

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

I, Tom Ryan, Executive Director, Division of Policy Development in the Wisconsin Department of Safety and Professional Services and custodian of the official records of the Physical Therapy Examining Board, do hereby certify that the annexed rules relating to examinations and continuing education were duly approved and adopted by the Physical Therapy Examining Board.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 1400 East Washington Avenue, Madison, Wisconsin this 23rd day of May, 2018.



*Tom Ryan, Executive Director
Division of Policy Development
Department of Safety & Professional Services*

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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

ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.03 (4m) and 448.54, Stats.

Statutory authority:

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

Explanation of agency authority:

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

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

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

Related statute or rule:

None.

Plain language analysis:

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

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

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

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

None.

Comparison with rules in adjacent states:

Illinois:

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

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

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

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

Summary of factual data and analytical methodologies:

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

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

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

Agency contact person:

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

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

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

TEXT OF RULE

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

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

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

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

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

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

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

SECTION 2. PT 2.01 (Note) is repealed.

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

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

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

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

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

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

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

SECTION 6. PT 9.03 (Note) is repealed.

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

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

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

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

**TABLE PT 9.04
(Partial Table)**

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

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

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

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

SECTION 10. PT 9.05 is amended to read:

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

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

(END OF TEXT OF RULE)

Dated 5-23-2018

Agency Shari Berry
Chairperson
Physical Therapy Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
PT 2 and 9

3. Subject
Examinations and continuing education

4. 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	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule
 No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
 State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

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

- Section PT 2.01(2) is revised to clarify how the Board determines if an applicant is required to complete an oral examination.
- Section PT 2.03 is revised to clarify the Board's requirements for reexamination only apply to the statutes and rules examination it administers.
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- Other provisions throughout chs. PT 2 and 9 have been revised to remove outdated notes, provide clarity, and conform to current drafting standards.

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

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

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

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

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

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

14. Long Range Implications of Implementing the Rule

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

15. Compare With Approaches Being Used by Federal Government

None

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

Illinois:

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

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

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

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

17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

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