement to the service to be provided by the physical therapist, physical therapist assistant, temporary licensee, candidate for reentry, or student. Informed consent requires, at a minimum, that the licensee has provided information about reasonable alternate modes of diagnosis and treatment, and the risks and benefits of each, that a reasonable person in the client’s position would need before making an informed decision concerning the mode of treatment or diagnosis.

(a) Informed consent may ordinarily be documented by the written signature of the client, the client’s guardian or the client’s power of attorney for healthcare, or in the alternative by a notation in the patient’s health care record as defined in s. 146.81 (4), Stats. If circumstances prevent signed documentation by the client, the licensee may document verbal consent within the patient’s health care record.

- (b) A client may withdraw informed consent verbally or in writing at any time before a service is completed.
- (c) Informed consent shall include an understanding that the client may, upon request, have a chaperone present while services are provided.
- (d) No service or part of a service may be provided without the client's informed consent or after informed consent has been withdrawn.
- (e) No service or part of a service may be provided without informing the client of the general nature of the costs associated with the service provided or contact information for the entity who can address billing concerns.
- (9)** "Intimate parts" has the meaning given in s. 939.22 (19), Stats.
- (10)** "License" means any license, permit, certificate or registration issued by the board.
- (11)** "Licensee" means any person validly possessing any license granted and issued to that person by the board.
- (11c)** "Physical therapist" has the meaning given in s. 448.50 (3), Stats.
- (11g)** "Physical therapist assistant" has the meaning given in s. 448.50 (3m), Stats.
- (11n)** "Physical therapist assistant student" means a person enrolled in a physical therapist assistant educational program approved by the board who performs patient related tasks consistent with the person's education, training, and experience under the direct, immediate, on-premises supervision of a physical therapist or physical therapist assistant.
- (11r)** "Physical therapist student" means a person enrolled in a physical therapist educational program approved by the board who performs patient related tasks consistent with the person's education, training, and experience under the direct, immediate, on-premises supervision of a physical therapist.
- (11w)** "Student" means a physical therapist student or physical therapist assistant student.
- (12)** "Supervisor" means a person holding a regular license as a physical therapist who is competent to coordinate, direct, and inspect the accomplishments of another physical therapist, physical therapist assistant, student, or temporary licensee.
- (13)** "Temporary licensee" means a graduate of a physical therapy school or program who has met the requirements for and who has been granted a temporary license to practice as a physical therapist or physical therapist assistant as provided in ch. PT 3.
- (14)** "Unlicensed personnel" means a person other than a physical therapist, ~~or~~ physical therapist assistant, or student who performs patient related tasks consistent with the ~~unlicensed personnel's~~ person's education, training and ~~expertise~~ experience under the direct, ~~immediate,~~ on-premises supervision of ~~the~~ a physical therapist.

No proposed changes to s. PT 1.03, Licensure requirements.

Chapter PT 5

PHYSICAL THERAPIST ASSISTANTS, ~~AND UNLICENSED PERSONNEL,~~ AND STUDENTS

PT 5.001 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), 448.52 (1m) (c), and 448.56 (6), Stats., and govern the practice and supervision of physical therapist assistants and the supervision of unlicensed personnel, physical therapist students, and physical therapist assistant students.

PT 5.01 Practice and supervision of physical therapist assistants.

(1) A physical therapist assistant, ~~as defined in s. 448.50 (3m), Stats.,~~ shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board.

(2) In providing general supervision, the physical therapist shall do all of the following:

- (a) Have primary responsibility for physical therapy care rendered by the physical therapist assistant.
- (b) Have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days, unless the board approves another type of contact.
- (c) Remain accessible to telecommunications in the interim between direct contacts while the physical therapist assistant is providing patient care.
- (d) Establish a written policy and procedure for written and oral communication. This policy and procedure shall include a specific description of the supervisory activities undertaken for the physical therapist assistant as well as a description of the manner by which the physical therapist shall manage all aspects of patient care. The amount of supervision shall be appropriate to the setting and the services provided.
- (e) Provide initial patient examination, evaluation and interpretation of referrals and create the initial patient record for every patient the physical therapist treats.
- (f) Develop and revise as appropriate a written patient treatment plan and program.
- (g) Delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training and experience.
- (h) Provide on-site assessment and reevaluation of each patient's treatment at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.
- (i) Coordinate discharge plan decisions and the final assessment with the physical therapist assistant.
- (j) Limit the number of physical therapist assistants practicing under general supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter. No physical therapist may at any time supervise more than 2 physical therapist assistants full-time equivalents practicing under general supervision.

PT 5.02 Supervision of unlicensed personnel.

(1) A physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. ~~A~~ The physical therapist may not direct unlicensed personnel to perform tasks ~~which that~~ require the ~~decision-making~~ decision-making or ~~problem-solving~~ problem-solving skills of a physical therapist, including ~~but not limited to~~ patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) In providing direct, immediate, on-premises supervision, the physical therapist shall do all of the following:

- (a) Retain full professional responsibility for patient related tasks performed.
- (b) Be available at all times for direction and supervision with the person performing related tasks.
- (c) Evaluate the effectiveness of patient related tasks performed by those under direct supervision by assessing persons for whom tasks have been performed prior to and following performance of the tasks.
- (d) Routinely evaluate the effectiveness of patient related tasks performed by those under direct supervision by observing and monitoring persons receiving such tasks.
- (e) Determine the competence of personnel to perform assigned tasks based upon ~~his or her~~ education, training, and experience.
- (f) Verify the competence of unlicensed personnel with written documentation of continued competence in the assigned tasks.
- (g) Perform initial patient examination, evaluation, diagnosis, and prognosis, interpret referrals, develop and revise as appropriate a written patient treatment plan and program for each patient, and create and maintain a patient record for every patient the physical therapist treats.
- (h) Provide interpretation of objective tests, measurements, and other data in developing and revising a physical therapy diagnosis, assessment, and treatment plan.
- (i) Direct unlicensed personnel to provide appropriate patient related tasks consistent with the education, training, and experience of the person supervised. Direction should list specific patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.
- (j) Limit the number of unlicensed personnel providing patient related tasks under direct supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter.
- (k) The total number of physical therapist assistants providing physical therapy services and unlicensed personnel performing patient related tasks under supervision may not exceed a combined total of 4. This number shall be reduced by the number of physical therapists and physical therapist assistants holding temporary licenses who are being supervised under s. PT 3.01 (6).

PT 5.03 Supervision of physical therapist students and physical therapist assistant students.

(1) Except as provided under sub. (2), a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of a physical therapist student or physical therapist assistant student at all times.

(2) (a) A physical therapist providing supervision of a physical therapist assistant student under sub. (1) may delegate that supervision to a physical therapist assistant. The delegating physical therapist shall, as required under s. PT 5.01, provide general supervision of the physical therapist assistant supervising the physical therapist assistant student.

(b) A physical therapist assistant supervising a physical therapist assistant student under par. (a) shall provide face-to-face contact with the student, as necessary, and be physically present in the same building when a service is performed by the student.

(3) A physical therapist supervising a physical therapist student or physical therapist assistant student under sub. (1) shall retain full professional responsibility for all of the following:

(a) All physical therapy procedures and related tasks performed by the physical therapist student or physical therapist assistant student.

(b) Delegation of treatment plans and programs to the physical therapist student or physical therapist assistant student in a manner consistent with the student's education, training, and experience.

(4) A physical therapist delegating supervision of a physical therapist assistant student to a physical therapist assistant under sub. (2) shall retain full professional responsibility for all of the following:

(a) All physical therapy procedures and related tasks performed by the physical therapist assistant and by the physical therapist assistant student.

(b) Delegation of treatment plans and programs to the physical therapist assistant student in a manner consistent with the student's education, training, and experience.

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Physical Therapy Examining Board to amend PT 1.02 (14), ch. PT 5 (title), 5.001, 5.01 (1), and 5.02 (1) and (2) (intro.), (e), (g), and (h) and to create PT 1.02 (11c) to (11w) and 5.03, relating to supervision of students.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.52 (1m) (c), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.52 (1m) (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.52 (1m) (c), Stats., provides “[t]he examining board may promulgate rules related to the supervision of students who perform physical therapy procedures and related tasks.”

Related statute or rule:

None.

Plain language analysis:

The Physical Therapy Examining Board conducted an evaluation of its rules relating to the supervision of physical therapist students and physical therapist assistant students to ensure the rules are consistent with current professional practices and applicable Wisconsin statutes. As a result, updates have been made to do all of the following:

- Create definitions of “physical therapist,” “physical therapist assistant,” “physical therapist assistant student,” “physical therapist student,” and “student.”

- Clarify that the holder of a temporary license as a physical therapist may not provide supervision of a physical therapist assistant, physical therapist student, physical therapist assistant student, or any unlicensed personnel.
- Establish requirements for the supervision of physical therapist students and physical therapist assistant students.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide an exception to practice without a license for the practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist must be readily available for direct supervision and instruction to ensure the safety and welfare of the patient (225 ILCS 90/2).

Iowa:

The Iowa Statutes provide that students of physical therapy who practice physical therapy under the supervision of a licensed physical therapist in connection with the regular course of instruction at a school of physical therapy are not required to be licensed to practice physical therapy (Code of Iowa § 148A.3).

Michigan:

Rules of the Michigan Board of Physical Therapy provide for delegation of acts, tasks, or functions to and supervision of unlicensed persons, including students enrolled in accredited physical therapist or physical therapist assistant educational programs approved by the board. A physical therapist is required to provide "direct supervision" of students, which means the physical therapist is physically present and immediately available for direction and supervision when patients or clients are present at the time the act, task, or function is performed, and the physical therapist has direct contact with the patient or client during each visit (Mich Admin Code, R 338.7139).

Minnesota:

The Minnesota Statutes provide for the supervision of and delegation of tasks to student physical therapists and student physical therapist assistants (2019 Minnesota Statutes, Section 148.706).

A licensed physical therapist is required to provide on-site supervision of a student physical therapist. "On-site supervision" means the physical therapist is easily available for instruction to the student physical therapist. The physical therapist must have direct contact with the patient during at least every second treatment session by the student physical therapist. Telecommunications, except within the facility, does not meet the requirement of on-site supervision (2019 Minnesota Statutes, Section 148.65, Subd. 5.).

A student physical therapist assistant is required to be under the direct supervision of a physical therapist, or the direct supervision of a physical therapist and physical therapist assistant. "Direct supervision" means the physical therapist is physically present and immediately available to provide instruction to the student physical therapist assistant. (2019 Minnesota Statutes, Section 148.65, Subd. 6.).

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the Physical Therapy Examining Board's rules relating to the supervision of physical therapist students and physical therapist assistant students to ensure the rules are consistent with current professional practices and applicable Wisconsin statutes.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

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

TEXT OF RULE

SECTION 1. PT 1.02 (11c) to (11w) are created to read:

PT 1.02 (11c) "Physical therapist" has the meaning given in s. 448.50 (3), Stats.

(11g) "Physical therapist assistant" has the meaning given in s. 448.50 (3m), Stats.

(11n) "Physical therapist assistant student" means a person enrolled in a physical therapist assistant educational program approved by the board who performs physical therapy procedures and related tasks consistent with the person's education, training, and experience under the direct, immediate, on-premises supervision of a physical therapist or physical therapist assistant.

(11r) "Physical therapist student" means a person enrolled in a physical therapist educational program approved by the board who performs physical therapy procedures and related tasks consistent with the person's education, training, and experience under the direct, immediate, on-premises supervision of a physical therapist.

(11w) “Student” means a physical therapist student or physical therapist assistant student.

SECTION 2. PT 1.02 (14) is amended to read:

PT 1.02 (14) “Unlicensed personnel” means a person other than a physical therapist, ~~or physical therapist assistant, or student~~ who performs patient related tasks consistent with the ~~unlicensed personnel’s person’s~~ education, training and ~~expertise~~ experience under the direct, immediate, on-premises supervision of ~~the~~ a physical therapist.

SECTION 3. Chapter PT 5 (title) is amended to read:

CHAPTER PT 5

PHYSICAL THERAPIST ASSISTANTS, ~~AND~~ UNLICENSED PERSONNEL, AND STUDENTS

SECTION 4. PT 5.001 is amended to read:

PT 5.001 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), ~~448.52 (1m) (c)~~, and 448.56 (6), Stats., and govern the practice and supervision of physical therapist assistants and the supervision of unlicensed personnel, physical therapist students, and physical therapist assistant students.

SECTION 5. PT 5.01 (1) is amended to read:

PT 5.01 (1) A physical therapist assistant, ~~as defined in s. 448.50 (3m), Stats.,~~ shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board.

SECTION 6. PT 5.02 (1) and (2) (intro.), (e), (g), and (h) are amended to read:

PT 5.02 (1) A physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. ~~A~~ The physical therapist may not direct unlicensed personnel to perform tasks ~~which that~~ require the decision making decision-making or problem-solving problem-solving skills of a physical therapist, including ~~but not limited to~~ patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) (intro.) In providing direct, immediate, on-premises supervision, the physical therapist shall do all of the following:

(e) Determine the competence of personnel to perform assigned tasks based upon ~~his or her~~ education, training, and experience.

(g) Perform initial patient examination, evaluation, diagnosis, and prognosis, interpret referrals, develop and revise as appropriate a written patient treatment plan and program for each patient, and create and maintain a patient record for every patient the physical therapist treats.

(h) Provide interpretation of objective tests, measurements, and other data in developing and revising a physical therapy diagnosis, assessment, and treatment plan.

SECTION 7. PT 5.03 is created to read:

PT 5.03 Supervision of physical therapist students and physical therapist assistant students.

(1) Except as provided under sub. (2), a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of a physical therapist student or physical therapist assistant student at all times.

(2) (a) A physical therapist providing supervision of a physical therapist assistant student under sub. (1) may delegate that supervision to a physical therapist assistant. The delegating physical therapist shall, as required under s. PT 5.01, provide general supervision of the physical therapist assistant supervising the physical therapist assistant student.

(b) A physical therapist assistant supervising a physical therapist assistant student under par. (a) shall provide face-to-face contact with the student, as necessary, and be physically present in the same building when a service is performed by the student.

(3) A physical therapist supervising a physical therapist student or physical therapist assistant student under sub. (1) shall retain full professional responsibility for all of the following:

(a) All physical therapy procedures and related tasks performed by the physical therapist student or physical therapist assistant student.

(b) Delegation of treatment plans and programs to the physical therapist student or physical therapist assistant student in a manner consistent with the student's education, training, and experience.

(4) A physical therapist delegating supervision of a physical therapist assistant student to a physical therapist assistant under sub. (2) shall retain full professional responsibility for all of the following:

(a) All physical therapy procedures and related tasks performed by the physical therapist assistant and by the physical therapist assistant student.

(b) Delegation of treatment plans and programs to the physical therapist assistant student in a manner consistent with the student's education, training, and experience.

SECTION 8. 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)

Chapter PT 1

LICENSE AND COMPACT PRIVILEGE TO PRACTICE PHYSICAL THERAPY

PT 1.01 Authority and purpose. (1) The rules in this chapter are adopted by the physical therapy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), ~~and 15.405 (7r)~~, 448.53 (1), ~~and 448.986 (3)~~, Stats.

(2) The rules in this chapter are adopted to govern the issuance of licenses to physical therapists and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats., and the granting of compact privileges under subch. IX of ch. 448, Stats.

PT 1.02 Definitions. As used in chs. PT 1 to 9:

(1) “Board” means the physical therapy examining board.

(3) “Client” means a person who has contracted for, who receives, and or who has previously received or contracted for, the professional services of a physical therapist, a physical therapist assistant, student or temporary licensee, whether the physical therapist, student or temporary licensee is paid or unpaid for the service, and regardless of where such services occur. If a client is a person under age 18, the client’s parent or legal guardian are also clients.

(4) “Direct, immediate, on–premises supervision” means face–to–face contact between the supervisor and the person being supervised, as necessary, with the supervisor physically present in the same building when the service is performed by the person being supervised.

(5) “Direct, immediate, one–to–one supervision” means one– to–one supervision with face–to–face contact between the person being supervised and the supervisor. The supervisor may assist the person being supervised as necessary.

(6) “FSBPT” means the Federation of State Boards of Physical Therapy.

(7) “General supervision” means direct, on–premises contact between a supervisor, and a physical therapist, physical therapist assistant, student or temporary licensee being supervised, as necessary. Between direct contacts, a supervisor is required to maintain indirect, off–premises telecommunication contact such that the person being supervised can, within 24 hours, establish direct telecommunication with a supervisor.

(8) “Informed consent” means a client’s voluntary, knowing and understood agreement to the service to be provided by the physical therapist, physical therapist assistant, temporary licensee, candidate for reentry, or student. Informed consent requires, at a minimum, that the licensee has provided information about reasonable alternate modes of diagnosis and treatment, and the risks and benefits of each, that a reasonable person in the client’s position would need before making an informed decision concerning the mode of treatment or diagnosis.

(a) Informed consent may ordinarily be documented by the written signature of the client, the client’s guardian or the client’s power of attorney for healthcare, or in the alternative by a notation in the patient’s health care record as defined in s. 146.81 (4), Stats. If circumstances prevent signed documentation by the client, the licensee may document verbal consent within the patient’s health care record.

(b) A client may withdraw informed consent verbally or in writing at any time before a service is completed.

(c) Informed consent shall include an understanding that the client may, upon request, have a chaperone present while services are provided.

(d) No service or part of a service may be provided without the client's informed consent or after informed consent has been withdrawn.

(e) No service or part of a service may be provided without informing the client of the general nature of the costs associated with the service provided or contact information for the entity who can address billing concerns.

(9) "Intimate parts" has the meaning given in s. 939.22 (19), Stats.

(10) "License" means any license, permit, certificate or registration issued by the board.

(11) "Licensee" means any person validly possessing any license granted and issued to that person by the board.

(11e) "Physical therapist" has the meaning given in s. 448.50 (3), Stats.

(11m) "Physical therapist assistant" has the meaning given in s. 448.50 (3m), Stats.

(11s) "Physical therapy" has the meaning given in s. 448.50 (4), Stats.

(12) "Supervisor" means a person holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board who is competent to coordinate, direct, and inspect the accomplishments of another physical therapist, physical therapist assistant, student, or temporary licensee.

(13) "Temporary licensee" means a graduate of a physical therapy school or program who has met the requirements for and who has been granted a temporary license to practice as a physical therapist or physical therapist assistant as provided in ch. PT 3.

(14) "Unlicensed personnel" means a person other than a physical therapist or physical therapist assistant who performs patient related tasks consistent with the unlicensed personnel's education, training and expertise under the direct on-premises supervision of the physical therapist.

PT 1.03 Licensure requirements. (1) Every person applying for any class of license to provide physical therapy services shall submit to the board all of the following:

(a) A completed and verified application form provided by the board and the fees specified in s. 440.05 (1), Stats.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(c) For a physical therapist, verified documentary evidence of graduation from a school of physical therapy; for a physical therapist assistant, verified documentary evidence of satisfactory completion of a physical therapist assistant educational program approved by the board.

(d) In the case of a graduate of a foreign school of physical therapy or physical therapist assistant educational program, verification of educational equivalency to a board–approved school of physical therapy or physical therapist assistant educational program, the verification shall be obtained from a board–approved foreign graduate evaluation service, based upon submission to the evaluation service of the following material:

1. A verified copy of transcripts from the schools from which secondary education was obtained.
2. A verified copy of the diploma from the school or educational program at which professional physical therapy or physical therapist assistant training was completed.
3. A record of the number of class hours spent in each subject, for both preprofessional and professional courses. For subjects which include laboratory and discussion sections, the hours must be described in hours per lecture, hours per laboratory and hours per discussion per week. Information must include whether subjects have been taken at basic entry or advanced levels.
4. A syllabus which describes the material covered in each subject completed.

(e) Evidence of successful completion of the examinations specified in ch. PT 2.

(2) If an applicant is a graduate of a school of physical therapy or a physical therapist assistant educational program not approved by the board, the board shall determine whether the applicant’s educational training is equivalent to that specified in sub. (1) (c). In lieu of its own evaluations, the board may use evaluations prepared by a board–approved evaluation service. The cost of an evaluation shall be paid by the applicant.

Note: The board periodically reviews and approves foreign graduate evaluation services. A list of board–approved evaluation services is available upon request from the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708–8935.

(3) The board may waive the requirement under sub. (1) (c) for an applicant who establishes, to the satisfaction of the board, all of the following:

- (a) That he or she is a graduate of a physical therapy school or a physical therapist assistant educational program.
- (b) That he or she is licensed as a physical therapist or physical therapist assistant by another licensing jurisdiction in the United States.
- (c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school or educational program approved by the licensing jurisdiction or of a school or educational program that the licensing jurisdiction evaluated for educational equivalency.
- (d) That he or she has actively practiced as a physical therapist or physical therapist assistant, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

Note: The board approves those schools of physical therapy and physical therapist assistant educational programs that are at the time of the applicant’s graduation recognized and approved by the Commission on Accreditation in Physical Therapy Education.

~~Note: Under 2001 Wis. Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.~~

PT 1.04 Compact privilege requirements. Every person applying for a compact privilege shall submit to the board all of the following:

- (1) A completed application form provided by the board.
- (2) The fee specified in s. 448.985 (3) (d), Stats.
- (3) Evidence of successful completion of the examination specified in s. PT 2.01 (6) (c).

Chapter PT 2

EXAMINATIONS

PT 2.001 Authority and purpose. (1) The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 448.53 (1) and 448.54, Stats.

(2) The rules in this chapter are adopted to govern examination of applicants for licensure of physical therapist and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats.

~~Note: The examination requirement for a physical therapist or physical therapist assistant compact privilege is under s. PT 1.04.~~

Chapter PT 3

TEMPORARY LICENSES

PT 3.01 Temporary license to practice under supervision, initial licensure. (1) ~~An applicant for a regular license to practice as a physical therapist or physical therapist assistant, who has not previously been licensed to practice as a physical therapist or as a physical therapist assistant in this state, whichever is applicable, and who is a graduate of an approved school of physical therapy or a physical therapist assistant educational program and has applied to take the national physical therapist examination or the national physical therapist assistant examination and is awaiting results and is not required to take an oral examination, may apply to the board for a temporary license to practice as a physical therapist or physical therapist assistant under supervision. The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license to practice as a physical therapist or physical therapist assistant, the board, acting through the 2 members, may issue a temporary license to practice as a physical therapist or physical therapist assistant under supervision to the applicant. An applicant for a temporary license under this subdivision shall meet all of the following requirements:~~

(a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist.

(b) The applicant is a graduate of an approved school of physical therapy.

(c) The applicant has applied to take the national physical therapist examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1g) An applicant for a regular license to practice as a physical therapist assistant may apply to the board for a temporary license to practice as a physical therapist assistant under supervision. An applicant for a temporary license under this subdivision shall meet all of the following requirements:

(a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist assistant.

(b) The applicant is a graduate of an approved physical therapist assistant educational program.

(c) The applicant has applied to take the national physical therapist assistant examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1r) The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license, the board, acting through the 2 members, may issue a temporary license to practice under supervision.

(2) The required fees specified in s. 440.05 (6), Stats., shall accompany the application for a temporary license to practice under supervision.

Note: Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(3) The holder of a temporary license to practice physical therapy under supervision may practice physical therapy, ~~as defined in s. 448.50 (4), Stats., providing that~~ provided the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

(4) The holder of a temporary license to practice as a physical therapist assistant under supervision may provide physical therapy ~~services as defined by s. 448.50 (4), Stats., providing that~~ in a manner consistent with the physical therapist assistant's education, training and experience, provided the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

~~**Note:** Under 2001 Wis. Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.~~

(5) The duration of a temporary license to practice physical therapy under supervision granted under this section shall be for a period of 3 months or until the holder receives failing examination results, whichever is ~~shorter~~ sooner, unless the board grants an extension of the temporary license. A

temporary license may be renewed for a period of 3 months, and may be renewed a second time for a period of 3 months for reasons of hardship. Practice under a temporary license may not exceed 9 months total duration.

(6) A physical therapist providing supervision under sub. (3) or (4) may supervise no more than a combined total of 4 physical therapists and physical therapist assistants who hold temporary licenses. This number shall be reduced by the number of physical therapist assistants and physical therapy aides unlicensed personnel being supervised by the physical therapist under ~~s-~~ ss. PT 5.01 and 5.02 (2) (k).

Chapter PT 4

LOCUM TENENS LICENSE

PT 4.001 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), 448.53 (2), and (3), Stats., and govern locum tenens licenses.

PT 4.01 Locum tenens license. (1) A person who holds a valid license to practice physical therapy issued by another licensing jurisdiction of the United States may apply to the board for a locum tenens license to practice physical therapy and shall submit to the board all of the following:

(a) A completed and verified application form.

Note: Application forms are available upon request to the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 from the department of safety and professional services' website at www.dsps.wi.gov.

(b) A letter of recommendation from a physician or supervisor or present employer stating the applicant's professional capabilities.

(c) A verified photostatic copy of a license to practice physical therapy issued to the applicant by another licensing jurisdiction of the United States.

(d) A letter requesting the applicant's services from a physical therapist licensed ~~in this state requesting the applicant's services under s. 448.53 (1), Stats., an individual who holds a physical therapist compact privilege granted by the board,~~ or ~~a letter from~~ an organization or facility located in this state ~~requesting the applicant's services~~.

(e) The required fees specified in s. 440.05 (6), Stats.

(2) The application and documentary evidence submitted by the applicant shall be reviewed by a member of the board, and upon the finding of the member that the applicant is qualified, the board, acting through the member, may issue a locum tenens license to practice physical therapy to the applicant.

(3) The holder of a locum tenens license to practice physical therapy may practice physical therapy as defined in s. 448.56 (1), Stats., providing the practice is confined to the geographical area for which the license is issued.

(4) Except as otherwise ordered by the board, a locum tenens license to practice physical therapy shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board may issue a locum tenens license for a period not to exceed 12 months. The locum tenens license is not renewable.

Chapter PT 5

PHYSICAL THERAPIST ASSISTANTS AND UNLICENSED PERSONNEL

PT 5.001 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), and 448.56 (6), Stats., and govern physical therapist assistants and unlicensed personnel.

PT 5.01 Practice and supervision of physical therapist assistants. (1) A physical therapist assistant, ~~as defined in s. 448.50 (3m), Stats.,~~ shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board.

(2) In providing general supervision, the physical therapist shall do all of the following:

- (a) Have primary responsibility for physical therapy care rendered by the physical therapist assistant.
- (b) Have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days, unless the board approves another type of contact.
- (c) Remain accessible to telecommunications in the interim between direct contacts while the physical therapist assistant is providing patient care.
- (d) Establish a written policy and procedure for written and oral communication. This policy and procedure shall include a specific description of the supervisory activities undertaken for the physical therapist assistant as well as a description of the manner by which the physical therapist shall manage all aspects of patient care. The amount of supervision shall be appropriate to the setting and the services provided.
- (e) Provide initial patient examination, evaluation and interpretation of referrals and create the initial patient record for every patient the physical therapist treats.
- (f) Develop and revise as appropriate a written patient treatment plan and program.
- (g) Delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training and experience.
- (h) Provide on-site assessment and reevaluation of each patient's treatment at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.
- (i) Coordinate discharge plan decisions and the final assessment with the physical therapist assistant.
- (j) Limit the number of physical therapist assistants practicing under general supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under

the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter. No physical therapist may at any time supervise more than 2 physical therapist assistants full-time equivalents practicing under general supervision.

PT 5.02 Supervision of unlicensed personnel. (1) A physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. ~~A~~ The physical therapist may not direct unlicensed personnel to perform tasks which require the ~~decision-making~~ decision-making or ~~problem solving~~ problem-solving skills of a physical therapist, including ~~but not limited to~~ patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) In providing direct, immediate, on-premises supervision, the physical therapist shall do all of the following:

- (a) Retain full professional responsibility for patient related tasks performed.
- (b) Be available at all times for direction and supervision with the person performing related tasks.
- (c) Evaluate the effectiveness of patient related tasks performed by those under direct supervision by assessing persons for whom tasks have been performed prior to and following performance of the tasks.
- (d) Routinely evaluate the effectiveness of patient related tasks performed by those under direct supervision by observing and monitoring persons receiving such tasks.
- (e) Determine the competence of personnel to perform assigned tasks based upon his or her education, training and experience.
- (f) Verify the competence of unlicensed personnel with written documentation of continued competence in the assigned tasks.
- (g) Perform initial patient examination, evaluation, diagnosis and prognosis, interpret referrals, develop and revise as appropriate a written patient treatment plan and program for each patient and create and maintain a patient record for every patient the physical therapist treats.
- (h) Provide interpretation of objective tests, measurements and other data in developing and revising a physical therapy diagnosis, assessment and treatment plan.
- (i) Direct unlicensed personnel to provide appropriate patient related tasks consistent with the education, training, and experience of the person supervised. Direction should list specific patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.
- (j) Limit the number of unlicensed personnel providing patient related tasks under direct supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter.
- (k) The total number of physical therapist assistants providing physical therapy services and unlicensed personnel performing patient related tasks under supervision may not exceed a combined total of 4.

This number shall be reduced by the number of physical therapists and physical therapist assistants holding temporary licenses who are being supervised under s. PT 3.01 (6).

Chapter PT 7

UNPROFESSIONAL CONDUCT

PT 7.025 Unprofessional conduct. The term “unprofessional conduct” is defined to include violating, aiding, abetting, or conspiring to engage in any of the following:

(4) Engaging in fraud, deceit, or misrepresentation in applying for or procuring a license or compact privilege to practice physical therapy, in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining licensure or a compact privilege.

It doesn't appear any changes to chs. PT 8, 9, or 10 are needed.

Chapter PT 8

BIENNIAL LICENSE RENEWAL

PT 8.01 Authority and purpose.
PT 8.02 Renewal required; method of renewal.

PT 8.05 Requirements for late renewal and reinstatement.

PT 8.01 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) and 448.53, Stats., and govern biennial renewal of licensees of the board.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; am., Register, June, 1998, No. 510, eff. 7-1-98; CR 03-020: am. Register April 2004 No. 580, eff. 5-1-04.

PT 8.02 Renewal required; method of renewal. Each licensee shall renew his or her license biennially with the department. Each licensee shall complete a renewal application form and return it with the required fee to the department prior to the next succeeding March 1.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; am., Register, June, 1998, No. 510, eff. 7-1-98; CR 13-007: am. Register November 2013 No. 695, eff. 12-1-13; CR 15-027: am. Register January 2016 No. 721, eff. 2-1-16.

PT 8.05 Requirements for late renewal and reinstatement. A license shall expire if it is not renewed by March 1 of each odd-numbered year, except for temporary licenses granted pursuant to ch. PT 3. A licensee who allows their license to expire may apply to the board to renew or reinstate their license by completing one of the following:

(1) **RENEWAL BEFORE 5 YEARS.** If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and completion of the continuing education requirements specified in ch. PT 9.

(2) **RENEWAL AFTER 5 YEARS OR MORE.** If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on renewal of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This section does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(3) **REINSTATEMENT.** A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been surrendered or revoked, may apply to have the license reinstated in accordance with all of the following:

(a) Evidence of the completion of the requirements under s. PT 8.05 (2).

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95; r. (1), renum. (2) (intro.), (a) and (b) to be (intro.), (1) and (2), Register, June, 1998, No. 510, eff. 7-1-98; CR 12-002: am. (intro.) Register August 2012 No. 680, eff. 9-1-12; CR 15-027: r. and recr. Register January 2016 No. 721, eff. 2-1-16.

Chapter PT 9

CONTINUING EDUCATION

PT 9.01 Authority and purpose.
PT 9.02 Definitions.
PT 9.03 Continuing education requirements.

PT 9.04 Standards for approval.
PT 9.05 Certification and audit of continuing education requirements.

PT 9.01 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) and 448.55 (3), Stats., and govern required biennial continuing education of licensees of the board.

History: CR 03-020: cr. Register April 2004 No. 580, eff. 5-1-04; CR 12-002: am. Register August 2012 No. 680, eff. 9-1-12.

PT 9.02 Definitions. In this chapter:

(1) “Contact hour” means not less than 50 minutes a licensee spends in actual attendance at or completion of acceptable continuing education.

(2) “Continuing education” means planned, organized learning activities designed to maintain, improve, or expand a licensee’s knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

(4) “Licensee” means a person licensed to practice as a physical therapist or physical therapist assistant in this state.

History: CR 03-020: cr. Register April 2004 No. 580, eff. 5-1-04; CR 08-049: r. and recr. (1), r. (3) Register November 2008 No. 635, eff. 12-1-08; CR 12-002: cr. (1m), (5) Register August 2012 No. 680, eff. 9-1-12; CR 17-091: r. (1m), (5) Register June 2018 No. 750, eff. 7-1-18.

PT 9.03 Continuing education requirements.

(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, 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, jurisprudence, or both.

(3) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has lapsed, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.

(4) Unless granted a postponement or waiver under sub. (8), a licensee who fails to meet the continuing education require-

ments by the renewal deadline shall cease and desist from practice.

(5) During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements.

(6) Applicants from other states applying for a license to practice as a physical therapist under s. 448.53 (3), Stats., shall submit proof of completion of at least 30 hours of continuing education approved by the board within 2 years prior to application.

(7) Applicants from other states applying for a license to practice as a physical therapist assistant under s. 448.53 (3), Stats., shall submit proof of completion of at least 20 hours of continuing education approved by the board within 2 years prior to application.

(8) A licensee may apply to the board for a postponement or waiver of the requirements of this section on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

History: CR 03-020: cr. Register April 2004 No. 580, eff. 5-1-04; CR 08-049: am. (1) and (2) Register November 2008 No. 635, eff. 12-1-08; CR 17-091: am. (1), (2) Register June 2018 No. 750, eff. 7-1-18.

PT 9.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program constitutes an organized program of learning that contributes directly to the licensee’s knowledge, skill, behavior, and abilities related to the practice of physical therapy.

(b) The program pertains to subject matters which integrally relate to the practice of the profession.

(c) The program is conducted by individuals who have specialized education, training or experience by reason of which the individuals should be considered qualified concerning the subject matter of the activity or program.

(d) The program fulfills pre-established goals and objectives.

(e) The program provides proof of attendance by licensees.

(2) An activity described in 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.

TABLE PT 9.04

| ACTIVITY | CONTACT HOUR LIMITS |
|---|---|
| (a) Successful completion of relevant academic coursework. | No limit. One semester credit equals 10 contact hours, and one quarter credit equals 6.6 contact hours. |
| (b) Attendance at seminars, workshops, lectures, symposia, and professional conferences which are sponsored or approved by acceptable health-related or other organizations including the American Physical Therapy Association and the Wisconsin Physical Therapy Association. | No limit. |
| (c) Successful completion of a self-study course or courses offered via electronic or other means which are sponsored or approved by acceptable health-related or other organizations including the American Physical Therapy Association and the Wisconsin Physical Therapy Association. | No limit. |
| (d) Earning a clinical specialization from the American Board of Physical Therapy Specialties or other recognized clinical specialization certifying organizations. | Up to 12 contact hours for initial certification or for recertification. |
| (e) Authorship of a book about physical therapy or a related professional area. | Up to 12 contact hours for each book. |
| (f) Authorship of one or more chapters of a book about physical therapy or a related professional area. | Up to 6 contact hours for each chapter. |
| (g) Authorship of a presented scientific poster, scientific platform presentation, or published article. | Up to 6 contact hours for each poster, platform presentation, or refereed article. |
| (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. | No limit 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. |
| (i) Teaching in an academic course in physical therapy as a guest lecturer. | One semester credit equals 10 contact hours, and one quarter credit equals 6.6 contact hours. 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. |
| (j) Teaching in an academic course in physical therapy. | One semester credit equals 10 contact hours, and one quarter credit equals 6.6 contact hours. 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. |
| (k) Successful completion in a clinical residency program credentialed by the American Physical Therapy Association or other recognized credentialing organization. | No limit. |
| (L) Employer-provided continuing education. | Up to 15 contact hours for physical therapists. Up to 10 contact hours for physical therapist assistants. |
| (m) Authoring an article in a non-refereed publication. | Up to 5 contact hours. |
| (n) Developing alternative media materials, including computer software, programs, and video instructional material. | One contact hour per product. Up to 5 contact hours. |
| (o) Serving as a clinical instructor for internships with an accredited physical therapist or physical therapist assistant educational program. | Up to 15 contact hours for physical therapists. Up to 10 contact hours for physical therapist assistants. |

TABLE PT 9.04 (Continued)

| ACTIVITY | CONTACT HOUR LIMITS |
|--|--|
| (p) Serving as a supervisor for students fulfilling clinical observation requirements. | One contact hour per contact hour with students, up to 5 contact hours. |
| (q) Participating in a physical therapy study group of 2 or more physical therapists or physical therapist assistants or in an interdisciplinary study group of members of at least 2 disciplines meeting on a topic relevant to the participants' work. | Up to 2 contact hours per study group. |
| (r) Participating as a resident or as a mentor in a formal nonacademic mentorship. | One contact hour per each 8 contact hours for both the resident and mentor, up to 5 contact hours. |
| (s) Attending a scientific poster session, lecture panel, or a symposium. | Up to 2 contact hours. |
| (t) Serving as a delegate to the American Physical Therapy Association House of Delegates or a member of a professional committee, board, or task force. | Up to 5 contact hours. |

(3) None of the following activities qualify for continuing education hours:

- (a) Meetings for the purpose of policy decisions.
- (b) Non-educational meetings at annual association, chapter or organization meetings.
- (c) Entertainment or recreational meetings or activities.
- (d) Visiting exhibits.

History: CR 03-020: cr. Register April 2004 No. 580, eff. 5-1-04; CR 08-049: renum. (2) (intro.) to be (2) and am., r. (2) (a) to (c), Table 9.04-1 and Table 9.04-2,

cr. Table 9.04 Register November 2008 No. 635, eff. 12-1-08; CR 17-091: am. (1) (a), (2), Table 9.04 lines (a), (h), (i), (j), (L), (n), (p), (r), (t), (3) (intro.) Register June 2018 No. 750, eff. 7-1-18.

PT 9.05 Certification and audit of continuing education requirements. Applicants for renewal shall certify completion of required continuing education hours. The board shall audit any licensee who is under investigation by the board for alleged misconduct.

History: CR 03-020: cr. Register April 2004 No. 580, eff. 5-1-04; CR 17-091: am. Register June 2018 No. 750, eff. 7-1-18.

Chapter PT 10

ORDERING X-RAYS

PT 10.01 Authority and purpose.

PT 10.02 Qualifications.

PT 10.01 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b) and 448.56 (7) (a), Stats., and specify the qualifications a physical therapist must satisfy to order x-rays.

Note: See also s. 448.56 (7) (b), Stats., relating to coordination of care with the patient's primary care physician or an appropriate health care practitioner.

History: CR 16-089; cr. Register July 2017 No. 739, eff. 8-1-17.

PT 10.02 Qualifications. A physical therapist may order x-rays to be performed by qualified persons if the physical therapist satisfies one of the following qualifications:

(1) The physical therapist holds an entry level clinical doctorate or transitional clinical doctoral degree in physical therapy from a college or university that has a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education or a successor organization.

(2) The physical therapist has been issued a specialty certification from the American Board of Physical Therapy Specialties. The clinical practice hours leading to the specialty certification shall include training in the practice of ordering x-rays. A specialty certification issued by a national organization other than the American Board of Physical Therapy Specialties satisfies the qualification under this subsection if the certification program meets the criteria under sub. (4) (a) to (f).

(3) The physical therapist has completed a residency or fellowship accredited by the American Board of Physical Therapy Residency and Fellowship Education. The residency or fellow-

ship shall include training in the practice of ordering x-rays. Completion of a residency or fellowship accredited by a national organization other than the American Board of Physical Therapy Residency and Fellowship Education satisfies the qualification under this subsection if the residency or fellowship program meets the criteria under sub. (4) (a) to (f).

(4) The physical therapist has successfully completed a formal x-ray ordering training program meeting all of the following criteria:

(a) The program constitutes an organized program of learning which contributes directly to the professional competency of a licensee to order x-rays.

(b) The program pertains to subject matters which integrally relate to the practice of ordering x-rays.

(c) The program is conducted by individuals who have specialized education, training, or experience by reason of which the individuals should be considered qualified concerning the practice of ordering x-rays. This shall include demonstrated physician involvement in the development or presentation of the program.

(d) The program fulfills pre-established goals and objectives.

(e) The program provides proof of attendance by licensees.

(f) The program includes a final examination or other assessment of a licensee's competency to order x-rays.

History: CR 16-089; cr. Register July 2017 No. 739, eff. 8-1-17.

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Physical Therapy Examining Board to **repeal** PT 1.03 (3) (d) (Note 2) and 3.01 (4) (Note); to **renumber and amend** PT 3.01 (1); to **amend** ch. PT 1 (title), 1.01 (1) and (2), 1.02 (12), 3.01 (2) (Note) and (3) to (6), 4.01 (1) (a) (Note) and (d), 5.01 (1), 5.02 (1) and (2) (intro.), and 7.025 (4); and to **create** PT 1.02 (11e), (11m), and (11s), 1.04, 2.001 (2) (Note), and 3.01 (1) (a) to (d), (1g), and (1r), relating to implementation of the Physical Therapy Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Subchapter IX of ch. 448, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.986 (3), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.986 (3), Stats., provides that “[t]he examining board may, by rule, require an individual seeking a compact privilege to meet a jurisprudence requirement in accordance with s. 448.985 (4) (a) 7., if such a requirement is imposed by the examining board under s. 448.54 in order to obtain a license under s. 448.53 or 448.535.”

Related statute or rule:

Subchapter IX of ch. 448, Stats., as created by 2019 Wisconsin Act 100, ratifies the Physical Therapy Licensure Compact.

Plain language analysis:

The Physical Therapy Examining Board conducted a comprehensive evaluation of its rules to implement the Physical Therapy Licensure Compact and ensure clarity and consistency with applicable Wisconsin statutes. As a result, updates have been made to do all of the following:

- Create definitions of “physical therapist,” “physical therapist assistant,” and “physical therapy.”
- Identify the requirements for obtaining a compact privilege, including a requirement that an individual seeking a compact privilege successfully complete a jurisprudence examination.
- Specify that a person holding a physical therapist compact privilege granted by the Board may provide supervision of a physical therapist assistant and unlicensed personnel.
- Clarify the requirements for a temporary license to practice as a physical therapist or physical therapist assistant under supervision.
- Specify that a person holding a physical therapist compact privilege granted by the Board may provide supervision of a temporary licensee.
- Clarify that a locum tenens license may not be issued based on a request for services from a person who holds a temporary license as a physical therapist, and specify that a locum tenens license may be issued based on a request for services from a person who holds a physical therapist compact privilege granted by the Board.
- Specify that engaging in fraud, deceit, or misrepresentation in applying for, procuring, or maintaining a compact privilege constitutes unprofessional conduct.

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

None.

Comparison with rules in adjacent states:**Illinois:**

Illinois is not a member state of the Physical Therapy Licensure Compact.

Iowa:

Iowa is a member state of the Physical Therapy Licensure Compact, and is actively issuing compact privileges. Rules of the Iowa Board of Physical and Occupational Therapy address issuing a compact privilege and the practice of physical therapy under a compact privilege (645 IAC 200.3).

Michigan:

Michigan is not a member state of the Physical Therapy Licensure Compact.

Minnesota:

Minnesota is not a member state of the Physical Therapy Licensure Compact.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing subch. IX of ch. 448, Stats., which ratifies the Physical Therapy Licensure Compact, and conducting a comprehensive evaluation and update of the Physical Therapy Examining Board’s rules in order to implement the Compact.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

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

TEXT OF RULE

SECTION 1. Chapter PT 1 (title) is amended to read:

CHAPTER PT 1

LICENSE AND COMPACT PRIVILEGE TO PRACTICE PHYSICAL THERAPY

SECTION 2. PT 1.01 (1) and (2) are amended to read:

PT 1.01 (1) The rules in this chapter are adopted by the physical therapy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), ~~and 15.405 (7r)~~, 448.53 (1), and 448.986 (3), Stats.

(2) The rules in this chapter are adopted to govern the issuance of licenses to physical therapists and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats., and the granting of compact privileges under subch. IX of ch. 448, Stats.

SECTION 3. PT 1.02 (11e), (11m), and (11s) are created to read:

PT 1.02 (11e) “Physical therapist” has the meaning given in s. 448.50 (3), Stats.

(11m) “Physical therapist assistant” has the meaning given in s. 448.50 (3m), Stats.

(11s) “Physical therapy” has the meaning given in s. 448.50 (4), Stats.

SECTION 4. PT 1.02 (12) is amended to read:

PT 1.02 (12) “Supervisor” means a person holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board who is competent to coordinate, direct, and inspect the accomplishments of another physical therapist, physical therapist assistant, student, or temporary licensee.

SECTION 5. PT 1.03 (3) (d) (Note 2) is repealed.

SECTION 6. PT 1.04 is created to read:

PT 1.04 Compact privilege requirements. Every person applying for a compact privilege shall submit to the board all of the following:

- (1) A completed application form provided by the board.
- (2) The fee specified in s. 448.985 (3) (d), Stats.
- (3) Evidence of successful completion of the examination specified in s. PT 2.01 (6) (c).

SECTION 7. PT 2.001 (2) (Note) is created to read:

PT 2.001 (2) (Note) The examination requirement for a physical therapist or physical therapist assistant compact privilege is under s. PT 1.04.

SECTION 8. PT 3.01 (1) is renumbered PT 3.01 (1) (intro.) and amended to read:

PT 3.01 (1) (intro.) An applicant for a regular license to practice as a physical therapist ~~or physical therapist assistant, who has not previously been licensed to practice as a physical therapist or as a physical therapist assistant in this state, whichever is applicable, and who is a graduate of an approved school of physical therapy or a physical therapist assistant educational program and has applied to take the national physical therapist examination or the national physical therapist assistant examination and is awaiting results and is not required to take an oral examination,~~ may apply to the board for a temporary license to practice as a physical therapist ~~or physical therapist assistant~~ under supervision. ~~The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license to practice as a physical therapist or physical therapist assistant, the board, acting through the 2 members, may issue a temporary license to practice as a physical therapist or physical therapist assistant under supervision to the applicant.~~ An applicant for a temporary license under this subdivision shall meet all of the following requirements:

SECTION 9. PT 3.01 (1) (a) to (d), (1g), and (1r) are created to read:

PT 3.01 (1) (a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist.

(b) The applicant is a graduate of an approved school of physical therapy.

(c) The applicant has applied to take the national physical therapist examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1g) An applicant for a regular license to practice as a physical therapist assistant may apply to the board for a temporary license to practice as a physical therapist assistant under supervision. An applicant for a temporary license under this subdivision shall meet all of the following requirements:

(a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist assistant.

(b) The applicant is a graduate of an approved physical therapist assistant educational program.

(c) The applicant has applied to take the national physical therapist assistant examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1r) The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license, the board, acting through the 2 members, may issue a temporary license to practice under supervision.

SECTION 10. PT 3.01 (2) (Note), (3), and (4) are amended to read:

PT 3.01 (2) (Note) Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708~~ from the department of safety and professional services' website at www.dsp.wi.gov.

(3) The holder of a temporary license to practice physical therapy under supervision may practice physical therapy, ~~as defined in s. 448.50 (4), Stats., providing that provided~~ the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

(4) The holder of a temporary license to practice as a physical therapist assistant under supervision may provide physical therapy ~~services as defined by s. 448.50 (4), Stats., providing that~~ in a manner consistent with the physical therapist assistant's education, training and experience, provided the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

SECTION 11. PT 3.01 (4) (Note) is repealed.

SECTION 12. PT 3.01 (5) and (6) are amended to read:

PT 3.01 (5) The duration of a temporary license to practice physical therapy under supervision granted under this section shall be for a period of 3 months or until the holder receives failing examination results, whichever is ~~shorter~~ sooner, unless the board grants an extension of the temporary license. A temporary license may be renewed for a period of 3 months, and may be renewed a second time for a period of 3 months for reasons of hardship. Practice under a temporary license may not exceed 9 months total duration.

(6) A physical therapist providing supervision under sub. (3) or (4) may supervise no more than a combined total of 4 physical therapists and physical therapist assistants who hold temporary licenses. This number shall be reduced by the number of physical therapist assistants and ~~physical therapy aides~~ unlicensed personnel being supervised by the physical therapist under ~~s. ss. PT 5.01 and~~ 5.02 (2) (k).

SECTION 13. PT 4.01 (1) (a) (Note) and (d) are amended to read:

PT 4.01 (1) (a) (Note) Application forms are available ~~upon request to the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(d) A letter requesting the applicant's services from a physical therapist licensed ~~in this state requesting the applicant's services~~ under s. 448.53 (1), Stats., an individual who holds a physical therapist compact privilege granted by the board, or a letter from an organization or facility located in this state requesting the applicant's services.

SECTION 14. PT 5.01 (1) is amended to read:

PT 5.01 (1) A physical therapist assistant, ~~as defined in s. 448.50 (3m), Stats.,~~ shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board.

SECTION 15. PT 5.02 (1) and (2) (intro.) are amended to read:

PT 5.02 (1) A physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. ~~A~~ The physical therapist may not direct unlicensed personnel to perform tasks which require the ~~decision-making~~ decision-making or ~~problem-solving~~ problem-solving skills of a physical therapist, including ~~but not limited to~~ patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) (intro.) In providing direct, immediate, on-premises supervision, the physical therapist shall do all of the following:

SECTION 16. PT 7.025 (4) is amended to read:

PT 7.025 (4) Engaging in fraud, deceit, or misrepresentation in applying for or procuring a license or compact privilege to practice physical therapy, in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining licensure or a compact privilege.

SECTION 17. 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)

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

| | | |
|-----------------------------|---|--------------------------|
| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | PHYSICAL THERAPY |
| PHYSICAL THERAPY EXAMINING | : | EXAMINING BOARD |
| BOARD | : | ADOPTING EMERGENCY RULES |

The statement of scope for this rule, SS 067-20, was approved by the Governor on May 29, 2020, published in Register 774A2 on June 8, 2020, and approved by the Physical Therapy Examining Board on July 10, 2020.

This emergency rule was approved by the Governor on *

PROPOSED ORDER

An order of the Physical Therapy Examining Board to **repeal** PT 1.03 (3) (d) (Note 2) and 3.01 (4) (Note); to **renumber and amend** PT 3.01 (1); to **amend** ch. PT 1 (title), 1.01 (1) and (2), 1.02 (12), 3.01 (2) (Note) and (3) to (6), 4.01 (1) (a) (Note) and (d), 5.01 (1), 5.02 (1) and (2) (intro.), and 7.025 (4); and to **create** PT 1.02 (11e), (11m), and (11s), 1.04, 2.001 (2) (Note), and 3.01 (1) (a) to (d), (1g), and (1r), relating to implementation of the Physical Therapy Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Legislature, by SECTION 28 of 2019 Wisconsin Act 100, provides an exemption from providing evidence that promulgating this rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and an exemption from providing a finding of emergency for the promulgation of this rule.

ANALYSIS

Statutes interpreted:

Subchapter IX of ch. 448, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.986 (3), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.986 (3), Stats., provides that “[t]he examining board may, by rule, require an individual seeking a compact privilege to meet a jurisprudence requirement in accordance with s. 448.985 (4) (a) 7., if such a requirement is imposed by the examining board under s. 448.54 in order to obtain a license under s. 448.53 or 448.535.”

Related statute or rule:

Subchapter IX of ch. 448, Stats., as created by 2019 Wisconsin Act 100, ratifies the Physical Therapy Licensure Compact.

Plain language analysis:

The Physical Therapy Examining Board conducted a comprehensive evaluation of its rules to implement the Physical Therapy Licensure Compact and ensure clarity and consistency with applicable Wisconsin statutes. As a result, updates have been made to do all of the following:

- Create definitions of “physical therapist,” “physical therapist assistant,” and “physical therapy.”
- Identify the requirements for obtaining a compact privilege, including a requirement that an individual seeking a compact privilege successfully complete a jurisprudence examination.
- Specify that a person holding a physical therapist compact privilege granted by the Board may provide supervision of a physical therapist assistant and unlicensed personnel.
- Clarify the requirements for a temporary license to practice as a physical therapist or physical therapist assistant under supervision.
- Specify that a person holding a physical therapist compact privilege granted by the Board may provide supervision of a temporary licensee.
- Clarify that a locum tenens license may not be issued based on a request for services from a person who holds a temporary license as a physical therapist, but may be issued based on a request for services from a person who holds a physical therapist compact privilege granted by the Board.
- Specify that engaging in fraud, deceit, or misrepresentation in applying for, procuring, or maintaining a compact privilege constitutes unprofessional conduct.

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

None.

Comparison with rules in adjacent states:**Illinois:**

Illinois is not a member state of the Physical Therapy Licensure Compact.

Iowa:

Iowa is a member state of the Physical Therapy Licensure Compact, and is actively issuing compact privileges. Rules of the Iowa Board of Physical and Occupational Therapy address the issuance of compact privileges and the practice of physical therapy under a compact privilege (645 IAC 200.3).

Michigan:

Michigan is not a member state of the Physical Therapy Licensure Compact.

Minnesota:

Minnesota is not a member state of the Physical Therapy Licensure Compact.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing subch. IX of ch. 448, Stats., which ratifies the Physical Therapy Licensure Compact, and conducting a comprehensive evaluation and update of the Physical Therapy Examining Board’s rules in order to implement the Compact.

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

The fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 100, which ratified the Physical Therapy Licensure Compact, was used in the analysis. The proposed emergency rules have no new or additional impact.

Fiscal estimate:

Please see the fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 100, which ratified the Physical Therapy Licensure Compact. The rules have no new or additional impact.

Effect on small business:

These proposed emergency rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; 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, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on these emergency rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature’s website and in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Chapter PT 1 (title) is amended to read:

CHAPTER PT 1

LICENSE AND COMPACT PRIVILEGE TO PRACTICE PHYSICAL THERAPY

SECTION 2. PT 1.01 (1) and (2) are amended to read:

PT 1.01 (1) The rules in this chapter are adopted by the physical therapy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), ~~and 15.405 (7f)~~, 448.53 (1), and 448.986 (3), Stats.

(2) The rules in this chapter are adopted to govern the issuance of licenses to physical therapists and physical therapist assistants under ss. 448.53, 448.535, 448.54, and 448.55, Stats., and the granting of compact privileges under subch. IX of ch. 448, Stats.

SECTION 3. PT 1.02 (11e), (11m), and (11s) are created to read:

PT 1.02 (11e) “Physical therapist” has the meaning given in s. 448.50 (3), Stats.

(11m) “Physical therapist assistant” has the meaning given in s. 448.50 (3m), Stats.

(11s) “Physical therapy” has the meaning given in s. 448.50 (4), Stats.

SECTION 4. PT 1.02 (12) is amended to read:

PT 1.02 (12) “Supervisor” means a person holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board who is competent to coordinate, direct, and inspect the accomplishments of another physical therapist, physical therapist assistant, student, or temporary licensee.

SECTION 5. PT 1.03 (3) (d) (Note 2) is repealed.

SECTION 6. PT 1.04 is created to read:

PT 1.04 Compact privilege requirements. Every person applying for a compact privilege shall submit to the board all of the following:

(1) A completed application form provided by the board.

(2) The fee specified in s. 448.985 (3) (d), Stats.

(3) Evidence of successful completion of the examination specified in s. PT 2.01 (6) (c).

SECTION 7. PT 2.001 (2) (Note) is created to read:

PT 2.001 (2) (Note) The examination requirement for a physical therapist or physical therapist assistant compact privilege is under s. PT 1.04.

SECTION 8. PT 3.01 (1) is renumbered PT 3.01 (1) (intro.) and amended to read:

PT 3.01 (1) (intro.) An applicant for a regular license to practice as a physical therapist ~~or physical therapist assistant, who has not previously been licensed to practice as a physical therapist or as a physical therapist assistant in this state, whichever is~~

~~applicable, and who is a graduate of an approved school of physical therapy or a physical therapist assistant educational program and has applied to take the national physical therapist examination or the national physical therapist assistant examination and is awaiting results and is not required to take an oral examination, may apply to the board for a temporary license to practice as a physical therapist or physical therapist assistant under supervision. The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license to practice as a physical therapist or physical therapist assistant, the board, acting through the 2 members, may issue a temporary license to practice as a physical therapist or physical therapist assistant under supervision to the applicant. An applicant for a temporary license under this subdivision shall meet all of the following requirements:~~

SECTION 9. PT 3.01 (1) (a) to (d), (1g), and (1r) are created to read:

PT 3.01 (1) (a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist.

(b) The applicant is a graduate of an approved school of physical therapy.

(c) The applicant has applied to take the national physical therapist examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1g) An applicant for a regular license to practice as a physical therapist assistant may apply to the board for a temporary license to practice as a physical therapist assistant under supervision. An applicant for a temporary license under this subdivision shall meet all of the following requirements:

(a) The applicant has not previously been licensed or granted a compact privilege to practice in this state as a physical therapist assistant.

(b) The applicant is a graduate of an approved physical therapist assistant educational program.

(c) The applicant has applied to take the national physical therapist assistant examination and is awaiting results.

(d) The applicant is not required to take an oral examination under s. PT 2.01 (1).

(1r) The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license, the board, acting through the 2 members, may issue a temporary license to practice under supervision.

SECTION 10. PT 3.01 (2) (Note), (3), and (4) are amended to read:

PT 3.01 (2) (Note) Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(3) The holder of a temporary license to practice physical therapy under supervision may practice physical therapy, ~~as defined in s. 448.50 (4), Stats., providing that~~ provided the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

(4) The holder of a temporary license to practice as a physical therapist assistant under supervision may provide physical therapy ~~services as defined by s. 448.50 (4), Stats., providing that~~ in a manner consistent with the physical therapist assistant's education, training and experience, provided the entire practice is under the supervision of a person validly holding a regular license as a physical therapist issued under s. 448.53 (1), Stats., or a physical therapist compact privilege granted by the board. The supervision shall be direct, immediate, and on premises.

SECTION 11. PT 3.01 (4) (Note) is repealed.

SECTION 12. PT 3.01 (5) and (6) are amended to read:

PT 3.01 (5) The duration of a temporary license to practice physical therapy under supervision granted under this section shall be for a period of 3 months or until the holder receives failing examination results, whichever is ~~shorter~~ sooner, unless the board grants an extension of the temporary license. A temporary license may be renewed for a period of 3 months, and may be renewed a second time for a period of 3 months for reasons of hardship. Practice under a temporary license may not exceed 9 months total duration.

(6) A physical therapist providing supervision under sub. (3) or (4) may supervise no more than a combined total of 4 physical therapists and physical therapist assistants who hold temporary licenses. This number shall be reduced by the number of physical therapist assistants and ~~physical therapy aides~~ unlicensed personnel being supervised by the physical therapist under ~~s. ss. PT 5.01 and 5.02 (2) (k).~~

SECTION 13. PT 4.01 (1) (a) (Note) and (d) are amended to read:

PT 4.01 (1) (a) (Note) Application forms are available ~~upon request to the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(d) A letter requesting the applicant's services from a physical therapist licensed ~~in this state requesting the applicant's services~~ under s. 448.53 (1), Stats., an individual who holds a physical therapist compact privilege granted by the board, or a letter from an organization or facility located in this state ~~requesting the applicant's services.~~

SECTION 14. PT 5.01 (1) is amended to read:

PT 5.01 (1) A physical therapist assistant, ~~as defined in s. 448.50 (3m), Stats.,~~ shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board.

SECTION 15. PT 5.02 (1) and (2) (intro.) are amended to read:

PT 5.02 (1) A physical therapist licensed under s. 448.53 (1), Stats., or granted a physical therapist compact privilege by the board shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. ~~A~~ The physical therapist may not direct unlicensed personnel to perform tasks which require the ~~decision-making~~ decision-making or ~~problem-solving~~ problem-solving skills of a physical therapist, including ~~but not limited to~~ patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) (intro.) In providing direct, immediate, on-premises supervision, the physical therapist shall do all of the following:

SECTION 16. PT 7.025 (4) is amended to read:

PT 7.025 (4) Engaging in fraud, deceit, or misrepresentation in applying for or procuring a license or compact privilege to practice physical therapy, in connection with applying for or procuring periodic renewal of a license, or in otherwise maintaining licensure or a compact privilege.

SECTION 17. 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)

This Proposed Order of the Physical Therapy Examining Board is approved for submission to the Governor.

Dated _____

Agency _____

Chairperson
Physical Therapy Examining Board