



**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
November 13, 2024**

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 August 7, 2024 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Delegation of Authorities (6-19)**
 - 3) Board Members – Term Expiration Dates
 - a. Brewer, Kate – 7/1/2028
 - b. Bulkow, Brad – 7/1/2027
 - c. Carter, Barbara – 7/1/2025
 - d. Johnson, Steven W. – 7/1/2025
 - e. McEldowney, Todd – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (20-40)**
 - 1) Drafting: PT 1 and 5, relating to telehealth and supervision of PTAs **(21-30)**
 - 2) Potential rule project: PT 2, relating to examination endorsement **(31-33)**
 - 3) Potential rule project: PT 1, relating to compact privilege **(34-39)**
 - 4) 2025 Biennial Report on Administrative Rules pursuant s. 227.29, Stats.
 - 5) Pending or Possible Rulemaking Projects **(40)**
- H. Federation of State Boards of Physical Therapy (FSBPT) Matters – Discussion and Consideration

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

- 1) Travel Report: FSBPT 2024 Annual Education Meeting, October 31-November 2, 2024, in Cedar Rapids, IA – Steven Johnson **(40-41)**

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

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

K. 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.).

L. 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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

P. Delegation and Ratification of Examinations, Licenses and Certificates

ADJOURNMENT

NEXT MEETING: FEBRUARY 5, 2025
Board Member Training: November 15, 2024

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

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

**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
AUGUST 7, 2024**

PRESENT: Kate Brewer, PT; Brad Bulkow, PT; Steven Johnson, PT; Todd McEldowney (*arrived at 8:39 a.m.*) (*excused at 10:01 a.m.*)

ABSENT: Barbara Carter, PTA

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Steven Johnson, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Brad Bulkow moved, seconded by Steven Johnson, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 8, 2024

MOTION: Kate Brewer moved, seconded by Brad Bulkow, to approve the Minutes of May 8, 2024, as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Todd McEldowney arrived at 8:39 a.m.
Todd McEldowney excused at 10:01 a.m.

CLOSED SESSION

MOTION: Kate Brewer moved, seconded by Steven Johnson, 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.). Steven Johnson, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kate Brewer-yes; Brad Bulkow-yes; and Steven Johnson-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:12 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES
AND COMPLIANCE (DLSC) MATTERS**

Proposed Stipulations, Final Decisions and Orders

24 PHT 0007 – Ameera T. Fujah

MOTION: Kate Brewer moved, seconded by Brad Bulkow, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ameera T. Fujah, DLSC Case Number 24 PHT 0007. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Steven Johnson moved, seconded by Brad Bulkow, to reconvene into Open Session. Motion carried unanimously.

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

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

MOTION: Steven Johnson moved, seconded by Brad Bulkow, 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: Steven Johnson moved, seconded by Brad Bulkow, 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: Kate Brewer moved, seconded by Brad Bulkow, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:18 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Paralegal Richanda Turner, on behalf of Attorney Jameson Whitney		2) Date when request submitted: 09/25/2024 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 11/13/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board members need to review and consider the delegation of authorities as it relates to the Board Monitoring Liaison.			
11) Authorization			
<i>Richanda Turner</i>		09.25.24	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 9, 2024

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

Credentialing Delegations

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

Delegation of Authority for Predetermination Reviews

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

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

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

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Monitoring Delegations

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

Education and Exam Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

Miscellaneous Delegations

Document Signature

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

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

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

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

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel

Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Stipulated Resolutions

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

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review. (Except PHM, MED)

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.
13. The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval. (Except for MED)
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.

6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

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

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

Delegation to Monitoring Liaison

MOTION: [Board Member Name] moved, seconded by [Board Member Name], to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried [] .

Delegation to Department Monitor


MOTION: [Board Member Name] moved, seconded by [Board Member Name], to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried [] .

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 11/01/2024 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: November 13, 2024	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. Drafting: PT 1 and 5, relating to telehealth and supervision of PTAs 2. Potential rule project: PT 2, relating to examination endorsement. 3. Potential rule project: PT 1, relating to compact privilege. 4. 2025 Biennial Report on Administrative Rules pursuant s. 227.29, Stats. 5. Pending or Possible Rulemaking Projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> • PT 1 & 5 chapter redlined. • 4-state analysis. • Chapter PT 2. • Chapter PT 1. • Physical Therapy Rules Chart 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 11/01/2024 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 30%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
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.			

Chapter PT 1

LICENSE AND COMPACT PRIVILEGE TO PRACTICE PHYSICAL THERAPY

[PT 1.01](#) Authority and purpose.

[PT 1.02](#) Definitions.

[PT 1.03](#) Licensure requirements.

[PT 1.04](#) Compact privilege requirements.

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 \(5\) \(b\)](#), [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.
- (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 under the supervision of a physical therapist assistant as authorized by s. [PT 5.03 \(2\)](#).
- (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.
- (11s)** "Physical therapy" has the meaning given in s. [448.50 \(4\)](#), Stats.
- (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 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. “Supervisor” does not include a person holding a license issued under ch. [PT 3](#) or [4](#).

(12m) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

(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, physical therapist assistant, or student 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.

PT 1.03 Licensure requirements.

(1) 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 from the department of safety and professional services' website at www.dsps.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 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 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 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) The applicant is a graduate of a physical therapy school or a physical therapist assistant educational program.

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

(c) The jurisdiction in which the applicant is licensed required the 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) 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 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.

(4) A reciprocal license to provide physical therapy services shall be granted to a service member, a 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.

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 \(6\) \(c\)](#).

Note: An application for a compact privilege may be obtained from the department of safety and professional services' website at www.dsps.wi.gov.

Chapter PT 5

PHYSICAL THERAPIST ASSISTANTS, UNLICENSED PERSONNEL, AND STUDENTS

[PT 5.001](#) Authority and purpose.

[PT 5.01](#) Practice and supervision of physical therapist assistants.

[PT 5.02](#) Supervision of unlicensed personnel.

[PT 5.03](#) Supervision of 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 shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist.
- (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. Electronic face-to-face communications may be used to fulfill this requirement. Audio-only telephone, email messages, text messages, facsimile transmission, mail or parcel service are not considered acceptable electronic communications.
 - (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 or via telehealth, when at least 50 percent of the visits are being done via telehealth practice, assessment and reevaluation of each patient at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate. The location of the assessment shall be determined considering the patient's best interests to assess and re-evaluate their treatment. The assessment cannot be done via telehealth if the standard of care for the particular physical therapy services cannot be met using technology.

From the August meeting

Option # 1 (h) *Provide on-site or via telehealth, when telehealth practice is being provided, assessment and reevaluation of each patient at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.*

OR

Option # 2 (h) *Provide ~~on-site~~ assessment and reevaluation of each patient at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate. This assessment may be done on-site or, if appropriate, via telehealth.*

OR

Option # 3 (h) *Provide ~~on-site~~ assessment and reevaluation of each patient at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate. This assessment must be done on-site unless the supervising PT determines it is in the patient's best interests to assess and re-evaluate their treatment via telehealth.*

(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 shall provide direct, immediate, on-premises supervision of unlicensed personnel at all times. The physical therapist may not direct unlicensed personnel to perform tasks that require the decision-making or problem-solving skills of a physical therapist, including 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 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 students.

(1) Except as provided under sub. (2), a physical therapist shall provide direct, immediate, on-premises supervision of a 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 student under sub. (1) shall retain full professional responsibility for all physical therapy procedures and related tasks performed by the student, and shall delegate treatment plans and programs to the 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 physical therapy procedures and related tasks performed by the physical therapist assistant and by the physical therapist assistant student, and shall delegate treatment plans and programs to the physical therapist assistant student in a manner consistent with the student's education, training, and experience.

PT 1 and 5 4-state analysis

Illinois

The Illinois Physical Therapy Act states that physical therapist assistants can perform patient care activities under the general supervision of a licensed physical therapist, who must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction. In the case of physical therapist or physical therapist assistant students, the physical therapist supervising shall be on-site and readily available for direct supervision and instruction to protect the safety and welfare of the patient. Per the Act, a physical therapist assistant working under supervision may provide physical therapy via telehealth as long as it is not an initial evaluation without a referral or established diagnosis, which can only be performed by a physical therapist. The Act also states that the use of telehealth must be an exception in case of documented hardships related to geographical, physical, or weather-related conditions. Additionally, the patient must be able to request and receive in-person care at any point of the treatment, which means a physical therapy practice must have the capacity to provide in-person care within the State of Illinois. [225 ILCS 90]

Iowa

Iowa establishes that a physical therapist who is providing supervision must be readily available on-site or telephonically for advice, assistance, or instruction any time a physical therapist assistant is providing physical therapy services. The supervising physical therapist shall hold regularly scheduled meetings with the physical therapist assistant to evaluate their performance, assess the progress of the patient, and make changes to the plan of care as needed. The frequency of the meetings should be determined by the supervising physical therapist based on the needs of the patient, the supervisory needs of the physical therapist assistant, and any planned discharge. [481 IAC 801.4]

In regard to telehealth visits, Iowa provides that a licensee may engage in telehealth visits as long as they are held to the same standard of care as a licensee who provides in-person physical therapy and that telehealth visits should not be used if the technology does not guarantee the same standard of care as an in-person visit. [481 IAC 801.3]

Michigan

Michigan establishes that a physical therapist shall supervise a physical therapist assistant to whom they have delegated acts, tasks, or functions. This supervision shall include regular meetings to evaluate the physical therapist assistant's performance, review records, and educate the physical therapist assistant on the acts, tasks, or functions that have been delegated. [MI Admin. Code R 338.7138]

Michigan also establishes that telehealth visits are permissible provided that the licensee is acting within the scope of their practice and is exercising the same standard of care applicable to a traditional, in-person healthcare service. [MI Admin Code R 338.7127]

Minnesota

Minnesota establishes that physical therapist who delegate components of a patient's treatment to a physical therapist assistant shall provide on-site observation of the treatment and documentation of its appropriateness at least every 6 treatment sessions. However, the provision declares that the physical therapist is not required to be on site but must be easily available by telecommunications. [MN Statutes Section 148.706]

Chapter PT 2

EXAMINATIONS

[PT 2.001](#) Authority and purpose.

[PT 2.01](#) Panel review of applications; examinations required.

[PT 2.02](#) Conduct of examinations.

[PT 2.03](#) Failure and reexamination.

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](#).

PT 2.01 Panel review of applications; examinations required.

(1) All applicants shall complete written examinations. In addition, an applicant may be required to complete an oral examination if the applicant:

(a) Has a medical condition which in any way impairs or limits the applicant's ability to practice physical therapy with reasonable skill and safety.

(b) Uses chemical substances so as to impair in any way the applicant's ability to practice physical therapy with reasonable skill and safety.

(c) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(d) Has within the past 2 years engaged in the illegal use of controlled substances.

(e) Has been subject to adverse formal action during the course of physical therapy education, postgraduate training, hospital practice, or other physical therapy employment.

(f) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

(g) Has been convicted of a crime the circumstances of which substantially relate to the practice of physical therapy.

(h) Has not practiced as a physical therapist or physical therapist assistant for a period of 3 years prior to application, unless the applicant has been graduated from a school of physical therapy or a physical therapist assistant educational program within that period.

(i) Has been graduated from a physical therapy school or a physical therapist assistant educational program not approved by the board.

(j) Has voluntarily limited the scope of his or her practice as a physical therapist or physical therapist assistant after being the subject of an investigation by a credentialing authority or employer.

(2) An application filed under s. [PT 1.03](#) for an applicant meeting any condition under sub. (1) (a) to (j) shall be reviewed by an application review panel consisting of at least 2 board members designated by the chairperson of the board. The panel shall determine whether the applicant is required to complete an oral examination.

(3) All examinations shall be conducted in the English language.

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

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

(6)

(a) The score required to pass each written physical therapy or physical therapist assistant examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession and on the reliability of the examination. The passing grade shall be established prior to giving the examination.

(b) The passing scores for the national physical therapy examination and the national physical therapist assistant examination are those scores recommended by the Federation of State Boards of Physical Therapy.

(c) To pass the examination on statutes and rules, the applicant shall receive a score determined by the board to represent minimum competence to practice after consultation with subject matter experts who have received a representative sample of the examination questions and available candidate performance statistics.

(7) Members of the board shall conduct oral examinations of each candidate and are scored as pass or fail.

(8) Any applicant who is a graduate of a school for physical therapists or an educational program for physical therapist assistants in which English is not the primary language of communication shall take and pass each of the following in order to qualify for a license:

- (a) The test of English as a foreign language as administered by the Educational Testing Service.
- (b) The test of written English as administered by the Educational Testing Service.
- (c) The test of spoken English as administered by the Educational Testing Service.

PT 2.02 Conduct of examinations. At the start of the examinations, applicants shall be provided with the rules of conduct to be followed during the course of the examinations. Any violation of these rules of conduct by any applicant may be cause for the board to withhold the applicant's grade and to find after a hearing that the applicant has failed the examination.

PT 2.03 Failure and reexamination. An applicant who fails to achieve a passing grade on the examination on statutes and rules may retake the examination upon submission of a reexamination fee.

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

Chapter PT 1

LICENSE AND COMPACT PRIVILEGE TO PRACTICE PHYSICAL THERAPY

[PT 1.01](#) Authority and purpose.

[PT 1.02](#) Definitions.

[PT 1.03](#) Licensure requirements.

[PT 1.04](#) Compact privilege requirements.

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 \(5\) \(b\)](#), [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.
- (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 under the supervision of a physical therapist assistant as authorized by s. [PT 5.03 \(2\)](#).
- (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.
- (11s)** "Physical therapy" has the meaning given in s. [448.50 \(4\)](#), Stats.
- (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 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. “Supervisor” does not include a person holding a license issued under ch. [PT 3](#) or [4](#).

(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, physical therapist assistant, or student 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.

PT 1.03 Licensure requirements.

(1) 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 from the department of safety and professional services' website at www.dsps.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 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 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 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) The applicant is a graduate of a physical therapy school or a physical therapist assistant educational program.

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

(c) The jurisdiction in which the applicant is licensed required the 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) 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 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.

(4) A reciprocal license to provide physical therapy services shall be granted to a service member, a 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.

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 \(6\) \(c\)](#).

**Physical Therapy Examining Board
Rule Projects (updated 11/01/2024)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
	005-24	07/16/2026	PT 1 and 5	Telehealth and supervision of Physical Therapist Assistants	The Board's primary objective is to review the supervision requirements in chapter PT 5 in order to bring it up to current standards of practice in supervising physical therapist assistants according to new telehealth practice. The Board will also conduct a comprehensive review of chapter PT 1 and 5 to implement the changes of 2021 Wisconsin Act 121 and make revisions to ensure statutory compliance.	Drafting rule.	EIA Comment Period, Clearinghouse Review, and Public Hearing.

FSBPT Annual Meeting Notes

Thursday

Combined Board Chairs and Admins Meeting- Topics discussed included **Process for how complaints are processed** in jurisdictions. Topics included how anonymous complaints and serious boundary violation complaints are treated. Standardized process for board actions and how transparent are the actions and process. Ideas for improved process efficiency: consistent board training, availability of recorded/virtual board meetings. **Licensing rules for PTs who became licensed prior to 1996**, could there be issues in WI? The Board Assessment Resource (BAR) <https://www.fsbpt.org/bar/> can help determine the situation in your jurisdiction with regard to these issues.

Jurisdiction Board Chairs- Open forum of topics discussed: **Compact process, Dry Needling, Turnover** – resulting in increased licensing board issues and understanding your jurisdictions **Workforce Data**, struggle to find engaged members, **Prescriptive Authority, CE Tracking Services**.

Friday

Presidents State of the Federation- **NPTE** continued development, no major changes. FSBPT website redesign and improved efficiency with scheduling NPTE through prometric. **Continuing Competence** committee continues to work on standards, **PT Compact** <https://ptcompact.org/>39 participating jurisdictions, Professional Standards -working on guidelines in number of areas. **HRRI** a resource available to members with initiatives and data. Candidate Forum- heard from the candidates regarding their role and thoughts on issues facing FSBPT See election results here: <https://www.fsbpt.org/About-Us/Our-Organization/Board-of-Directors> . AI for Health & Healthcare – there is tremendous promise and potential for generative AI but there are also still significant reasoning and ethical limitations. FSBPT Initiatives – **ELDD** an effort to make sure licensee issues are shared between states to protect the public. **Cross Profession Minimum Data Set Tool** -true workforce assessment needed to know the true FTEs treating patients. **Lifetime Fitness** lawsuit due to attempt to trademark DPT (dynamic personal training), currently in legal discussions with APTA about a settlement. **FSBPT Strategic Planning** – continues to guide the work of the FSBPT board. **Ethics and Legislation** – a new resource built to help jurisdictions with practitioner confidence. **HRRI** [Healthy Practice Resource | Healthcare Regulator](#) Healthy Practice Resource. NPTE Updates – increased emphasis on scenarios, video content for analysis, clinical reasoning. **Informed Consent Task Force** – a thorough review of informed consent across health professions and PT practice settings and developed a consensus definition and are developing resources for jurisdictions as well as an educational module. **Boundary & Misconduct Committee** – promote awareness. Empowering Competence – Extensive pilot of properties and domains of self-assessment for health providers. HRRI website has published the data and documents associated with the development of the tool. APTA is involved in supporting ‘fit for practice’ resources available on the website [APTA Fit for Practice Initiative | APTA](#). AI Considerations in Health Care – generative technology can answer questions through collection of information but this has not been perfected yet. Public perception of regulators – Majority of public are not aware of regulatory boards role, they feel it is public duty to report violations, and are aware of the benefit of licensing boards and the need for maintaining licensure.

Saturday

Building the Future Workforce- Rick Shields (U of Iowa), Mary Romanello (CAPTE) presented workforce data and student outcome data and spoke about the regulatory concern of economic value of PT.

Informed Consent – foundational document for informed consent available from Canadian (CPTA) resources [Consent Guide 2024.pdf](#) proactive effort to reduce regulatory issues. FSBPT task force will develop a guide, a module for PT/PTA programs, interactive modules.

Competency Based Education – The impact of CBE on regulatory environment. HRRRI - outcomes of practitioners perceptions of licensure and regulatory boards. PTs 95% agree that reporting license issues and about 80% familiar with how to report an issue however unlikely to report for fear of what will happen to their colleague.

AI– There AI tools for medical such as MedLM. Regulatory boards should define the responsibility roles and use of AI. Critical to consider educational efforts to increase awareness of licensees and how the profession wants to approach the inevitable. Right now the AI is still additive, what happens when failing to use AI falls below professional standards.