

Notice of Hearing

The Physical Therapy Examining Board announces that it will hold a public hearing on a permanent rule creating PT 1 and 5, relating to telehealth and supervision of PTAs at the time and place shown below.

Hearing Information

Date: February 3, 2026

Time: 9:00 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/PT/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

The rule may be reviewed and comments submitted at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Comments may also be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Office of Chief Legal Counsel, P.O. Box 14497, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov.

Comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

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 5.01 (2) (h) and **to create** PT 1.02 (12m) relating to telehealth and supervision of physical therapist assistants

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 448.56, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), 440.17, and 448.56 (6), 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 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.17, Stats., provides that “[i]f the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define ‘telehealth’ to have the meaning given in s. 440.01 (1) (hm).”

Section 448.56 (6), Stats., provides that “[a] physical therapist assistant may assist a physical therapist in the practice of physical therapy if the physical therapist provides direct or general supervision of the physical therapist assistant. The examining board shall promulgate rules defining ‘direct or general supervision’ for purposes of this subsection. Nothing in this subsection interferes with delegation authority under any other provision of this chapter.”

Related statute or rule:

Chapters PT 1 and 5

Plain language analysis:

The Board reviewed 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 based on the changes of 2021 Wisconsin Act 121. The following are the changes made by the Board:

1. Added a definition of “telehealth” in PT 1.02 (12m).
2. Amended the provision in PT 5.01 (2) (h) to remove the term “on-site” as a requirement for the assessment and reevaluation of a patient when a physical therapist is providing supervision. This was done to allow for the assessment and reevaluation to be done via telehealth, provided specific conditions are met.

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

None

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A

Comparison with rules in adjacent states:**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. The minimum frequency of direct participation by a supervising physical therapist shall be determined by the physical therapist using professional judgment and based on the needs of the patient. The Code states that direct participation can occur through an in-person or telehealth visit and establishes minimum standards depending on the setting where the physical therapy services are being performed. In a hospital inpatient and skilled nursing, the direct participation has to happen at least once per calendar week. In all other setting, the direct participation must happen at least every 8th visit or every 30 calendar days, whichever comes first. [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]

Summary of factual data and analytical methodologies:

The Board reviewed chs. PT 1 and 5 to clarify the requirements of telehealth and supervision of physical therapist assistants. The Board also researched the legislation in adjacent states when determining the conditions for appropriate electronic communications when providing supervision to physical physical assistants.

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.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing on February 3, 2026, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 1.02 (12m) is created to read:

PT 1.02 (12m) "Telehealth" has the meaning given in s. 440.01 (1) (hm), Stats.

SECTION 2. PT 5.01 (2) (h) is amended to read:

PT 5.01 (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. The assessment and reevaluation may be conducted via telehealth if all of the following conditions are met:

1. The supervising physical therapist, using their professional judgment, determines that telehealth is an appropriate modality for the patient's specific condition and circumstances.
2. The patient or their legal guardian has provided informed consent that is specific to the use of telehealth for these services.
3. The supervising physical therapist is responsible for all of the following:
 - a. Determining and documenting the clinical reasons why telehealth is appropriate for the assessment and reevaluation.
 - b. Ensuring that telehealth services are provided in real time, allowing for interactive communication between the physical therapist and the patient.
 - c. Determining that any person assisting the patient at the remote location during a telehealth session is capable of safely providing the necessary assistance.

SECTION 3. 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)

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 5, 2025
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) PT 1 and 5	
4. Subject Telehealth and Supervision of Physical Therapist Assistants	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input checked="" type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Board reviewed 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 based on the changes of 2021 Wisconsin Act 121. The following are the changes made by the Board: 1. Added a definition of "telehealth" in PT 1.02 (12m). 2. Amended the provision in PT 5.01 (2) (h) to remove the term "on-site" as a requirement for the assessment and reevaluation of a patient when a physical therapist is providing supervision. This was done to allow for the assessment and reevaluation to be done via telehealth, provided specific conditions are met.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rules will be posted on the Department's website 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.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$6,000.00 in one-time and \$5,200.00 in ongoing staffing costs to implement the rule. The estimated need for 0.1 limited term employee (LTE) is for education on the new law, coordination of board meetings and agenda, promulgation of rules, legal review and consultation and internal review. The estimated annual staffing need for a 0.1 full time employee (FTE) is for investigation and prosecuting new cases, monitoring new orders, drafting orders, and answering inquires. The one-time and annual estimated costs cannot be absorbed in the currently appropriated	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

agency budget.

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

The alternative to promulgating rules would be to not update the rules. This would leave the rules as they are, which is causing access problems for patients, and it would also leave the rules inconsistent with statutory provisions.

16. Long Range Implications of Implementing the Rule

This rule will provide clarification of telehealth and its role in the supervision requirements for physical therapist assistants, which will have long term benefits by improving understanding for licensees, as well as aiding in improving continuity of patient care.

17. Compare With Approaches Being Used by Federal Government

None

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

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]

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19. Contact Name	20. Contact Phone Number
Sofia Anderson, Administrative Rules Coordinator	608-261-4463

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
