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**VIRTUAL/TELECONFERENCE**  
**PHYSICAL THERAPY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**November 30, 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 August 10, 2022 (5-7)**

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) 2023 Meeting Dates
- 3) 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

**F. Board Chair Meetings and Options to Address Department Resources – Discussion and Consideration**

- 1) Review of Letter to Legislature Regarding Agency Resources (8)

**G. Physical Therapy Compact Update – Discussion and Consideration**

**H. Speaking Engagements, Travel, or Public Relation Requests, and Reports**

- 1) Travel Report: The American Physical Therapy Association (APTA) Wisconsin Fall Conference – October 6-7, 2022 – Wisconsin Dells, WI
- 2) Travel Report: 2022 Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting and Delegate Assembly – October 27-30, 2022 – Orange County, CA (9-11)

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

**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. COVID-19 – Discussion and Consideration

N. 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

**O. 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.).**

**P. Credentialing Matters**

1) **Application Review**

a. Saint Luke Her – Predetermination Applicant (**12-48**)

- Q. 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

R. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- S. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- T. Open Session Items Noticed Above Not Completed in the Initial Open Session
- U. 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: FEBRUARY 8, 2023 (TENTATIVE)**

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 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://dps.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, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
PHYSICAL THERAPY EXAMINING BOARD  
MEETING MINUTES  
AUGUST 10, 2022**

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

**EXCUSED:** Kathryn Zalewski, PT

**STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Shari Berry, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- **OPEN SESSION:** Update Item E, “**APPEARANCE: Jennifer Garrett, Director of Public Affairs Assistant Deputy Secretary, DSPS LicensE Demonstration**”

**MOTION:** Barbara Carter moved, seconded by John Greany, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 4, 2022**

**Amendments to the Minutes**

- Page 2 of the Minutes: Screening Panel Change Alternate: “John Greany” to “Shari Berry”

**MOTION:** John Greany moved, seconded by Barbara Carter, to approve the Minutes of May 4, 2022 as amended. Motion carried unanimously.

**APPEARANCE: JENNIFER GARRETT, ASSISTANT DEPUTY SECRETARY, DSPS  
LICENSE DEMONSTRATION**

**MOTION:** John Greany moved, seconded by Todd McEldowney, to grant the Education and Examinations Liaison permission to communicate information about resources related to LicensE to all of the PT and PTA schools in the State. Motion carried unanimously.

**MOTION:** Barbara Carter moved, seconded by John Greany, to acknowledge and thank Jennifer Garrett, Assistant Deputy Secretary, for her appearance and presentation to the Board. Motion carried unanimously.

## **BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES**

**MOTION:** John Greany moved, seconded by Todd McEldowney, to authorize the Chairperson to send a letter to the Joint Legislative Council Study Committee on Occupational Licensing and the Joint Committee on Finance requesting that DSPS be allowed to utilize reserve funds currently lapsed from fee revenue to adequately perform its duties to protect the residents of Wisconsin, not restrict timely entry into its regulated professions, and provide adequate customer service. Motion carried unanimously.

### **SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS**

#### **Consideration of Attendance: The American Physical Therapy Association (APTA) Wisconsin Fall Conference – October 6-7, 2022 – Wisconsin Dells, WI**

**MOTION:** Barbara Carter moved, seconded by John Greany, to designate Shari Berry, as the Board's delegate, to attend the American Physical Therapy Association (APTA) Wisconsin Fall Conference on October 6-7, 2022 in Wisconsin Dells, WI. Motion carried unanimously.

### **CLOSED SESSION**

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

The Board convened into Closed Session at 10:23 a.m.

### **DELIBERATION ON DLSC MATTERS**

#### **Proposed Stipulations, Final Decisions, and Orders**

##### ***20 PHT 002 – Daniel P. Blecha, PTA***

**MOTION:** Todd McEldowney moved, seconded by Barbara Carter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Daniel P. Blecha, PTA, DLSC Case Number 20 PHT 002. Motion carried unanimously.

*22 PHT 005 – Christy J. Walsh, PTA*

**MOTION:** Todd McEldowney moved, seconded by John Greany, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Christy J. Walsh, PTA, DLSC Case Number 22 PHT 005. Motion carried unanimously.

**Monitoring Matters**

**Christopher W. Hansen, Physical Therapist  
Requesting Full Licensure**

**MOTION:** John Greany moved, seconded by Todd McEldowney, to grant the request of Christopher W. Hansen, Physical Therapist, for full licensure. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Barbara Carter moved, seconded by Todd McEldowney, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:35 a.m.

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

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

The meeting adjourned at 10:38 a.m.



September 14, 2022

LEGISLATIVE COUNCIL STUDY COMMITTEE ON OCCUPATIONAL LICENSES

RE: Impact of Licensure Process Delays and Request for Action

Dear Committee Members:

For the past 18 months, members of the Physical Therapy Examining Board have received email and phone call complaints regarding the licensing process in Wisconsin. Numerous applicants and employers expressed frustration and personal stories of patient care being affected by the delays in licensing. As a result, the board acted in May of this year with a motion to describe its concerns. As stated in that motion, the Physical Therapy Examining Board is aware of the Legislature's limitations on the Department of Safety and Professional Services' (DPS) 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 DPS and others about the slow pace of application processing. The Board requests that the legislature increase the staffing and spending authority of DPS without delay and discontinue its practice of lapsing physical therapist and physical therapist assistant license fee program revenue away from DPS and the Physical Therapy Examining Board.

At this time, the board respectfully requests that its concerns be included in your final report, with a recommendation directed to the Joint Committee on Finance to increase position and spending authority.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Shari Berry, PT".

Shari Berry  
Chairperson, Wisconsin Physical Therapy Examining Board



## Federation of State Boards of Physical Therapy

### 2022 Annual Meeting Summary

#### Session Highlights

##### Model Practice Act

7<sup>th</sup> Edition – reviewed, revised and close to final. Includes more specific information in the commentary section. Added: informed consent, telehealth definition added to definition of PT, added to definition of PT and practice of PT generally; imaging, gender neutral language, use of needles, supervision, animal PT (nothing in act prohibits it. See CO for example), sexual misconduct (drew from the sexual misconduct TF – grounds for denial, disciplinary action, nexus to practice (e.g., crime)), patient care management added.

##### Fair Chance Licensing

Understanding and mitigating barriers to licensure for workers with criminal histories – project of the Council on State Governments (CSG) – correct/eliminate overbroad laws, improve access to jobs and improve reentry (main goals); discussed barriers for applicants with criminal history (13,000 barriers nationwide identified), states have enacted fair chance licensing laws (substantial relation, individual consideration, and fair and consistent decision making. WI noted as having implemented these). Also effort to limit consideration of lower level offenses, limit older convictions (to 3-10 years), eliminate mandatory barriers (WI not included in these findings); publish how history is considered, limit use of non-conviction records (juvenile, expunged arrests without convictions). Noted UT website includes matrix of how review occurs for each profession.

##### PT Compact and Telehealth

survey of clinicians – 26 active member states

pandemic accelerated telehealth and the Compact (single expiration date, single CE requirement, no score transfers), growth of privileges purchased, total active privileges, individuals holding privileges increased, noted APTA certificate series on telehealth, virtual platforms increased

survey – sent 5/22, telehealth main reason for getting Compact privilege, then employment opportunities in multiple states, 2/3 said they have used telehealth, 1-5 visits/week most common range, vast change from pre-post Covid, with most visits being conducted from provider's home (evaluations, not supervision), most visits have replaced rather than supplemented in person care. Noted workforce should be trained in telehealth/develop competencies, improve broadband access (tech generally is main barrier). Can improve care in setting safer for patients, when provider is lacking, and helps to engage family and caregivers/team more. Less useful in acute and inpatient situations (tech, privacy, patient safety, lack of hands on, communication all provider concerns).

##### FSBPT Updates

Virtual platforms used more.

Review of new CP rating, replacing jurisdiction 5-star model with color codes; collaboration with other regulators (NAM's Opioid Action Collaborative, minimum dataset); changes to NPTA (scenarios, videos

coming), new content outlines, PEAT updated, DEI initiatives (training materials update, fair item writing), old test scores project, automation of ELDD, 'Healthy Practice' self-reflection resource; sexual misconduct TF, Close Relations TF (dual relationships, emergency exception), strategic plan, research initiatives (re-entry, dry needling).

### Virtual Online and Apps

PTs at Intl Space Station, APTA has a digital health transparency campaign, with 5-year plan on way, more venture capital going toward digital health, synchronous and asynchronous, e.g., zoom, text chat, EMR machine learning/decision support, sensors worn by patients, computer vision to observe/collect data, app-based care plans. Need to clarify practice standards, title protection, and educate. Outcomes: is it effective? Data point to yes on a number of fronts (pain reduction, functional improvement – equivalent to in-person)

### Regulators as Data Source for Workforce Policy

Indiana experience – developed questions to identify workforce shortages for all occupations in 2009. Takes 7-10 minutes to complete, uploaded to federal platform for HPSA funding. Regulators role in facilitating data projects, e.g., leaving workforce, burnout. Indiana linked education records by campus with licensing records to assess retention, which informed assessment of retention and campus educational initiatives. Diversity data – showed CAN to LPN to RN to APN pathways by race. Questions on practice type/extent, employment, telehealth and plans for next two years. Informs incentive programs (loan forgiveness), rulemaking, license count v actual workforce. WI denoted as 'Champions Needed.'

FSBPT part of multidisciplinary group of 7 professions developing cross-profession MDS. 18 questions, standardized. Could add profession specific questions to that baseline. Currently in final stages of review by 7 professions.

### Burnout

Burnout described – depersonalization, disengagement, predictor of medical error, absenteeism, withdrawal from patients, lower achievement, high stress, higher in certain professions/settings, loan debt (avg \$103,000), EMRs, unmet expectations for new grads, workload high, autonomy low, community involvement low, deficiency in rewards, pressure to act unethically. (WI study cited, PT v PTA job satisfaction). Engagement opposite of burnout.

Reviewed current research, impact on productivity, strategies to decrease. Review of current studies. Focus on reimbursement pressures and corporate culture as largest source of ethical conflict and contributor to burnout. Noted APTA Center for Ethical Practice – Consensus Statement in Clinical Judgment. Survey – skilled nursing more pressured than acute care for productivity pressures (at conflict with evidence-based practices). Reviewed justifications for unethical behavior – business decisions, 'necessary evils,' external circumstances beyond control, disconnect from negative consequences, other. 83% said productivity standards influenced clinical decision making. 60% said productivity standards too high and never had input as to standards. More issues in SNF setting, higher burnout/lower job satisfaction (motivator v. hygiene factors), higher turnover reported due to productivity standards.

Recommendations: climate surveys, communicate organizational values, involve clinicians in productivity goal setting, encourage evidence-based practice, be aware of settings more prone to burnout.

### Burnout II

Definitions and contributing factors. Focus on incivility, pandemic, great resignation, bias, bullying, relational aggression, macroaggressions, micro aggressions (most from patients). Recommends: have a code of conduct, implement peer to peer/team support.

### Sexual Misconduct and Clinical Power Imbalance

Definitions, identified prevalence, examined implications. Position paper coming in early 2023. Cited an existing reference: Sexual Boundary Violations by Health Professionals. An overview of published empirical literature (Mary Halter, Hilary Brown and Julie Stone, April 2007, The Council for Healthcare Regulatory Excellence)

### Artificial Intelligence

Large improvement in algorithms, cloud-based storage and gamers demand for chips resulted in surge of AI in health care. Automates tedious/repetitive tasks. e.g., home rehab system with smartwatch and machine learning model for stroke survivors, convolutional neural network in medical imaging – head MRI for stroke detection, echocardiography, endoscopy, reimbursement for AI (CMS), FDA Approval, AI used to diagram all proteins (aid disease understanding), robotic process automation big advance, multimodal AI (streams of data used to make conclusions about patients, e.g., Parkinson's) Future - soon. Verbalize and a picture or video will appear. Robotics to improve much in next decade, conversion of AI and other technologies, more data integration, deep learning, real time exchange of information, creation of digital twins, evidence-based medicine to evolve: precision medicine.

### Portability (You Are Now Free to Move Around the Country, Or Are you?)

Several told stories of barriers to entry and movement (exam, education, equivalency). e.g., states licensing post NPTE and those licensed before NPTE, different exam score requirements, non-CAPTE grads/remediation hurdles (physics), expenses, old records difficult to retrieve, equivalency standards or CWT standards changing over time. How Oregon responds (CWT, English proficiency, supervised practice, grandfathered PTAs). Discussed universal recognition. 18 states on board, WI not currently. Noted compact has some barriers. Cited UT site.

### PEW Commission 25 Years Later

Commission focused on scope of practice (standardize for professions), continuing competence, public accountability (public members on boards, transparency). Noted a lack of focus on diversity and no implementation plan. Overlooked the internet. Suggestion for FSBPT - communicate and collaborate with other professions.