



VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
August 10, 2022

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 (1-4)**
- B. Approval of Minutes of May 4, 2022 (5-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. APPEARANCE: Jennifer Garrett, Director of Public Affairs, DSPS License Demonstration – Discussion and Consideration**
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berry, Shari – 7/1/2020
 - b. Carter, Barbara – 7/1/2025
 - c. Greany, John – 7/1/2023
 - d. McEldowney, Todd – 7/1/2025
 - e. Zalewski, Kathryn – 7/1/2025
- G. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- H. Physical Therapy Compact Update – Discussion and Consideration**
- I. Speaking Engagements, Travel, or Public Relation Requests, and Reports**
 - 1) Travel Report: Federation of State Boards of Physical Therapy Leadership Issues Forum (LIF) – July 23-24, 2022 **(8-11)**
 - 2) Consideration of Attendance: The American Physical Therapy Association (APTA) Wisconsin Fall Conference – October 6-7, 2022 – Wisconsin Dells, WI

J. Liaison Reports – Discussion and Consideration

K. Legislative and Policy Matters – Discussion and Consideration

L. Administrative Rule Matters – Discussion and Consideration

- 1) Pending or Possible Rulemaking Projects

M. Federation of State Boards of Physical Therapy (FSBPT) Matters – Discussion and Consideration

N. COVID-19 – Discussion and Consideration

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

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

P. 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.).

Q. Deliberation on DLSC Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 20 PHT 002 – Daniel P. Blecha, PTA **(12-18)**

- b. 22 PHT 005 – Christy J. Walsh, PTA (19-24)
- 2) **Monitoring Matters (25-26)**
 - a. Christopher W. Hansen, Physical Therapist – Requesting Full Licensure (27-73)

R. 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

S. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

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

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of **zero (0)** (at time of agenda publication) Candidates for Licensure – **John Greany** and **Shari Berry**

NEXT MEETING: NOVEMBER 30, 2022

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 disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
MAY 4, 2022**

PRESENT: Shari Berry, PT; Barbara Carter, PTA; John Greany, PT; Todd McEldowney, Kathryn Zalewski, PT

STAFF: Tom Ryan, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

Shari Berry, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF FEBRUARY 9, 2022

MOTION: Todd McEldowney moved, seconded by Barbara Carter, to approve the Minutes of February 9, 2022 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: John Greany moved, seconded by Barbara Carter, to recognize and thank Kathryn Zalewski for her years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Second Extension Discussion: EmR 2128 (PT 1 and 5), Relation to Supervision of Physical Therapy Assistants

MOTION: Barbara Carter moved, seconded by Kathryn Zalewski, to request a second extension to EmR 2128 (PT 1 and 5) relating to the supervision of physical therapist assistants. Motion carried unanimously.

Adoption Order: CR 21-079 (PT 1 and 5), Relating to Supervision of Physical Therapy Assistants

MOTION: John Greany moved, seconded by Todd McEldowney, to approve the Adoption Order for Clearinghouse Rule CR 21-079 (PT 1 and 5), relating to supervision of physical therapist assistants. Motion carried unanimously.

BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES

MOTION: Todd McEldowney moved, seconded by Kathryn Zalewski, to notify the Legislature that the Physical Therapy Examining Board is aware of the Legislature’s limitations on the Department of Safety and Professional Services’ (DSPS) ability to increase spending authority and add sufficient staff from its fee revenue. These limitations have created backlogs in licensing timelines and unnecessary delays in physical therapists and physical therapist assistants being licensed in a timely manner. This has resulted in delays in patients receiving care, employers’ ability to hire, professionals’ ability to treat patients, and to earn income. These limitations have increased the number of complaints to DSPS and others about the slow pace of application processing. The Board requests that the legislature increase the staffing and spending authority of DSPS without delay and discontinue its practice of lapsing physical therapist and physical therapist assistant license fee program revenue away from DSPS and the Physical Therapy Examining Board. Motion carried unanimously.

MOTION: John Greany moved, seconded by Kathryn Zalewski, to authorize Shari Berry to discuss with the American Physical Therapy Association – Wisconsin Chapter initiatives involving the state legislature, its Joint Committee on Finance and the state budget aimed at increasing the number of DSPS staff positions and the spending authority of DSPS. Reports will be provided at future meetings. Motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ITEMS ADDED
AFTER PREPARATION OF AGENDA**

| LIAISON APPOINTMENTS | |
|--|---|
| Credentialing Liaison(s) | Shari Berry, Barbara Carter <i>Alternate:</i> John Greany |
| Education and Examinations Liaison(s) | Shari Berry, Barbara Carter, <i>Alternate:</i> John Greany |
| Legislative Liaison(s) | Shari Berry <i>Alternate:</i> John Greany |
| Compact Liaison | Shari Berry <i>Alternate:</i> John Greany |
| Screening Panel | John Greany, Todd McEldowney <i>Alternate:</i> John Greany |

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

MOTION: Barbara Carter moved, seconded by Kathryn Zalewski, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:03 a.m.

DRAFT

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

AGENDA REQUEST FORM

| | | | |
|---|---|---|--|
| 1) Name and title of person submitting the request: | | 2) Date when request submitted: 7/25/2022 | |
| | | 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: 8/10/2022 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests, and Reports 1) Travel Report: Federation of State Boards of Physical Therapy Leadership Issues Forum (LIF) – July 23-24, 2022 | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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 Chair and the Executive Director will summarize matters presented and discussed at the FSBPT's Leadership Issues Forum. | | | |
| 11) Authorization | | | |
| <NAME> | | <Date: M/D/YYYY> | |
| 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. | | | |

LIF Meeting – July 23-24, 2022

- 1) Continued Competence
 - a. Developing guidelines for continued competence with resources posted on FSBPT website.
 - b. Working on developing healthy practice resources (HPR)
 - c. This includes piloting a self-assessment tool to identify “discompetence”. This tool would NOT be used for punitive purposes, would NOT be basis for licensure, and would be confidential.
- 2) Financial Stewardship Update
 - a. Moved to Index Funds in 2019 with good results in 2019, 2020, 2021
 - b. Have given almost 12 million dollars since then to Healthcare Regulatory Research Institute (HRRI) which was created by the Federation in 2017 to fund regulatory research.
 - c. More information on HRRI found at <https://www.fsbpt.org/Free-Resources/FSBPT-Forum/Forum-2021/Presidents-Perspective-The-Case-for-Evidence-Based-Regulation>
- 3) Jurisdictional Grants
 - a. Over 2 million dollars available to jurisdictions to assist with projects such as automation of reporting to ELDD, etc.
 - b. Discussed creative ways to spend/ accept the money when there are legislative barriers. For example, FSBPT is willing to pay a third-party vendor directly for work in as state. This avoids the state taking money for the proposed project (a problem for some states due to statutory restrictions).
 - c. Interested? Email Bill Haverel to get started.
- 4) Model Practice Act
 - a. Acts as a guide for updating jurisdictional practice acts.
 - b. FSBPT started in 1986 with first model practice act published in 1997.
 - c. 7th edition is in progress. 6th version was in 2020.
 - d. Found at FSBPT site under “free resources”
- 5) Virtual PT Services
 - a. Discussion regarding virtual services, digital PT
 - b. Break out rooms to discuss benefit and challenges to regulation
 - c. WV, MS and OH have some new statutes/ language as of this year
 - d. Discussed board responsibilities in educating the public about safe telehealth practices
- 6) ELDD
 - a. New rating system. Star system is out...
 - b. Three key elements including use of FSBPT IDs, reporting licensure and reporting discipline
 - c. Working to try to improve real time data transfers to improve protection
- 7) PT Compact
 - a. Update on state participation
 - b. MN has anticipated legislation for 2023
 - c. Michigan has legislation pending
 - d. The only state on our border not participating at some level is Illinois

- 8) By Law Updates and Delegate opinion on changes
 - a. Must be a past board member or have board experience to be treasurer of the FSBPT
 - b. Add “regulatory” to bylaw to support research so it reads “regulatory research”
 - c. Motions must be vetted at LIF and 90 days in advance of the Delegate Assembly
 - d. If there are no motions, there will be no Delegate Assembly
 - e. The secretary can edit standing rules (new) and bylaws (already stated). These edits are grammar, punctuation, numbering, etc.
- 9) Re-entry Demographics
 - a. Who leaves? How many? How long? Are PTs and PTAs different?
 - b. Questions were added to the FSBPT practice analysis survey to gather initial data.
 - c. Some initial data found that 25% of persons surveyed have stepped away for at least 3 months. Phase 2 of data collection is underway to drill down to more details.
- 10) NPTE Updates
 - a. Adding videos to the NPTE for PTA in October 2022. PEAT has videos added also.
 - b. Videos added to NPTE for PT in early 2023.
 - c. By 2024, NPTE PT version will have 225 questions vs 250 questions with 40 scenario-based questions and videos. There will be 180 questions on PTA version with 35 scenario-based questions and videos.
 - d. Discussed old test scores (before 1990) as those were not standardized and difficult to correlate to today’s scores. Are they valid? What can the FSBPT do to support jurisdictions if old scores are in question?
- 11) Workforce data
 - a. Discussed minimum data set of information and states that have collected workforce data
 - b. Discussed how data may be used
 - c. Does Wisconsin have the authority to collect data?
- 12) CAPTE Activities
 - a. Currently working on finishing follow up, in person visits for the virtual visits that were done with COVID.
 - b. CAPTE is looking at a restructure. Instead of 3-person review team who reads self-study, visits and then gives feedback, they will do 4- person review. 2 people will do paper review of self-study and give feedback to school BEFORE the onsite visit. This allows for some of the easy things to be corrected before the onsite visit and it offers better feedback.
 - c. Standards are reviewed every 5 years.
 - i. 1st draft of standard edits to be done by Oct. 2022
 - ii. Public hearings in Nov ’22, Dec ’22, and Jan ’23.
 - iii. 2nd draft in March 2023
 - iv. Final draft by Oct 2023 with implementation by fall of 2024.
 - d. DEI (diversity, equity and inclusion) will be included throughout the standards
 - e. Any form of instruction using the internet is distance ed as per the department of education. Subsequently, the focus will be on proving substantive and regular interaction with students in that delivery format

- 13) Sexual misconduct and boundary violations
 - a. Resources on FSBPT website
 - b. Discussed board responsibility to educate public, handle boundary issues
- 14) Regulator Collaboration by the FSBPT
 - a. Working with National Practitioner Data Bank to edit discipline codes (improve transparency)
 - b. Working with Healthcare Workforce- working to build cross professional minimum data set
 - c. Working with National Academy of Medicine- Action Collaborative on Countering Opioid Epidemic
- 15) Diversity, equity, inclusion and participation
 - a. PT workforce does not reflect demographics of those we serve
 - b. Webinars are available on FSBPT website
 - c. Mentor program for under- represented racial minority (clinicians are mentors)
 - d. Under resourced students... how to help?
- 16) Close Relations Task Force
 - a. Dual relationship Resource paper on FSBPT website
 - b. What are the dangers in treating family? Friends? Etc...
 - c. Recommendation: If emergency, treat family/ friends. Otherwise, it is best to not do it.
- 17) Jurisprudence Exams
 - a. Could a more uniform exam be created and used by multiple states?
 - b. Discussion on how that may look, what may work, what are barriers?
 - c. Is a jurisprudence exam effective or doing what it is meant to do? Does it really improve persons understanding of the laws? Does it lead to reduced infractions of the law?