**STATE OF WISCONSIN**
Department of Safety and Professional Services
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**Governor Scott Walker** **Secretary Dave Ross**

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**PHYSICAL THERAPY EXAMINING BOARD**
**Room 121C, 1400 E. Washington Avenue, Madison**
**Contact: Tom Ryan 608-261-2378**
**March 8, 2012**

*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 and deliberations of the Board.*

**FULL BOARD MEETING**
**8:30 A.M.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. **Adoption of Agenda (1-2)**

B. **Approval of Minutes –** December 8, 2011 **(insert) (3-12)**

C. Secretary Matters

D. **Bureau Director Matters**
1) Annual Policy Review and Board Member Guidebook **(insert) (13-44)**
2) Delegation Motion **(insert) (45-46)**
3) Physical Therapy Examining Board 2011 Annual Report **(insert) (47-50)**

E. **Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda**

F. **FSBPT Matters**
1) 2012 Jurisdiction Board Member and Administrator Workshop, June 21-24, 2012, Alexandria, VA **(insert) (51-54).**
2) 2012 Annual Meeting and Delegate Assembly, September 20-22, 2012, Indianapolis, IN **(insert) (55-56)**

G. **Review of Clearinghouse Report of PT 1-9 and Rule Drafting (insert) (57-76)**
1) Review and Discuss Public Comments
2) Review and Discuss Clearinghouse Report
3) Approve proposed Rule Draft for Filing With the Legislature

H. **Practice Questions/FAQ's**
1) Direct Access and Issuing Orders **(insert) (77-80)**

I. **Board Discussion Items including any received after printing of agenda**
1) Division of Enforcement Matters
2) Education and Examination Matters
a. WPTA Continuing Education Program Approval Procedures – **APPEARANCE- 8:45 a.m. – Mike Edwards, WPTA** **(insert) (81-86)**

3) Credentialing Matters
   a. Board Discussion of Requirements for Temporary Licensure and Education Equivalency **(insert) (87-88)**
4) Practice Questions/Issues
5) Legislation/Administrative Rule Matters
6) Liaison Reports
7) Speaking Engagement, Travel, Public Relation Requests

J. Informational Items

K. New Business

L. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 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.)**

M. **Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda**

N. **Consideration of Complaint(s)**
   1) 11 PHT 008 **(insert) (89-92)**

O. **Case Closings (insert) (93-94)**

P. Examination of **1** Candidate for Licensure – **10:20 a.m.**

Q. Deliberation of other items received after printing of agenda
   1) Case Closings
   2) Case Status Report
   3) Proposed Decisions
   4) Proposed Interim Decisions and Orders
   5) Summary Suspensions
   6) Objections and Responses to Objections
   7) Complaints
   8) Administrative Warnings
   9) Matters Relating to Costs
   10) Monitoring Cases
   11) Appearances from Requests Received or Renewed
   12) Examination Issues
   13) Application Issues
   14) PAP Cases
   15) Motions

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. Other Board Business

**ADJOURNMENT**

# PHYSICAL THERAPY EXAMINING BOARD
# DECEMBER 8, 2011
# MINUTES

**PRESENT:** Lori Dominiczak, PT; Mark Shropshire, PT; Jane Stroede, PTA; Michele Thorman, PT

**STAFF:** Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Shawn Leatherwood, Paralegal; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUEST:** Wendy McNall, Madison Area Technical College

## CALL TO ORDER

Mark Shropshire, Chair, called the meeting to order at 8:32 a.m. A quorum of four (4) members was present.

## ADOPTION OF AGENDA

**Amendments:**

- Item B – Approval of Minutes - Physical Therapy Minutes from September 29, 2011 – replaces pages 5-10 of the agenda
- Item F – Presentation of Proposed Stipulations, Final Decisions and Orders – add:
    1) Nicholas A. Batson, PT
        - Attorney Pamela Stach
        - Case Advisor – Mark Shropshire
- Item I – PT Rule Review Documentation – insert additional materials after page 42
- Item J – Draft of Proposed Rules – insert after page 43
- Item S (closed session) – Deliberation of Proposed Stipulations, Final Decisions and Orders – insert after page 88:
    1) Nicholas A. Batson, PT
        - Attorney Pamela Stach
- Case Status Report (closed session) – insert after page 92

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

## APPROVAL OF MINUTES OF SEPTEMBER 29, 2011

**Corrections:**

- On page 1, under PRESENT, indicate the Michele Thorman attended via Live Meeting.
- On page 2, in the last heading correct spelling of STAEMENT to STATEMENT
- On page 3, change the first heading to BOARD DISCUSSION OF RULE DRAFTING – REVISIONS TO RULES AND SCOPE STATEMENT PURSUANT TO WISCONSIN ACT 149. Also, under this heading, change the first sentence to :
  - The Board reviewed the draft rule revisions to administrative rules and made some language changes.

  Change the last sentence to:
  - Legal Counsel Sandy Nowack will confer with Mark Shropshire and redraft the proposed revisions as discussed. The document will be brought back to the next Board meeting for review.
- On page 3, under DIAGNOSTIC ULTRASOUND, change the second sentence to:
  - The Board did not take a position on reimbursement.
- On page 3, under MAY A WISCONSIN LICENSED PHYSICAL THERAPIST…, change the first sentence to:
  - The Board reviewed the response by Sandy Nowack.

  In the motion, delete the word "written" and insert "presented".
- On page 3, under BOARD DISCUSSION ITEMS…, correct the spelling of RECIEVIED to RECEIVED
- On page 4, after CREDENTIALING MATTERS/LIAISON REPORT, insert WPTA CE REVIEW, and reflect the discussion.

**MOTION:** Lori Dominiczak moved, seconded by Michele Thorman, to approve the minutes of September 29, 2011 as corrected. Motion carried unanimously.

## ELECTION OF OFFICERS

Mark Shropshire noted there is no public member on the Board at this time.

**NOMINATION:** Lori Dominiczak nominated Michele Thorman for Chair.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Michele Thorman was elected Chair by unanimous vote.

**NOMINATION:** Jane Stroede nominated Lori Dominiczak for Vice Chair.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Lori Dominiczak was elected Vice Chair by unanimous vote.

**NOMINATION:** Michele Thorman nominated Mark Shropshire for Secretary.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Mark Shropshire was elected Secretary by unanimous vote.

**2012 Election Results**

| | |
|---|---|
| CHAIR | Michele Thorman |
| VICE CHAIR | Lori Dominiczak |
| SECRETARY | Mark Shropshire |

**Board Appointments**

Screening Panel: Lori Dominiczak (Michele Thorman – Alternate)
Credentialing Liaisons: Lori Dominiczak, Jane Stroede (Michele Thorman – Alternate)
Legislative Liaisons: Jane Stroede (Mark Shropshire – Alternate)
DOE/Monitoring Liaison: Jane Stroede
Examination Panel: Professional Members of the Board
Web Consultants: Lori Dominiczak, Mark Shropshire
PAP Liaison: Jane Stroede
Practice Question Procedure and Board Contacts: Lori Dominiczak, Mark Shropshire (Michele Thorman – Alternate)
Travel Liaison: Michele Thorman (Board Chair)
Education Liaisons: Michele Thorman, Jane Stroede

## SECRETARY MATTERS

There was no report.

## EXECUTIVE DIRECTOR MATTERS

There was no report.

## PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorney Pamela Stach presented a Proposed Stipulation, Final Decision and Order in the following case:

**09 PHT 015 Nicholas Batson**

This matter will be deliberated in closed session.

## REVIEW OF CORRESPONDENCE FROM MADISON AREA TECHNICAL COLLEGE (MATC) REGARDING SCHOOL APPROVAL AND DELAY IN LICENSING – APPEARANCE BY WENDY MCNALL, PTA PROGRAM DIRECTOR

Board member Jane Stroede is employed by MATC in this program and excused herself from the discussion and left the room. Kris Hendrickson and Amy Booth, Division of Professional Credential Processing, were present for and participated in the discussion.

Wendy McNall is the Director for the MATC Physical Therapist Assistant Program and appeared before the Board. There are currently 15 students enrolled in this program. They will complete their coursework on August 31, 2012 and a ceremony will be held on September 1, 2012; however the official graduation ceremony will not be until December 2012. Ms. McNall stated the Department of Safety and Professional Services has previously made accommodations for MATC students who have documented completion of coursework prior to an official graduation date.

In November 2010, the PTA program at MATC was granted “candidate status” by the Commission on Accreditation for Physical Therapy Education (CAPTE). CAPTE is sending a review team to MATC on July 22-25, 2012. It is the policy of CAPTE to make the accreditation retroactive to the dates of the onsite visit; however the CAPTE Board does not meet until

November 2-7, 2012. The MATC students would get caught in an extended waiting period for both exam eligibility and temporary licensure if the Physical Therapy Examining Board does not approve the MATC PTA program.

**MOTION:** Michele Thorman moved, seconded by Lori Dominiczak, to permit students of the MATC physical therapist assistant program, who are expected to graduate in August 2012, to take the PTA NPTE exam prior to graduation, for the purpose of addressing potential hardship due to otherwise delayed licensure and the PTA NPTE is transitioned to a fixed date test. This motion recognizes that neither the students nor MATC in instituting the physical therapist assistant program, have contributed to the potential hardship. Motion carried. Jane Strode did not vote.

**MOTION:** Lori Dominiczak moved, seconded by Michele Thorman, to require MATC to provide to the Department, a list identifying by name and address, physical therapist assistant students expected to graduate in August 2012, who will take the PTA NPTE prior to graduation by a date certain established by the Department. Motion carried. Jane Stroede did not vote.

Jane Stroede returned to the meeting at this time.

## QUESTIONS RELATING TO THE NPTE TIMING AND PT PROGRAM COMPLETION

The Board reviewed two related practice questions. Kris Hendrickson and Amy Booth, Division of Professional Credential Processing, were present for and participated in the discussion.

- May a PT student take the NPTE while still in their PT program, prior to completing all coursework, in the event the fixed date testing poses a hardship?

Hardship cases will be evaluated on an individual basis.

- May students who have completed all coursework but have not officially graduated, sit for the exam between the time they completed all didactic and clinical coursework and the university's commencement date?

A student who has completed all requirements for graduation, from a school approved by the Board, may sit for a licensure exam. The student must submit to the Department a completed application and a certified letter from the Dean of the school verifying the date all graduation requirements were met. This information should be posted as a frequently asked question on the Department's website.

**MOTION:** Mark Shropshire moved, seconded by Lori Dominiczak, to appoint Jane Stroede as the credentialing liaison to complete the process of drafting a FAQ to clarify how a student who has complete the requirements for graduation can become eligible to sit for a licensing exam. Motion carried unanimously

## CLOSED SESSION

**MOTION:** Mark Shropshire moved, seconded Jane Stroede**,** to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Lori Dominiczak-yes; Mark Shropshire-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 10:42 a.m.

## RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

**MOTION:** Lori Dominiczak moved, seconded by Michele Thorman, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 11:46 a.m.

## VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION

## PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

### NICHOLAS BATSON, PT
### 09 PHT 015

**MOTION:** Michele Thorman moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Nicholas Batson, PT. Motion carried unanimously.

## VALIDATION OF EXAMINATION SCORE

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to validate the score for the oral examination candidate. Motion carried unanimously.

## PT RULE REVIEW DOCUMENTATION

The Board acknowledged Lori Dominiczak for her efforts in compiling and presenting the data.

## DRAFT OF PROPOSED RULES TO REFLECT CHANGES TO PT 1 – PT 9 PURSUANT TO PASSAGE OF 2009 WISCONSIN ACT 149

Shawn Leatherwood presented the proposed rules draft for the Board's review. The Board made some language changes to the draft.

**MOTION:** Michele Thorman moved, seconded by Lori Dominiczak, to approve the draft rules as amended and to authorize Mark Shropshire to work with Department staff to finalize the rules for submission to the Legislative Clearinghouse. Motion carried unanimously.

## DRAFT OF PROPOSED RULES REGARDING PT 7 UNPROFESSIONAL CONDUCT AND PT 8 BIENNIAL RENEWAL

The Board reviewed the proposed rules. This draft has been approved by the Governor's Office. Sandy Nowack will do an analysis between the model act and this draft. Mark Shropshire appointed Michele Thorman to work with Department staff as a member of the drafting committee for rule writing relevant to PT 7.

## DISCUSSON OF PT'S APPLYING FOR PTA LICENSE

The Board had a lengthy discussion on the topic of physical therapists applying for a physical therapist assistant license. More discussion is needed at a future meeting.

## PRACTICE QUESTIONS/FAQ'S

**Definition of "device" and PT role in ordering**

The Board discussed this issue with Legal Counsel.

**Temporary License FAQ'S**

**MOTION:** Mark Shropshire moved, seconded by Lori Dominiczak, to approve the temporary license FAQ's as amended and to have this information posted to the Department website. Motion carried unanimously.

## SCREENING RUBRIC UPDATE

Legal Counsel Sandy Nowack updated the Board on the progress of the screening rubric. Chad Koplien is the Administrator in the Division of Enforcement and Ms. Nowack will be working with him to further develop the screening rubric.

## WPTA CONTINUING EDUCATION PROGRAM APPROVAL PROCESS

The Board continues to have concerns with the WPTA audit process for CE program approval. Mark Shropshire will ask the WPTA to provide results of the audit and an annual report to the Board. The report should include information on the percentage of courses that are rejected and should also delineate online and in person courses. Additionally, a representative from the WPTA will be invited to appear at the March 2012 Board meeting to present the audit results.

## LEGISLATION/ADMINISTRATIVE RULES

The Board reviewed 2011 Assembly Bill 259.

## INFORMATIONAL ITEMS

The FSBPT Conference will be September 20-22, 2012 in Indianapolis, Indiana.

## OTHER BUSINESS

Lori Dominiczak will draft a practice question from the rules discussion and will submit it for the March meeting agenda.

## PUBLIC COMMENTS

None.

## ADJOURNMENT

**MOTION:** Jane Stroede moved, seconded by Lori Dominizcak, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:20 p.m.

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# Department of Safety and Professional Services

# Division of Board Services Board Member Guidebook

# Division of Board Services Board Member Guidebook

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# Department Information

# The Department of Safety and Professional Services

**History:**

The 2011-13 biennial budget, 2011 Wisconsin Act 32 created the Department of Safety and Professional Services (DSPS) by combining the Department of Regulation and Licensing (DRL) and the Divisions of Safety and Buildings and Environmental and Regulatory Services from the Department of Commerce.

Chapter 75, Laws of 1967, created DRL and attached to it 14 separate examining boards that had been independent agencies. The 1967 reorganization also transferred to the department some direct licensing and registration functions not handled by boards, including those for private detectives and detective agencies, charitable organizations, and professional fund-raisers and solicitors.

DRL's responsibilities changed significantly since its creation. Initially, it performed routine housekeeping functions for the examining boards, which continued to function as independent agencies. Subsequently, a series of laws required the department to assume various substantive administrative functions previously performed by the boards and to provide direct regulation of several professions.

The DSPS Division of Safety and Buildings traces its roots to 1911 when the Legislature created the Industrial Commission in Chapter 485 to set standards for a safe place of employment. This "safe place" statute was extended in Chapter 588, Laws of 1913, to include public buildings, defined as "any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants." The commission adopted its first building code in 1914. Programs added over the years include plumbing, heating, ventilation, air conditioning, energy conservation, private on-site waste treatment systems, accessibility for people with disabilities, and electrical inspection and certification. These responsibilities and the job of administering various other laws relating to the promotion of safety in public and private buildings, including enforcing building codes, and the licensure of occupations such as electricians and plumbers, were ultimately assumed by the Department of Commerce.

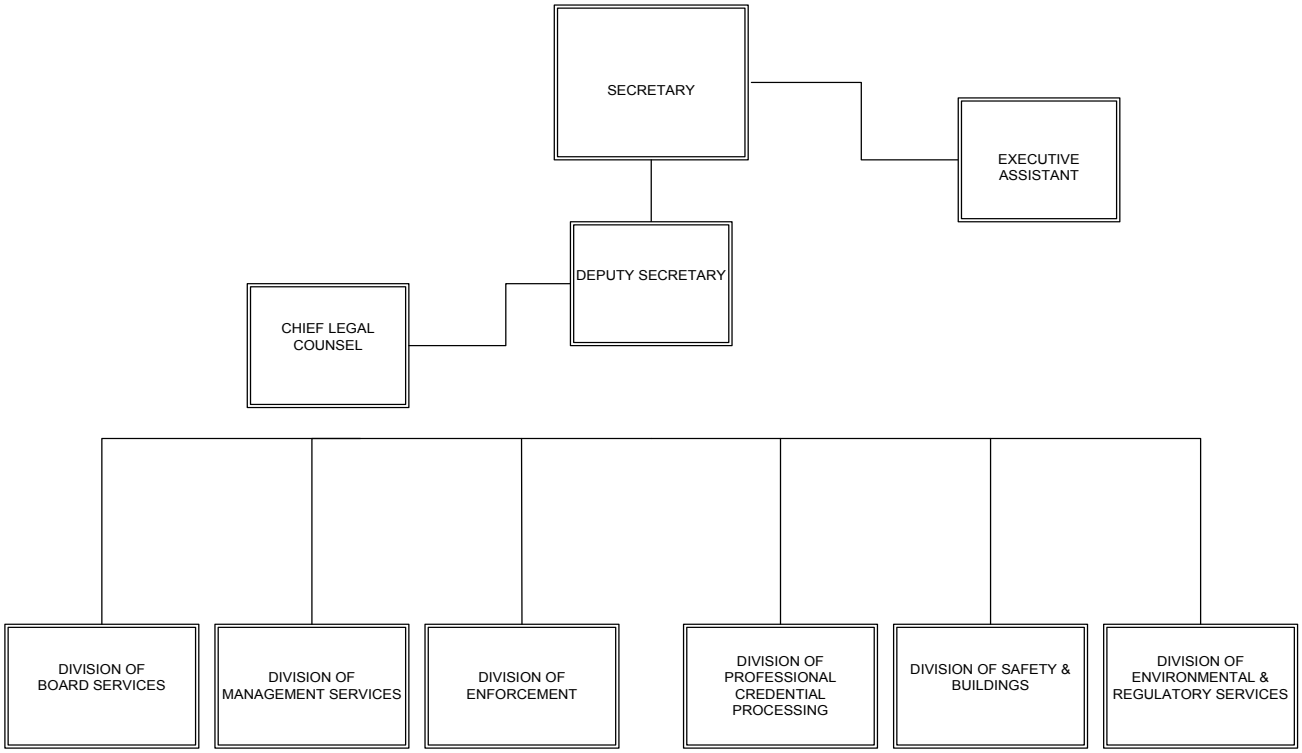
The DSPS Division of Environmental and Regulatory Services was created by 1995 Wisconsin Act 27 which transferred the PECFA program and the safety and buildings functions from the Department of Industry, Labor and Human Relations to the Department of Commerce.

# The Department of Safety and Professional Services
# Quick Facts

- Responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. The department also administers and enforces laws to assure safe and sanitary conditions in public and private buildings and regulates petroleum products and petroleum storage tank systems.
- Provides policy coordination and centralized administrative services for more than 70 boards, sections, councils, advisory committees, and direct licensing professions.
- Oversees the regulation of 200 types of credentials and specialty permits in more than 60 professional fields.
- Issues over 27,500 new credentials and renews more than 430,000 credential holders each biennium.
- Organized into six divisions and two offices:
    - Office of the Secretary
    - Division of Board Services
    - Division of Enforcement
    - Division of Environmental and Regulatory Services
    - Division of Management Services
    - Division of Professional Credential Processing
        - Office of Education and Examinations
    - Division of Safety and Buildings

- 379.6 full-time employees.
- Receives more than 2,500 consumer complaints per year.
- Verifies about 7,000 Wisconsin licenses per year to other states.

# The Department of Safety and Professional Services Organizational Structure



# Division of Board Services

**Mission of DSPS and the Boards**

To protect the health, safety and well-being of the citizens of Wisconsin by ensuring the safe and competent practice of licensed professionals at the least cost to the state.
To ensure the availability of safe and competent professional services by:

- fairly administering education, experience and examination requirements;
- establishing professional practice standards;
- ensuring compliance by enforcing occupational licensing laws.

**Division of Board Services-Board Staff**

17 staff in Board Services
1 Division Administrator
1 Program Assistant Supervisor
4 Executive Directors
4 Legal Counsel
4 Bureau Assistants
1 Adv-Paralegals
2 Paralegal

- There are approximately 300 board, council and committee members.
- A Bureau Director, Legal Counsel, and Bureau Assistant are assigned to each profession.
- The Division averages approximately 15 board, council and committee meetings each month.
- There are about 185 meetings scheduled each year.
- Provide the coordination and facilitation of a number of professional and administrative services to all of the regulatory boards, councils and committees.
- Provide administrative support.
- Coordinate and manage the business of each board, council or committee.
- Assist in facilitating the meetings.
- Provide professional services (analysis, evaluation and research).
- Coordinate drafting and implementation of laws, rules and policies.
- Coordinate board member travel and reimbursement processing.

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# DIVISION OF BOARD SERVICES
# BOARD ASSIGNMENTS

| **Tom Ryan,** Executive Director<br>**Sandy Nowack,** Legal Counsel<br>**Karen Rude-Evans,** Bureau Asst<br>**Shawn Leatherwood,** Adv Paralegal | **Denise Aviles,** Executive Director<br>**Yolanda McGowan,** Legal Counsel<br>**Michelle Solem,** Bureau Asst<br>**Kris Anderson,** Paralegal | **Dan Williams,** Executive Director<br>**Colleen Baird,** Legal Counsel<br>**Kimberly Wood,** Bureau Asst<br>**Sharon Henes,** Paralegal | **Berni Mattsson*,** Executive Director<br>**Lydia Thompson,** Legal Counsel<br>**David Carlson, Bureau Asst.**<br>**Kris Anderson/Sharon Henes,** Paralegal |
|---|---|---|---|
| ▪ Medical Examining Board<br>▫ Athletic Trainers Affiliated Credentialing Board<br>▫ Council on Physician Assistants<br>▫ Dietitians Affiliated Credentialing Board<br>▫ Occupational Therapists Affiliated Credentialing Board<br>▫ Perfusionists Examining Council<br>▫ Podiatrists Affiliated Credentialing Board<br>▫ Respiratory Care Practitioners Examining Council<br>▫ Massage Therapy & Bodywork Therapy Affiliated Credentialing Board<br>▪ Nursing Home Ad. Ex Bd<br>(Colleen Baird – Legal Counsel)<br>▪ Physical Therapy Ex. Bd<br>▪ Radiography Ex. Bd<br>▪ Veterinary Ex. Bd<br>**Direct Licensing:**<br>▪ Boxing<br>▪ Home Inspectors<br>▪ Interior Designers<br>▪ Peddlers<br>▪ Charitable Organizations<br>▪ Professional Fund Raisers | ▪ Accounting Examining Bd<br>▪ Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board<br>▫ Architects Section<br>▫ Designers Section<br>▫ Engineers Section<br>▫ Landscape Architects Section<br>▫ Land Surveyors Section<br>▪ Barbering & Cosmetology Examining Board<br>▪ Chiropractic Examining Bd<br>▪ Crematory Authority Council<br>▪ Funeral Directors Ex. Bd<br>▪ Real Estate Board<br>▫ RE Contractual Forms Advisory Committee<br>▫ RE Curriculum & Examination Council<br>**Direct Licensing:**<br>▪ Athletic Agents Adv. Com.<br>▪ Private Detectives<br>▪ Private Security Persons<br>▫ Firearms Permits<br>▫ Firearms Certifiers | ▪ Controlled Substances Board<br>(Lydia Thompson – Legal Counsel)<br>▪ Geologists, Hydrologists & Soil Scientists Examining Bd.<br>▫ Geologists Section<br>▫ Hydrologists Section<br>▫ Soil Scientists Section<br>▪ Marriage & Family Therapy, Professional Counseling, and Social Work Examining Bd.<br>▫ Marriage & Family Therapist Section<br>▫ Professional Counselor Section<br>▫ Social Worker Section<br>▪ Nursing, Board of<br>▫ Examining Council on Licensed Practical Nurses<br>▫ Examining Council on Registered Nurses<br>▪ Pharmacy Examining Board<br>(Lydia Thompson – Legal Counsel)<br>▪ Psychology Examining Board<br>**Direct Licensing:**<br>▪ Behavioral Analysts<br>▪ Sanitarians<br>▪ Substance Abuse Counselors | ▪ Auctioneer Board<br>▪ Cemetery Board<br>▪ Dentistry Examining Board<br>▪ Hearing & Speech Examining Board<br>▫ Council on Speech-Language Pathology & Audiology<br>(Colleen Baird – Legal Counsel)<br>▪ Optometry Ex. Board<br>▪ Real Estate Appr. Board*<br>▫ REA App Adv Com<br>▪ Sign Language Interp. Council<br>**Direct Licensing:**<br>▪ Acupuncture<br>▪ Licensed Midwives Advisory Committee<br>▪ Music, Art & Dance Therapy<br>▪ Professional Employer Organizations<br>**Where indicated by the following, the Bureau Assistants differ from the staff listing:**<br>• Lydia – Green<br>• Sandy - Purple<br>• Colleen - Orange<br>• Karen – Red<br>• Michelle - Yellow<br>• Kim – Blue<br>*Berni Mattsson also provides support to the Boards and Councils associated with the Division of Safety & Buildings. |

# Powers and Responsibilities

## Powers of Regulatory Bodies

- **Examining Boards**

  **Authority:**
  - Set standards of professional competence and conduct for the professions.
  - Prepare, conduct and administer examinations.
  - Grant and deny credentials (licenses).
  - Impose discipline.

  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Affiliated Credentialing Boards**

  Bodies that are attached to an Examining Board to regulate professions that do not practice independently of the profession regulated by the Examining Board or that practice in collaboration with the profession regulated by the Examining Board.

  **Authority:** With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the Affiliated Credentialing Board's supervision, reviews the qualifications of prospective new practitioners, grants credentials, and takes disciplinary action against credential holders.
  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Board duties.

- **Examining Councils and Councils**

  **Authority:** Serve an Examining Board in an advisory capacity to:
  - Formulate rules to be promulgated by the Examining Board or department for the regulation of the specific profession.

  **Appointed By:** Some Councils have members appointed by the Governor and others have members appointed by an Examining Board. Senate confirmation is not required. The Governor has the authority to appoint all public members.
  **Reimbursement:** Per Diem: No compensation
  Expenses: Actual and necessary expenses incurred in the performance of Council duties.

- **Auctioneer and Real Estate Appraisers Boards**

  **Authority:** Advisory in all matters, except:
  - Screening complaints.
  - Imposing discipline.

  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Direct Licensing Advisory Committees and Screening Panel;**

    - No examining board.
    - The Secretary of the Department directly regulates the profession or occupation.
    - The Secretary has authority to appoint committee and panel members.
    - Committee and panel members serve at the discretion and pleasure of the Secretary.
    - The Committee or panel members make recommendations and advise the Secretary on issues relating to the specific profession

    **Appointed By:** Department Secretary
    **Reimbursement:** Per Diem: No compensation
    Expenses: Actual and necessary expenses incurred in the

## Responsibilities of a Board Member

- You are a public official who is dedicated to public service. You are willing to sacrifice your time and tolerate inconvenience, frustration, and scheduling conflicts to be available for board service.

- You have major responsibilities to the public and credential holders.

- You ARE NOT an advocate for private interest or professional groups.

- You must represent the highest standards of ethical and professional conduct.

- You must strive to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of your official duties as a board member.

- You cannot serve as spokesperson for the board unless properly designated by the board.

- You must make public (and recuse yourself from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.

- You must comply with the rules of confidentiality, at all times, in dealings outside the board meeting.

## Importance of Public Members

- You are the voice of the public.

- You expand the range of perspectives available for higher quality and more creative board action.

- You balance decisions that might otherwise favor one faction of the regulated group over another.

- You make the governing board more responsive to the public it affects.

- You reduce the potential for board decisions to be professionally biased.

- You lend credibility to board accessibility and decisions.

- Public Member Concerns:
    - Being intimidated by professional members' experience in the field.
    - May impede board activity if technical issues are not understood.
    - Afraid to ask questions for fear of slowing down the meeting.
    - Professional members not treating public members as Board peers.

## Responsibilities of the Board Chair

- Recognize board members are entitled to speak or propose motions.
- Restate the motion after it has been seconded, then open for discussion.
- Close discussion and put motions to a vote. Restate the motion exactly as it was made or amended before calling for the question.
- Announce the result of the vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
- Avoid entering into any controversy or interfering with legitimate motions.
- Maintain order and proper procedure by making necessary rulings promptly and clearly.
- Expedite board business in every way compatible with the rights of the board members. You can allow brief remarks on motions, advise board members how to take action (proper motion or form of motion), or order proposed routing action without a formal vote ("If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered").
- Protect the board from frivolous motions whose purpose is to obstruct the board's business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
- Guard the board's time by having board members vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

## What Makes A Successful Board Member?

- Recognition that the goal of the board is the protection of the public.
- Embracing role as a public servant.
- Common sense and a willingness to ask questions.
- Commitment to attendance.
- Willingness to devote time and effort to the work of the board.
- Open .
- Team player.
- Fairness.
- An orderly approach to decision making.
- Ability to set aside personal/business interests.

**Board Members Should Avoid:**

- Obsession with a single issue.
- Self-serving by bringing own agenda to the table.
- Always taking the "contrarian" view—just for show.
- Expounding on strongly held opinions that are rarely backed by fact or research.
- Unpredictable participation or attendance.

**Disappointments Experienced As Board Members:**

- Personal goals for improvement of the profession have not been realized.
- The public has not been served fairly.
- Lack of effort and dedication on the part of other board members.
- The "wheels" of government do not move fast enough.

## Dealing With The Volatile World Of Meetings

Some of the ideas are best undertaken by the Chair; however, you should feel free to help any meeting to progress. After all, why should you allow your time to be wasted?

- If a participant strays from the agenda item, call him/her back: "We should deal with that separately, but what do you feel about the issue X?"
- If there is confusion, you might ask: "Do I understand correctly that …?"
- If you do not understand, say so: "I don't understand that, would you explain it a little more; or, do you mean X or Y?"
- If a point is too vague ask for greater clarity: "What exactly do you have in mind?"
- If the speaker begins to ramble, wait until an inhalation of breath and jump in: "Yes, I understand that such and such, does anyone disagree?"
- If someone interrupts (someone other than the rambler), you should suggest that: "We can hear your contribution after Phoebe is finished."
- If people chat, you might either simply state your difficulty in hearing/concentrating on the real speaker or ask them a direct question: "What do you think about that point?"
- If someone gestures disagreement with the speaker (e.g., by a grimace), then make sure they are brought into the discussion next: "What do you think Phoebe?"
- If there is an error, look for a good point first: "I see how that would work if X Y Z, but what would happen if A B C?"
- If you disagree, be *very* specific: "I disagree because ……."

## Ethics For Board Members

Public officials must not engage in unethical or the appearance of unethical behavior. Board members should be cognizant of how their actions may be perceived by the public.

If you have questions about certain activities, you are encouraged to consult with the attorney from the Division of Board Services assigned to your Board.

**General Standards of Conduct For Board Members**

- Board members must not act in an arbitrary or capricious manner in discharging any of their public duties. All Board member decisions whether the individual or collective ones must be based upon a reasoned consideration of facts applied to the correct law.

**Primary Duties of All Board Members**

- Be knowledgeable about the statutes and rules governing the Board.
- Review and make decisions on all issues presented to the Board in compliance with the law and with the ultimate goal of protecting the public.
- Be aware that Board members are viewed as representatives of the Board when they appear at public meetings and professional gatherings. Board members should not speak for the Board unless specifically authorized to do so.
- Refer public inquiries about Board issues directly to the bureau director for your Board.
- Do not participate in discussion or vote on any matter in which the Board member has a personal or professional conflict of interest.
- Prepare for Board meetings by careful review of materials. Board members shall come to the meetings with preliminary opinions of the issues to be discussed and questions for clarification.
- As a professional member of the Board, remain current in standards of practice through reviewing professional literature and attending educational programming and through actual practice or relationships with colleagues in practice.
- As a public member of the Board, become educated regarding the practice of the profession.
- Maintain absolute confidentiality regarding disciplinary matters, examinations, examination scores and other closed-session issues. The failure to maintain confidentiality could result in loss of immunity Board members enjoy for purposes of their actions as Board members.

**Discipline**

- The objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter others from engaging in similar conduct.
- Punishment of the licensee is not an appropriate consideration.
- The statutory framework which creates the Board's authority will provide the options available for discipline.
- The goal of a regulatory board is to protect the public.

**Standards of Ethical Conduct**

- **The Five Commandments**
  - Do not act in an official capacity in a matter in which you have a private interest.
  - Do not use your public position for a private benefit.
  - Do not solicit or accept rewards or items or services likely to influence you.
  - Do not use confidential information.
  - Do not use your public position to obtain unlawful benefits.

- **Bias/ Conflict – Watch for:**
  - Financial Interests (employer/ employee/ competitor)
  - Professional business Interests (have you worked with them in the past)
  - Other – friends, non-friends
  - Personal knowledge of facts which may not be in the record

# Agendas and Meetings

## Agendas and Meetings

- New Technologies – Share Point & Live Meeting.

- Agenda packets are mailed, emailed, and/or posted on Share Point about 7 calendar days prior to meeting.

- Agendas include:
  - Approval of the Agenda and Minutes
  - Open Session Items
    - Administrative Report
    - Legislation and Administrative Rules Issues
    - Public Hearings
    - Education and Exam Issues
    - Practice Questions
    - Current Issues Affecting the Profession
  - Closed Session items
    - Stipulations
    - Administrative Warnings
    - Deliberations on Proposed Disciplinary Actions
    - Case Closings
    - Monitoring Issues
    - Credentialing Issues
    - Exam Issues

- Agendas are published for public notice every Wednesday prior to the meeting on the Department's web site

- Meetings must comply with the Open Meetings Law.

- "To-Do" lists are distributed to staff within three (3) days after a meeting.

- Minutes are prepared within five (5) days after the board meeting.
  - Once the board approves the minutes, they are published on the Department's web site.

# Expenses and Travel

## General Expense Reimbursement Guidelines

- State statutes and Code of Ethics strictly prohibit any board member, his or her family, or co-workers from benefiting personally from free flight plans, lodging, meals, or other promotions which result from travel incurred in connection with board official business and paid from state or federal funds.

- All travel-related expenses are reimbursable within the limitations established by the Department of Employment Relations and the Department of Administration.

- Any board member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant board position is eligible to receive a per diem. Council and Committee members are not eligible for a per diem.

- Any board, council or committee member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant position is eligible to receive travel expenses for each day on which he or she has actually and necessarily engaged in the performance of board duties. If you are employed by the State of Wisconsin these requirements do not apply.

- All per diem and travel expense reimbursement vouchers must be submitted to the Department **within a month of the activity** in which payment is being requested.

- Any board member who wishes to attend out-of-state regional or national meetings or conventions must have prior approval by the Board and the Department, if he or she wishes to receive reimbursement for expenses by the Department.

- Employees in travel status are expected to use good judgment when incurring travel costs. Only expenses incurred while conducting official State business will be reimbursed. Reimbursement claims must represent actual, reasonable and necessary expenses.

- Reimbursement for air travel is limited to the lowest appropriate airfare which is defined as coach fare, which provides for not more than a 2-hour window from the traveler's preferred departure or arrival time and may require one plane transfer.

- Benefits from any airline promotion program, such as frequent flier points or credit vouchers, belong to the State and should be turned over to the Department.

## Lodging Accommodations

- Hotel arrangements for board meetings are scheduled by the department for all board meetings at the beginning of each year.

- Lodging the night before a board meeting will be reimbursed provided the board member would have to leave home before 6:00 a.m. in order to be at the meeting site by the set meeting time.

- Maximum reimbursement rate for in-state lodging is $70, except in Milwaukee, Waukesha and Racine counties where the rate is $80.

- Maximum reimbursement rates for out-of-state lodging are determined by the Office of State Employment Relations. In cases where a board member stays at the conference site, the conference room rate is allowable.

## Per Diem Guidelines

**$25 per day**
*(Only one per diem may be claimed per calendar day.)*

Examples:

- Attend board meeting or participate in a board meeting by telephone.
- Attend a Screening Panel Session when held on a day other than a board meeting date, in person or by telephone.
- Senate confirmation hearing.
- Exam administration or test development
- Attend a legislative or other public hearing as an authorized representative of the board on matters directly related to the work of the board. Prior approval from the secretary is required for per diem payments for more than one board-authorized representative at a public hearing.
- Represents the board at a meeting of a governmental body or other organization where attendance is necessary to the performance of the board's official duties.

**5-Hour Rule**

- $25 for performing a cumulative minimum of 5 hours engaged in:
  - Duties as a disciplinary case screener or board advisor including reviewing cases, consulting with investigators, etc. (NOTE: You will need to document the exact times performing these duties on your per diem form.
  - Preparation of board correspondence or articles
- Hours can only be claimed in the month the duties were performed. Hours cannot carry over to other months.

**Insufficient Basis For Approval of a Per Diem**

- Travel days to or from board meetings, conferences, and other events when there is no event business conducted.
- Reading board agendas, meeting packets, minutes or transcripts.
- Attendance at professional association meetings, conferences, seminars, exam administrator or test development if there has not been prior board authorization and approval of the Secretary's office.

## Travel and Meal Guidelines

- **Mileage rate --** 48.5 cents per mile
- **Private Airplane--** 48.5 cents per mile
- **Meals** *(Maximum amounts)*

| | In-State Travel | Out-of-State Travel |
|---|---|---|
| Breakfast | $8 | $10 |
| You must leave home before 6:00 a.m. | | |
| Lunch | $9 | $10 |
| You must depart before 10:30 a.m. & return after 2:30 p.m. | | |
| Dinner | $17 | $20 |
| You must return home after 7:00 p.m. | | |

*NOTE: Alcoholic beverages may not be claimed for any meal.*

- **Telephone:** One personal call home is reimbursable up to $5 for each night in travel status.
- **Hotel Gratuities:** Gratuities to hotel employees are reimbursable up to $2 on dates of departure and arrival, and up to $2 per night for a stay at a hotel/motel.
- **Porterage:** Porterage costs at airports or bus terminals will be reimbursed. The claim should not exceed $1 per piece of luggage.
- **Taxi/Shuttle:** Receipts are required for one-way fares exceeding $25.

## Examples of Non-reimbursable Items

This list is not all-inclusive

- Traffic citations, parking tickets and other fines
- Mileage charges incurred for personal reasons, e.g., sightseeing, side trips, etc.
- Additional charges for late checkout
- Taxi fares to and from restaurants
- Meals included in the cost of registration fees or airfare
- Flight insurance
- Cancellation charges (unless fully justified)
- Alcoholic beverages
- Spouse or family members' travel costs
- Lost/stolen cash or personal property
- Personal items, e.g., toiletries, luggage, clothing, etc.
- Repairs, towing service, etc., for personal vehicle
- Pay-for-view movies in hotel room; personal entertainment
- Child care costs and kennel costs

# Forms and Memos

# Department of Regulation & Licensing

**PER DIEM REPORT**

Month___*January*__ Year ____*2011*___

**INSTRUCTIONS:** Send original (white) and first copy (yellow) to Bureau Director authorized to approve. Approving Bureau Director forwards original and first copy to Deputy Secretary, Department of Regulation and Licensing. Second copy (green) to be retained by claimant. Attach travel voucher if applicable.

| NAME OF EXAMINING BOARD OR COUNCIL<br>Board | | | | BOARD OR COUNCIL MEMBER'S NAME<br>John Doe | | | |
|---|---|---|---|---|---|---|---|
| Day | Specify Number of Hours | Purpose Code | Where Performed | Day | Specify Number of Hours | Purpose Code | Where Performed |
| 1 | | | | 17 | | | |
| 2 | | | | 18 | | | |
| 3 | | | | 19 | | | |
| 4 | | | | 20 | | | |
| 5 | *7* | *A* | *DRL- Madison* | 21 | | | |
| 6 | | | | 22 | | | |
| 7 | | | | 23 | *2* | *G* | *Home* |
| 8 | | | | 24 | | | |
| 9 | | | | 25 | | | |
| 10 | | | | 26 | | | |
| 11 | *3* | *B* | *Teleconference – Home* | 27 | | | |
| 12 | | | | 28 | | | |
| 13 | | | | 29 | | | |
| 14 | | | | 30 | | | |
| 15 | | | | 31 | | | |
| 16 | | | | | | | |

TOTAL DAYS CLAIMED ____*2*____ *@ $ 25.00 = $50.00*

| **CLAIMANT'S CERTIFICATION**<br>The undersigned certifies, in accordance with Sec. 16.53, Wis. Stats., that this account for per diem, amounting to $25.00, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. | APPROVED:<br><br>Bureau Director Date |
|---|---|
| Claimant's Signature Date | Secretary, Department of Regulation & Licensing |
| Social Security Number | Date |

## Purpose Codes:

A. Attend **Board meetings** in person or via teleconference call.
B. Attend **Screening Panel** meetings on days other than board meeting days (teleconference calls)
C. Attend **Hearings**, i.e., legislative, disciplinary or informal settlement conference hearings, on days other than board meeting days.
D. Attend **Examinations**
E. Attend **Test Development Sessions**, i.e., test review or analysis sessions, national testing sessions, tour of test facilities, etc.)
F. Attend Senate Confirmation Hearings
G. Review DOE cases
H. Review credentialing applications other than at board meeting.
G. Other (describe in detail)

#11 (Rev. 01/07)

State of Wisconsin

**Travel Voucher DOA-6107 (R01/96)**

**Staple Receipts Face Up On Backside**

**DOCUMENT NUMBER TL**

For Agency Use Only

| | | | |
|---|---|---|---|
| **Regulation & Licensing** | | **SSN** Z | Collective Bargaining Unit |
| **Department/ Division** | DRL - DBS | **Address** | **Permanent** **Project** **LTE** |
| **State Officer/Employee Name** | | **City** **State** WI **Zip-Code** | — — — |
| **Mo/Yr** | **From/To:** | | Headquarters or Home Station |

| FY | FUND | AGENCY | ORG CODE | SUB ORG | APPROPRIATION | | ACTIVITY | OBJECT | SUB-OBJ | BALANCE SHEET ACCT | REPORTING CATEGORY | PROJECT NUMBER | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2011 | 100 | 165 | | | 1301 | | | 2165 | 02 | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | **TOTALS** | | |

| Date | Official Business Purpose of Trip | Travel Points From | Travel Points To | HDQS-TIME Depart | HDQS-TIME Return | Personal Vehicle Miles | Lodging | Meals, including tips Morning | Meals, including tips Noon | Meals, including tips Evening | Other Allowable Expenses Item | Other Allowable Expenses Amount | Total Allowable Expenses Taxable | Total Allowable Expenses Non-Taxable |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
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| | | | | **Sub-Totals** | | | | | | | | | | |

*Item billed directly to the state agency

| | | | | |
|---|---|---|---|---|
| | **Miles at** | **0.32 cents/mile** | | **Mileage Costs** |
| | **Miles at** | **0.485 cents/mile** | | **Totals** |
| | **Miles at additional 1 cent per mile** | | | **Total Expenditure** |
| | | | | **Less Travel Advance** |
| | | | | **Net Amount Due** |

**Claimant's Statement's. 16.53 Wisconsin Statutes**

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

**Date** _____ **Claimant's Signature** _____

**I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.**

**Date** _____ **Supervisor's Signature** _____

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisio necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and p sufficient funds are available to pay this claim.

_____

**Agency Head or Authorized Representative**

**Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.** ____

## Department Policy
## Deadline For Submitting Travel Vouchers and Per Diems

Effective: Immediately

**Board Members will only be reimbursed for travel upon a motion made by the Board, Council, or Committee designating them as a representative and upon prior approval of the department.**

**Policy for Submitting Board Meeting Travel Reimbursement**
All travel vouchers and per diems must be submitted to the Department after each meeting and no later than the month following the Board meeting.

**Policy for Submitting Out-of-State Travel Reimbursement**
All travel vouchers and per diem vouchers must be submitted no later than the month following the month in which the out-of-state travel occurred.

**Forms Submitted after the Deadline**
Due to the Department's budget being an annual appropriation, those vouchers that are not submitted in a timely manner become at risk of not being reimbursed.

**Annual Appropriation:**
The Department receives authority from the legislature to spend a set amount of money each fiscal year. None of the authorized set amount can be carried forward to the next fiscal year.

## Division of Board Services

### HOTEL RESERVATIONS POLICY & PROCEDURE

Effective January 1, 2010, the Department has selected the Fairfield Inn & Suites for all future hotel reservations.

**Fairfield Inn**
**2702 Crossroads Dr**
**Madison, WI 53718**
**608-661-2700**

- If the board member is not going to use the reserved hotel room, it is the responsibility of the board member to cancel the room by calling the hotel themselves.
- If the hotel room is not cancelled, the board member may be responsible to pay the bill.
- If a meeting is cancelled due to a lack of quorum or no business, it is the responsibility of the Department to cancel any room reservations.

### QUORUM CONFIRMATION POLICY

- It is every board member's responsibility to ensure there is a quorum to conduct business at all board meetings.
- It is the responsibility of each board member to inform the executive director of any meeting dates in which they will not be able to attend.
- If Division staff does not hear from a board member, they will assume that the board member will be attending the scheduled meeting.
- A quorum check will not be conducted prior to each scheduled board meeting.
- The only time Division staff will conduct a quorum check will be if two or more board members contact the Division indicating they will not be able to attend an upcoming scheduled meeting.
- Every board member will receive a list of all approved meeting dates at the first board meeting of the New Year. Please use this as a reference to assist in planning for the year ahead.

### INCLEMENT WEATHER POLICY & PROCEDURE

**Quorum Note:** For open session you need one more than half of the total board membership. If there is formal discipline you will need 2/3 of the total board membership.

- Teleconference and Live Meeting options should be offered in order to continue with the scheduled meeting.
- Hotel rooms for the night before should be provided for any Board member traveling more than 50 miles from Madison and the meeting starts before 10:00 a.m.
- If a Board member who has a hotel reservation already in place will not attend and/or the meeting is cancelled, the hotel room should be cancelled immediately.

## Division of Board Services
## Board Member Guidebook

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, _____, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

_____
(Member signature)

Please return by: _____
(put date here)

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_____
(Member signature)

Please return by: _____
(put date here)

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# 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: |
|---|---|
| | Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
**Physical Therapy Examining Board**

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| **March 8, 2012** | x Yes<br>☐ No | **Delegation Motion** |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

10) Describe the issue and action that should be addressed:

In order to facilitate the completion of assignments between meetings without having to convene the Board, the Board will consider the following motion:

To delegate authority to the Chair of the Board, highest ranking officer, or highest ranking member on the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

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# 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: |
|---|---|
| | Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
Physical Therapy Examining Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| March 8, 2012 | x Yes<br>☐ No | Physical Therapy Board 2011 Annual Report |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

10) Describe the issue and action that should be addressed:

Review for approval.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

**STATE OF WISCONSIN**
Department of Regulation & Licensing

**Governor Scott Walker** **Secretary Dave Ross**

1400 East Washington Ave
PO BOX 8935
Madison, WI 53708-8935

Email: drl@wisconsin.gov
Web: www.drl.wi.gov

Voice: 608-266-2112 • FAX: 608-267-0644 • TTY: 608-267-2416

# PHYSICAL THERAPY EXAMINING BOARD
# 2011 ANNUAL REVIEW

- Current Board members are: Michele Thorman, PT, Chair (LaCrosse), Lori Dominiczak, PT, Vice Chair (Brown Deer); Mark Shropshire, PT, Secretary (Appleton); Jane Stroede, PTA (Wisconsin Dells). The public member position is currently vacant.

- 2009 Wisconsin Act 149 was signed into law on March 10, 2010, creating an independent Wisconsin Physical Therapy Examining Board. The Board's rules are being updated to ensure the rules reflect the change in Board title.

- The Federation of State Boards of Physical Therapy (FSBPT) began fixed date testing for physical therapists who apply to take the National Physical Therapy Examination (NPTE). July 11, 2011 was the first fixed date NPTE examination. The FSBPT switched from a continuous date testing system to a fixed date system to protect the integrity of the exam to ensure that the examination given on a particular date will not contain previously compromised items. In addition, the change was imposed to substantially reduce or eliminate candidates' ability to gain a score advantage by having advance access to NPTE questions. The new procedure's purpose is to ensure the validity of scores on the PTA NPTE and to protect the public. The FSBPT will switch to fixed date testing for PTAs in 2012. The state Board has addressed concerns relating to the duration of the temporary credential and potential hardship on applicants. It continues to monitor other matters relating to exam administration and license processing.

- The Board began rule writing to revise Wisconsin Administrative Code Chapters PT 7 and 8, which comprise the Board's unprofessional conduct and biennial licensing requirement rules.

- Lori Dominiczak, PT, and Michele Thorman, PT, attended the Department's new Board Member training on July 26, 2010.

- Tom Ryan attended the FSBPT's Council of Board Administrators (CBA) meeting on September 22 in Charlotte, North Carolina. Mr. Ryan was elected Chair of the Council.

- Michele Thorman and Tom Ryan attended the FSBPT annual meeting from September 22-24, 2011 in Charlotte, North Carolina.

- Frequently Asked Questions (FAQs) and Practice FAQs were clarified and posted on the Department's website (http://drl.wi.gov)

- The Board clarified by motion its position that use of ultrasound imaging is within the scope of physical therapy practice.

- The Board administered 5 PT oral exams and 1 PTA oral exam.

- The Physical Therapy Examining Board meetings in 2011 were scheduled for March 8, June 28, September 27, and December 6.

**STATE OF WISCONSIN**
Department of Regulation & Licensing

**Governor Scott Walker** **Secretary Dave Ross**

1400 East Washington Ave
PO BOX 8935
Madison, WI 53708-8935

Email: drl@wisconsin.gov
Web: www.drl.wi.gov

Voice: 608-266-2112 • FAX: 608-267-0644 • TTY: 608-267-2416

| Licensing Activity | PT | PTA |
|---|---|---|
| Applications Received | 277 | 121 |
| Licenses Issued | 343 | 141 |
| Renewals | 4747 | 1540 |

| Enforcement Activity | PT and PTA |
|---|---|
| New complaints received in 2011 | 13 |
| Number of Respondents in the 13 cases | 13 |
| Number of the 13 new cases opened | 4 |
| Total cases closed in 2011 | 21 |
| Total closed at screening in 2011 | 11 |
| Total closed after investigation in 2011 | 5 |
| Total closed with formal action in 2011 | 5 |
| Cases pending as of 1/12 | 4 |

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# 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: |
|---|---|
| | Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
Physical Therapy Examining Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| March 8, 2012 | x Yes<br>☐ No | 2012 Jurisdiction Board Member and Administrator Workshop |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

Consider sending a Board member to this training.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

## 2012 Jurisdiction Board Member & Administrator Workshop – June 21-24, 2012

This year, we will offer an extended workshop for both jurisdiction board members AND administrators. Workshop expenses (travel, lodging, meals) are funded by the Federation.

**Who can attend?**
New and seasoned board members and administrators. It might be advantageous (very cool) to see if your administrator and a board member or two could attend together. But that's not a requirement.

**What is covered?**
Training on regulatory law, the role of the board member/administrator plus an overview of FSBPT activities. More specifically, we cover topics such as roles and responsibilities of licensing boards and their members, the different functions of licensing boards and professional associations, disciplinary actions, ADA accommodations, and specific information about Federation services provided to our members.

**Sign up now!**
If you are interested in attending, please email communications@fsbpt.org **no later than Monday, April 2, 2012** so that we can finalize the attendee list and send out travel authorizations.

In order to give every jurisdiction a chance to participate, we may put you on a waiting list if more than two members from your board want to attend or if you have previously attended board member or administrator training.

federation News Briefs

*January 2012* *Volume 14, Number 1*

# Federation of State Boards of Physical Therapy

**2012 Jurisdiction Board Member & Administrator Workshop – June 21-24, 2012**

This year, we will offer an extended workshop for both jurisdiction board members AND administrators. Workshop expenses (travel, lodging, meals) are funded by the Federation.

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- More specifically, we cover topics such as roles and responsibilities of licensing boards and their members, the different functions of licensing boards and professional associations, disciplinary actions, ADA accommodations, and specific information about Federation services provided to our members.

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In order to give every jurisdiction a chance to participate, we may put you on a waiting list if more than two members from your board want to attend or if you have previously attended board member or administrator training.
Back...

## In This Issue

- 2012 - Focus on Federation history
- APTA board and FSBPT board hold joint meeting
- APTA and FSBPT issue joint communication on continuing competence
- FSBPT president and the chair of the Physiotherapy Board of Australia meet
- INPTRA webinar in April
- North Carolina Dental Board vs. the FTC
- Continuous testing ends soon
- Testing overseas
- 2012 Jurisdiction Board Member & Administrator Workshop – June 21-24, 2012
- FSBPT can assist your state in moving towards continuing competence
- Interested in a webinar on the FSBPT continuing competence certification program?
- More on HRSA – FSBPT meeting
- Call for 2012 annual meeting session proposals
- APTA paper on dry needling
- Cheating in the News: Ten Reasons why you should quit cheating
- Spotlight on member resources
- Board of Directors

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# State of Wisconsin
# Department of Safety & Professional Services

## AGENDA REQUEST FORM

| | |
|---|---|
| 1) Name and Title of Person Submitting the Request:<br><br>**Tom Ryan** | 2) Date When Request Submitted:<br><br>Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
**Physical Therapy Examining Board**

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| **March 8, 2012** | Yes<br>☒ No | **FSMB 2012 Annual Meeting – September 20-22 – Indianapolis, IN** |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

Consider sending a Board Member, Identify Delegate and Alternate.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

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**State of Wisconsin**
**Department of Regulation and Licensing**

# AGENDA REQUEST FORM

| Name and Title of Person Submitting the Request: | Date When Request Submitted: |
|---|---|
| Shawn Leatherwood, Division of Board Services | *02/16/2012* |
| | Items will be considered late if submitted after 5 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before meeting for all other boards |

**Name of Board, Committee, Council:**
Physical Therapy Examining Board

| Board Meeting Date: | Attachments: | How should the item be titled on the agenda page? |
|---|---|---|
| **03/08/12** | x Yes<br>☐ No | Clearinghouse Report Review of PT 1-9 |

| Place Item in: | Is an appearance before the Board being scheduled? If yes, by whom? | Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | Yes by _____ (name)<br>☐ No | |

**Describe the issue and action the Board should address:**

The Board will review and discuss the Legislative Clearinghouse Comments and accept or reject the amendments recommended by Legislative Council. The Board will review and discuss the public comments that have been received. The Board will approve the proposed rule draft as amended for filing with the legislature through a designated member of the Board.

**If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:**

**Directions for including supporting documents:**
1. This form should be attached to any documents submitted to the agenda.
2. Documents submitted to the agenda must be single-sided.
3. Only copies of the original document will be accepted.
4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.

## Authorization:

*Shancethea N. Leatherwood* — *02/1612*
Signature of person making this request — Date

Supervisor signature (if required) — Date

Bureau Director signature (indicates approval to add late items to agenda) — Date

Revised Form 3/31/10 Division of Board Services/DRL

LCRC FORM 2

# WISCONSIN LEGISLATIVE COUNCIL
# RULES CLEARINGHOUSE

**Pam Shannon**
*Clearinghouse Director*

**Scott Grosz and Jessica Karls-Ruplinger**
*Clearinghouse Assistant Directors*

**Terry C. Anderson**
*Legislative Council Director*

**Laura D. Rose**
*Legislative Council Deputy Director*

## CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **12-002**

AN ORDER to repeal PT 3.01 (7); renumber and amend PT 1.02 (1) to (6), 1.03 (1) (c), 3.01 (title), 3.04 (4), 4.01 (4), 8.05 (intro.), and 9.01; to repeal and recreate PT 1.01; and to create PT 2.001, 2.01 (1) (j), 3.001, 3.002, 3.02, 4.001, 5.001, 6.001, and 9.02 (5), relating to licensure, examinations, temporary licenses, locum tenens license, referrals, and continuing education.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

01-06-2012 RECEIVED BY LEGISLATIVE COUNCIL.

02-02-2012 REPORT SENT TO AGENCY.

SG:MSK

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701–2536
(608) 266–1304 • Fax: (608) 266–3830 • Email: leg.council@legis.state.wi.us
http://www.legis.state.wi.us/lc

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

   Comment Attached YES ☑ NO ☐

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

   Comment Attached YES ☑ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

   Comment Attached YES ☐ NO ☑

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

   Comment Attached YES ☑ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

   Comment Attached YES ☑ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

   Comment Attached YES ☐ NO ☑

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

   Comment Attached YES ☐ NO ☑

# WISCONSIN LEGISLATIVE COUNCIL
# RULES CLEARINGHOUSE



**Pam Shannon**
*Clearinghouse Director*

**Terry C. Anderson**
*Legislative Council Director*

**Scott Grosz and Jessica Karls-Ruplinger**
*Clearinghouse Assistant Directors*

**Laura D. Rose**
*Legislative Council Deputy Director*


## CLEARINGHOUSE RULE 12-002

## Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]**

### *1. Statutory Authority*

In s. PT 1.02 (12), it appears that the phrase "or physical therapist assistant" should be deleted, because only physical therapists, and not assistants, are authorized for temporary licensure by the referenced s. 448.53 (2), Stats. Physical therapist assistants are also not authorized for temporary licensure under their governing statute, s. 448.535, Stats. Consequently, in addition, in s. PT 3.01 and throughout ch. PT 3, all references to a physical therapist assistant having temporary licensure should be deleted. Alternatively, if the board wishes to authorize physical therapist assistants for temporary licensure, it should explain the statutory authority for that decision.

### *2. Form, Style and Placement in Administrative Code*

a. In the plain language analysis, the references to specific administrative rule sections should include an "s." before the "PT" citation in the descriptions of SECTIONS 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, and 15.

b. In the plain language analysis, "s." should be inserted before the two references to "227.114 (1), Stats."

c. In the enumeration of provisions treated portion of the introductory clause, the initials "PT" need only be referred to at the beginning of each particular treatment. [See s. 1.02 (1)


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(Example), Manual.] Also, in the enumeration of provisions treated and SECTION 13, "(intro.)" should replace "(intro)" following the reference to s. PT 8.05.

d. In SECTION 2 of the proposed rule, the contemplated treatment would be more appropriately described as an amendment of s. PT 1.02, rather than renumbering and amending s. PT 1.02 (1) to (6).

e. In s. PT 3.002 (3), "Continuing competence" should be placed in quotation marks, and "that" should replace "which". Also, this definition is very vague, and does not provide a clear standard. The definition should be removed or revised. Since there is a single definition in this section, it is not necessary to create a sub. (3). [See s. 1.03 (1), Manual.]

f. In ss. PT 3.002 and 6.001, the titles should end with a period.

g. In SECTION 7 of the proposed rule, the treatment should apply generally to s. PT 3.01 (1), since the title of that subsection as well as the subsection text are amended. A comma should follow the amendment of the text.

h. In SECTION 8 and SECTION 11, periods should follow the section numbers.

i. In SECTION 11, the contemplated treatment should be split into separate SECTIONS as described in s. 1.04, Manual.

j. In s. PT 8.05, "s." should be inserted before the reference to "PT 3.03". Also, "3.02" should replace "3.03". Also, is the reference to s. PT 3.02 intended as an exception to the requirements for reinstatement? It seems that it should be "In addition to the requirements for temporary licensure under s. PT 3.02,".

k. The effective date clause of the proposed rule should be included as a numbered section of the rule. [s. 1.02 (4), Manual.]

***4. Adequacy of References to Related Statutes, Rules and Forms***

a. In s. PT 1.01 (1), the references to ss. 15.405 (7r) and 448.567, Stats., should be deleted, as those are beyond the stated scope of ch. PT 1.

b. In s. PT 1.01 (2), "the issuance of licenses to physical therapist assistants under s. 448.53, Stats.," should be deleted, because the referenced section governs physical therapists, not assistants. Also, the reference to ss. 448.54 and 448.55, Stats., after "ss. 448.535," should be reworded, as those apply to both physical therapists and assistants, not only to assistants.

c. In s. PT 2.001 (1), the reference to s. 15.405 (7r), Stats., should be deleted, as it is beyond the stated scope of ch. PT 2.

d. In s. PT 2.001 (2), a reference to s. 448.53, Stats., should be added.

e. In s. PT 3.001, "and" should precede the statutory reference to s. 448.55 (3), which should be followed by a comma before "Stats."

f. In s. PT 4.001, "and (3)" should be inserted after "448.53 (2)".

***5. Clarity, Grammar, Punctuation and Use of Plain Language***

a. In the second paragraph of the plain language analysis, the phrase "temporary license to practice under supervision, initial" is confusing, because of the placement of the comma. This should be more clearly reworded, perhaps by replacing the comma with "until". Also in that paragraph: the two instances of "returning professional" should be plural; and "direct, immediate, on premises supervision" and "direct, immediate, one-to-one supervision" should have closing quotation marks.

b. In the comparison with Iowa in the plain language analysis, "an individual whose license has" should replace "individuals whose license have" and "those individuals whose license have".

c. In the comparison with Michigan in the plain language analysis, should "after" replace "of" in the phrase "three years of their expiration date"?

d. In the "effect on small business" section of the plain language analysis, "contacted" should replace "contracted".

e. In s. PT 1.01 (1), the comma at the end of the subsection should be deleted.

f. In s. PT 1.02 (11), "Licensee" should have a closing quotation mark.

g. In s. PT 1.03 (5) (c), "For a physical therapist" should replace "For physical therapists", and "for a physical therapist assistant" should replace "for physical therapist assistants".

h. Section PT 3.02, as a whole, should be revised.

(1) In the introductory paragraph, "to a person who has applied for either a" should replace "to an applicant for a regular".

(2) In the introductory paragraph, "reinstatement" should replace both instances of "renewal".

(3) In the introductory paragraph, "at least" should replace "the full".

(4) In the introductory paragraph, "An applicant shall comply with all of the following:" should be deleted. Subsections (2) to (6) are not separate requirements for the applicant.

(5) In sub. (1), "An applicant shall provide either of the following:" should replace the introductory sentence. Also, "(a)" and "(b)" should replace "a." and "b.", and a period should replace the semi-colon at the end of par. (a).

(6) In sub. (2), "An" should replace "Obtain an", and the first instance of "who" should be deleted. Also, "terms acceptable to the board" does not provide a clear standard for what types of terms must be included, and should be more precisely specified. For example, the board is presumably interested in the number of hours and level of supervision.

i. In s. PT 5.001, a period should be added after "ss".

**Wisconsin Physical Therapy Association**
A CHAPTER OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION
3510 East Washington Avenue • Madison, WI 53704
Telephone 608/221-9191 • Fax 608/221-9697 • wpta@wpta.org • www.wpta.org

February 16, 2012

Shawn Leatherwood, Paralegal
Department of Safety and Professional Services
Division of Board Services
1400 East Washington Avenue
Room 151, P.O. Box 8935
Madison, Wisconsin 53708

RE: Comments on PT Rule Changes

On behalf of the Wisconsin Physical Therapy Association and our 2,200+ members, this letter serves as a formal comment on the proposed rule changes made by the Physical Therapy Examining Board (PTEB). We appreciate the opportunity to offer verbal comments this morning at today's public hearing on the proposed rule changes.

In general, we support these changes and appreciate the PTEB and the Department of Safety and Professional Services for initiating these changes. We also appreciate the inclusion of several of our comments from our letter to you dated December 26, 2011.

We have three specific requests remaining, which include:

- In the proposed language in PT 1.02, we would like to see "supervisor" defined in sections (4), (5), and (7) to make it explicitly clear that physical therapists are the only individuals that may supervise physical therapists, physical therapist assistants, and students.
- We want to get a better understanding of the intent in regards to practice requirements to show that the parameters of "informed consent" in PT 1.02 (8) are met.
- We believe the date listed in PT 8.05 should be listed as "…renewed by March 1 of odd numbered years" to be consistent with requirements for re-licensure.

Thank you for the opportunity to provide feedback on the proposed rule changes. Please contact me with any questions.

Kip Schick, PT, DPT, MBA, President

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

| | | |
|---|---|---|
| IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE PHYSICAL THERAPY EXAMINING BOARD | : | PROPOSED ORDER OF THE PHYSICAL THERAPY EXAMINING BOARD ADOPTING RULES (CLEARINGHOUSE RULE 12- ) |

## PROPOSED ORDER

The Wisconsin Physical Therapy Examining Board proposes an order to repeal PT 3.01 (7); to renumber and amend PT1.02 (1) to (6); to amend PT 1.03 (1) (c), PT 3.01 (title), PT 3.01 (4), PT 4.01 (4), PT 8.05 (intro), and PT 9.01; to repeal and recreate PT 1.01; and to create PT 2.001, PT 2.01 (1) (j), PT 3.001, PT 3.002, PT 3.02, PT 4.001, PT 5.001, PT 6.001 and PT 9.02 (5), relating to licensure, examinations, temporary licenses, locum tenens license, referrals, and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

## ANALYSIS

**Statutes interpreted:**

Sections, 448.53, 448.535, 448.54, 448.55(3), 448.56, and 2009 Wisconsin Act 149

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), 448.53 (2), 448.55(3), and 448.56 (6), Stats.

**Explanation of agency authority:**

The legislature via ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., confers upon the Physical Therapy Examining Board general powers to promulgate rules for the guidance of the profession and to interpret the provisions of statutes it enforces. Sections 448.53(2) and 448.55(3), Stats., especially concerned with regulating health professions, authorizes the Physical Therapy Examining Board to promulgate rules regarding licensure and maintaining competence to practice in the profession. Section 448.56 (6) provides the Physical Therapy Examining Board may promulgate rules defining direct or general supervision of physical therapist assistants. Therefore, the Physical Therapy Examining Board is authorized both generally and specifically to promulgate these proposed rules.

**Related statute or rule:**

Wis. Admin. Code Chapter PT 1 to PT 9

**Plain language analysis:**

Due to the passage of 2009 Wisconsin Act 149, the administrative rules governing physical therapy professionals required updating. The legislation transformed the Physical Therapists Affiliated Credentialing Board into the Physical Therapy Examining Board. The newly formed board now functions independently without oversight by the Medical Examining Board. These proposed rules effectuate the changes mandated by the legislation by modernizing existing provisions, upgrading the authority sections in chapters PT 1- 9, adding clarifying terms and revising the classes of temporary licensure.

With these proposed rules, the Physical Therapy Examining Board, pursuant to s. 448.53 (2), Stats., has formed two distinct classes of temporary licensure: the temporary license to practice under supervision, initial licensure and the temporary reentry license. The temporary license to practice under supervision, initial is distinguished from the temporary reentry license in that it is available only to those applicants who have not previously been licensed in Wisconsin. The temporary reentry license is targeted towards returning professional that have not engaged in clinical practice for three years prior to their application. Both classes of temporary licenses are designed to allow entry level professionals and returning professional gain employment opportunities while acquiring clinical experience. Along with revising the classes of temporary licensure, the board further defined the levels of supervision between licensed physical therapist and physical therapist assistants, temporary license holders and unlicensed personnel; by adding terms such as "direct, immediate, on premises supervision and "direct immediate, one-to-one supervision.

SECTION 1 repeals the former authority section and recreates PT 1.01 as a new statement of authority.

SECTION 2 renumbers and amends PT 1.02 by adding terms such as, "candidate for reentry", "client", "direct, immediate, on premises supervision", "direct, immediate, one-to-one supervision", "general supervision", "informed consent" and "intimate parts". The terms will aid in clarifying the level of supervision for temporary licensees.

SECTION 3 amends PT 1.03 (1) (c) to distinguish between the documentary evidence required for graduation for physical therapist and physical therapist assistants.

SECTION 4 creates P T 2.001 as statement of authority for chapter PT 2.

SECTION 5 creates PT 2.015 (1) (j) adding a new category for applicants required to complete an oral examination to persons who have voluntarily limited the scope of their practice as a result of being investigated by a credentialing authority.

SECTION 6 creates an authority and definitions sections in chapter PT 3.

SECTION 7 amends PT 3.01 (title) by renaming the definition of the temporary license to practice under supervision and by limiting the class of temporary license holders under supervision to persons who have not previously been licensed in Wisconsin.

SECTION 8 amends PT 3.02 (4) by deleting duplicative language regarding the supervision of physical therapist assistants.

SECTION 9 repeals the renewal provision in PT 3.01 (7) for physical therapist and physical therapist assistants under supervision.

SECTION 10 creates PT 3.02 regarding the temporary reentry license. Physical therapist and physical therapist assistants who have not engaged in the clinical practice of physical therapy for three years are eligible for the temporary reentry license. The temporary reentry license is valid for one year and is nonrenewable.

SECTION 11 creates authority provisions for chapters PT 4 to PT 6.

SECTION 12 amends PT 4.01 (4) by adding language that allows the Physical Therapy Examining Board greater discretion in extending the expiration date of a locum tenens license. Currently, a locum tenens license expires within 90 days of being issued.

SECTION 13 amends PT 8.05 (intro) by adding a renewal exception for the newly created class of temporary reentry applicants.

SECTION 14 amends the authority and purpose provision in PT 9.01 to reflect the change in status from affiliated credentialing board to examining board.

SECTION 15 creates PT 9.02 (5) adding the term "remedial education". This term applies to licensees who must obtain continuing education as result of a disciplinary action.

**Summary of, and comparison with, existing or proposed federal legislation:**

There is no comparative existing or proposed federal rule.

**Comparison with rules in adjacent states:**

**Illinois**: Illinois does not issue a temporary license, Illinois allows applicants to apply for restoration of licenses that have expired or have been placed on inactive status for a period of 5 to 10 years. ILL. ADMIN. CODE tit.68 §1340.60 (4) (A) Individuals that have allowed their license to lapse must obtain 160 contact hours under the supervision of a licensed physical therapist, or twenty hours of continuing education on the clinical aspects of physical therapy or a combination of both.

**Iowa**: The state of Iowa does not issue a temporary license. Iowa allows individuals whose license have been inactive for five years or less and those individuals whose

license have been inactive for more than five years to apply for reactivation of an inactive license. IOWA ADMIN. CODE R. 645-200.15 (17A, 147, 272C) However, Iowa does have provisions enumerating the supervision requirements for physical therapist assistants. IOWA ADMIN. CODE R. 645-200.6 (272C)

**Michigan**: Michigan issues a nonrenewable temporary license for physical therapist and physical therapist assistants who are applying for re-licensure and whose license has lapsed less than three years of their expiration date provided they have completed all other requirements other than examination. MICH. ADMIN. CODE R 338.7149 Michigan also issues a limited license for physical therapist assistants who graduated from a board approved program but still must complete a physical therapist assistant examination. MICH. ADMIN. CODE R 338.7143 Temporary license holders must practice under the supervision of license holders and may not be supervised by limited license holders or temporary license holders. MICH. COMP. LAWS §333.16181

**Minnesota**: By statute, Minnesota issues temporary permits to practice physical therapy. MINN. STAT. §148.71 The permit, once issued, expires 90 days after the next examination for licensure given by the Board. The temporary permit cannot be renewed. Temporary license holders may be supervised by applicants for physical therapist, physical therapist assistants and licensed physical therapist. The level of supervision must be direct immediate and on premises.

**Summary of factual data and analytical methodologies:**

The Physical Therapy Examining Board conducted an extensive review of its rules along with legal counsel. The Federation of State Boards of Physical Therapy Model Practice Act was also reviewed. The board and its legal counsel identified key areas that required updating to bring the current regulations into conformity with the passage of 2009 Wisconsin Act 149.

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

It is anticipated that this rule will have no effect on small business as it is defined in 227.114 (1), Stats.

**Anticipated costs incurred by the private sector:**

The proposed rules will not incur additional costs to the private sector.

**Fiscal estimate and Economic Impact Analysis:**

With regard to the fiscal impact there would be additional IT costs of approximately $2130 related to coding in the licensing system and additional costs of approximately $340 for updating forms and the website. These costs would be absorbed within the DSPS budget. With regard to the economic impact, the proposed rule language was

made available on the department's website for 14 days. Comments were solicited. The department did not receive any comments regarding an economic impact from local government units, specific business sectors or public utility rate payers. The department finds the proposed rule will have no economic impact.

**Effect on small business:**

This rule will have no effect on small business as it is defined in 227.114 (1), Stats. The department's Regulatory Review Coordinator may be contracted by email at Bill.Wendle@wisconsin.gov, or by phone by calling (608) 267-2435.

**Agency contact person:**

Shawn Leatherwood, Paralegal, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood, Paralegal, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received on or before February 16, 2012, to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. PT 1.01 is repealed and recreated to read:

**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) and 15.405 (7r), 448.53 (1), 448.567, Stats.,

**(2)** The rules in this chapter are adopted to govern the issuance of licenses to physical therapists under s. 448.53 Stats., the issuance of licenses to physical therapist assistants under s. 448.53, Stats., and the issuance of licenses to physical therapist assistants under ss.448.535, 448.54, and 448.55, Stats.

SECTION 2. PT 1.02 (1) to (6) are renumbered and amended to read:

**PT 1.02 Definitions.** As used in chs. PT 1 to 9:

(1) "Board" means the physical ~~therapists affiliated credentialing~~ therapy examining board.

(2) "Candidate for reentry" means a physical therapist or physical therapist assistant who has not practiced in the three years immediately preceding the application for licensure or renewal of licensure, and who has been issued a temporary license for purposes of establishing competence to reenter clinical practice.

(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's or legal guardian(s) 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 throughout the therapy session with the supervisor assisting the person being supervised as necessary.

~~(2)~~ (6) "FSBPT" means the Federation of State Boards of Physical Therapy.

(7) "General supervision" means direct, on-premises contact between the supervisor, and the physical therapist, physical therapist assistant, student or temporary. licensee being supervised, as necessary. Between direct contacts, the supervisor is required to maintain indirect, off-premises telecommunication contact such that the person being supervised can, within 24 hours, establish direct telecommunication with the 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 shall be evidenced by the written signature of a client, the client's guardian or the client's power of attorney for healthcare.
(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 associated costs.

(9) "Intimate parts" has the meaning given in s. 939.22(19), Stats.

~~(3)~~ 10 "License" means any license, permit, certificate or registration issued by the board.

~~(4)~~ 11 "Licensee means any person validly possessing any license granted and issued to that person by the board.

(12) "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 s. 448.53 (2), Stats.

~~(6)~~(13) "Unlicensed personnel" means a person other than a physical therapist or physical therapist assistant who performs patient related tasks consistent with the unlicensed personnel's education, training and expertise under the direct on-premises supervision of the physical therapist.

SECTION 3. PT 1.03 (1) (c) is amended to read:

PT 1.03 (5) (c) For physical therapists, ~~Verified~~ verified documentary evidence of graduation from a school of physical therapy; for physical therapist assistants, verified documentary evidence of satisfactory completion of a ~~or~~ physical therapist assistant educational program approved by the board.

SECTION 4. PT 2.001 is created to read:

**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), 15.405 (7r), 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. 448.535, 448.54, and 448.55, Stats.

SECTION 5. PT 2.01 (1) (j) is created to read:

PT 2.01 (1) (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.

SECTION 6. PT 3.001 and PT 3.002 are created to read:

**PT 3.001 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) and 448.53 (2),448.55 (3) Stats., and govern the various classes of temporary licenses to practice physical therapy.

**PT 3.002 Definitions**

(3) Continuing competence means the ongoing application of professional knowledge, skills and conduct which relate to occupational performance objectives in the range of possible encounters that is defined by that individual's scope of practice and practice setting and ongoing self assessment, development and implementation of an individualized learning plan.

SECTION 7. PT 3.01 (1) (title) is amended to read:

PT 3.01 (title) **Temporary license to practice under supervision, initial licensure. (1)** An applicant for a regular license to practice as a physical therapist or physical therapist assistant, who has not previously been licensed to practice as a physical therapist or as a physical therapist assistant in this state, whichever is applicable and who is a graduate of an approved school of physical therapy or a physical therapist assistant educational program and has applied to take the national physical therapist examination or the national physical therapist assistant examination and is awaiting results and is not required to take an oral examination, may apply to the board for a temporary license to practice as a physical therapist or physical therapist assistant under supervision. The applications and required documents for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license to practice as a physical therapist or physical therapist assistant, the board, acting through the 2 members, may issue a temporary license to practice as a physical therapist or physical therapist assistant under supervision to the applicant.

SECTION 8 PT 3.01 (4) is amended to read:

(4) The holder of a temporary license to practice as a physical therapist assistant under supervision may provide physical therapy services as defined by s. 448.50(4), Stats., providing that the entire practice is under the supervision of a person validly holding a regular license as a physical therapist. The supervision shall be direct, immediate, and on premises. ~~No physical therapist assistant holding a temporary license may provide physical therapy services when the supervising physical therapist is not immediately available to assist.~~

SECTION 9. PT 3.01 (7) is repealed.

SECTION 10. PT 3.02 is created to read:

**PT 3.02 Temporary reentry license.** The board may issue a temporary reentry license to an applicant for a regular license to practice, or for renewal of a license to practice as a physical therapist or physical therapist assistant, who has met all other requirements for licensure, and who has not been engaged in clinical practice for the full three years immediately preceding application or renewal. An applicant shall comply with all of the following:

(1) Provide proof of minimal competence accomplished through satisfactory completion, acceptable to the board or its designee, of one of the following:

a. A vocational evaluation or assessment, in a manner acceptable by the board or its designee, by a physical therapist who is preapproved by the board or its designee;

b. Satisfactory completion of not less than three months of clinical practice under the supervision of a professional mentor who has been preapproved by the board or its designee.

(2) Obtain an evaluator, assessor, or professional mentor who shall be a physical therapist, licensed in good standing, who agrees in writing to terms acceptable to the board or its designee, and who has no pre-existing personal or other professional affiliation with the applicant for reentry.

(3) After a period of not less than three months, may petition the board for regular licensure. The board shall grant a regular license when the applicant demonstrates, to the board's satisfaction, that the applicant for reentry is minimally competent to practice physical therapy without supervision. A regular license issued pursuant to this section shall expire at the renewal date.

(4)The professional mentor is responsible for insuring that supervision is adequate to avoid unacceptable risk of harm to any person, and that clients have given informed consent to treatment by the candidate for reentry under the professional mentor's supervision.

(5)A temporary reentry license shall be valid for a period not to exceed one year and may not be renewed.

(6)Except as otherwise provided or ordered by the board, applicants for reentry shall practice under the terms and provisions for temporary licensure set out in this subchapter.

SECTION 11 PT 4.001, PT 5.001, and PT 6.001 are created to read:

PT 4.001 **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),448.53 (2), Stats. and govern locum tenens licenses.

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) and 448.56 (6) Stats., and govern physical therapist assistants and unlicensed personnel.

PT 6.001 **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) and 448.56(1m) (b), Stats., and govern referrals.

SECTION 12. PT 4.01 (4) is amended to read

PT 4.01 (4) Except as otherwise ordered by the board, ~~A~~ a locum tenens license to practice physical therapy shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board~~, acting through a member of the board, may renew the locum tenens license for additional periods of 90 days each, but the license may not be renewed within 12 months of the date of its original issuance, nor again renewed within 12 months of the date of any subsequent renewal~~ may issue a locum tenens license for a period not to exceed 12 months. The locum tenens license is not renewable.

SECTION 13. PT 8.05 (intro) is amended to read:

**PT 8.05 Requirements for reinstatement**. A license shall expire if it is not renewed by November 1 of odd numbered years. Except as provided in PT 3.03, ~~A~~ a licensee who allows the license to lapse may apply to the board for reinstatement of the license as follows:

SECTION 14. PT 9.01 is amended to read:

**PT 9.01 Authority and purpose**. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. ~~15.085~~ 15.08 (5) (b), 227.11 (2) and 448.55 (3), Stats., and govern required biennial continuing education of licensees of the board.

SECTION 15. PT 9.02 (5) is created to read:

PT 9.02 (5) "Remedial education" means education undertaken in lieu of or as part of discipline for the purpose of fulfilling a gap in the licensee's competence.

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(END OF TEXT OF RULE)

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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.

Dated _____ Agency _____

Chairperson
Physical Therapy Examining Board

CR 11-

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# 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:<br><br>Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |
|---|---|

3) Name of Board, Committee, Council, Sections:
Physical Therapy Examining Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| March 8, 2012 | x Yes<br>☐ No | Practice Question – Direct Access and Issuing Orders |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

10) Describe the issue and action that should be addressed:

Discuss the question.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

**PRACTICE QUESTION**

Specifically what we are looking for is:

A PT sees a pt via direct access can they issue crutches, a knee sleeve, an ankle brace, a lumbar support, a cane, etc without a physician referral.

It makes common, logical sense but the way the practice act is written we are not sure if it is clear and obviously payors will look for any reason not to pay.

Marc Sherry, PT, DPT, LAT, CSCS, PES
UW Sports Rehabilitation Dept.
UW Sports Medicine Center
621 Science Drive
Madison, WI 53711-1074
608.263.2215 (fax)
msherry@uwhealth.org
www.uwsportsmedicine.org

###

-----Original Message-----
From: MShropshire@new.rr.com [mailto:MShropshire@new.rr.com]
Sent: Monday, December 12, 2011 9:29 PM
To: Sherry Marc A
Cc: Lori Dominiczak
Subject: Re: orthotics/DME

Hi Marc,

I received your message and was able to forward it promptly to our Board's legal counsel Sandy Nowack and Administrator Tom Ryan. This topic was initially brought to their/our attention on November 12th.

Only preliminary discussion has taken place so far which focuses on the language in 448.50(4) which references prescription drugs and devices but also reads that Physical therapy means... designing, implementing, or modifying therapeutic interventions.

My review shows that the Board has not taken any type of action that could be interpreted as excluding DME as part of PT practice. Can you share some more specific context regarding your situation to help us better tailor a formal response?

###

Hello Mark,

I was given your name by Kip Schick and Mike Edwards. (see below)

It stemmed from this question:
Can you please confirm with me that ordering DME is within the PT scope of practice and law? Can you give me specific practice act language to the effect?

We see patients direct access and have the need to be able to issue crutches and various braces without physician referral. Mike was unsure based on how the term "device" is used. I feel very strongly that if the current language is grey on this that it needs to be changed asap.

Anything you can do to clarify or help would be greatly appreciated.

Marc Sherry, PT, DPT, LAT, CSCS, PES
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msherry@uwhealth.org
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###

From: Edwards, Mike W. [mailto:michael.edwards@phci.org]
Sent: Friday, November 11, 2011 10:56 AM
To: Karen Oshman/WPTA
Cc: Sherry Marc A; w.-michael@att.net
Subject: RE: orthotics/DME

That's a tricky one. The current statute states that "prescribing" of devices is not within the PT scope of practice. I pasted the language found in the PT Practice act below, highlighting in red the specific statement. As far as I know, there is no other place in the regulations that defines "devices". So, can a PT prescribe or issue a walker? I suspect that no one would question it, but for purposes of payment, most payors require a physician's script and or physician's statement of medical necessity, even for a walker.

I believe this is an area that warrants discussion for our WPTA legislative agenda.

Mike Edwards

SUBCHAPTER III
PHYSICAL THERAPY EXAMINING BOARD

Cross reference: See also PT, Wis. adm. code.

448.50 Definitions. In this subchapter:

. . . .

(b) "Physical therapy" does not include using roentgen rays or radium for any purpose, using electricity for surgical purposes, including cauterization, or prescribing drugs or devices.

# 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: |
|---|---|
| | Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
Physical Therapy Examining Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| March 8, 2012 | x Yes<br>☐ No | Wisconsin Physical Therapy Association Continuing Education Program Approval Procedures |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | Yes, Mike Edwards, PT, WPTA CE Task Force Chair<br>☐ No | |

10) Describe the issue and action that should be addressed:

Review the procedures. Mike Edwards will appear before the Board to discuss the procedures and answer questions.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

----- Original Message -----
**From:** MShropshire@new.rr.com
**To:** w.-michael@att.net
**Cc:** Ryan, Thomas - DRL ; michele THORMAN ; Karen Oshman ; 'Kipp Schick'
**Sent:** Monday, January 09, 2012 9:24 PM
**Subject:** Re: WPTA CE Task Force update request

Thanks Mike,
I was able to bring this information to the PTEB last month.

In addition to the need to correct/clarify the date of the update to your document and replacing PTACB with PTEB, several questions were generated. They include:

How many audits took place in 2011?
Was the goal of auditing 5% of approved courses met?
Can the task force present a record of which courses were and which were not approved?
"CEU approval is coordinated by WPTA staff" but who actually conducts the verification process?
Has the group met recently and what does the task force have in mind for the future?
Has the current process revealed any trends which warrant mention?

Answers and any other input you care to provide is requested prior to the next PTEB meeting on March 8th. In addition, you or another representative from the task force is invited to attend this meeting.
Your assistance is greatly appreciated and will help the Board continue to evaluate the Adminstrative Rules and foster the ongoing discussion of Continuing Education/Continuing Competence.
Sincerely,
Mark Shropshire

----- Original Message -----
**From:** w.-michael@att.net
**To:** MShropshire@new.rr.com
**Cc:** 'Kipp Schick' ; Karen Oshman
**Sent:** Wednesday, November 02, 2011 4:07 PM
**Subject:** RE: WPTA CE Task Force update request

Mark,

Below you will see the updated approval process. We have discussed at length, various ways that we may audit programs (monitoring section below). It is our greatest challenge. The consensus of our task force is that the feedback gathered from course evaluation demonstrate the extent to which program goals and objectives are met – and that we will randomly select programs to be audited by requesting copies of the program evaluation forms. The CE panel (for the present, our task force) will be responsible to conduct the reviews.

In addition, we will request this information from any sponsor/presenter if a participant contacts us with concerns about the program.

We are also asking sponsors/presenters to inform us of potential conflicts of interest when the course includes education/training in specific devices.

With the growth in distance learning/on-line courses requesting approval, we have re-evaluated this process as it applies to these venues – and agree that our current process is adequate to review and

approve them. To date, all of the on-line programs have been passed on to members of the panel for approval – and have not been approved at the screening level.

We believe that the WPTA's process meets or exceeds the specific requirements and the spirit of the current WI Administrative Rule for course approval. We welcome feedback from the PTEB. Please get back to me with any questions or concerns on the part of the PTEB.

Thank you,

Mike Edwards, PT
Chair WPTA CE Task Force

## Process for Approving CEUs Through WPTA
## Updated 4/06

For clarity, the process for approving educational events for continuing education units (CEUs) or contact hours will be described in chronological order. The WPTA CEU approval process will be presented to the PTACB with a request that the WPTA be identified in the PTACB's policies & procedures as a preferred vendor for CEU approval.

### Application for CEUs

A. Persons interested in applying for CEUs through the WPTA can obtain an application by visiting the WPTA website at www.wpta.org or by calling the chapter office and requesting an application form. Please see attachment A for an example of the application form.
B. For applications submitted and paid for, WPTA will charge a flat fee of $75.00 per course that is good for one year from the date of the course (or the first date if the course is scheduled to be provided more than once). Processing and approving the application generally be completed within 2 weeks of receipt. The course provider must include a list of at least three current sources of evidence to support the materials being presented.
C. The WPTA will provide certificates for the course if desired for a cost of $0.25 per copy.

### Approval of CEUs

A. CEU approval is coordinated by WPTA staff based on screening criteria. Applications that do not pass the screening criteria will be reviewed by a member of the CE panel. WPTA staff keep a log of the applications and processing steps.
B. To assure that an approved program:
   1) Constitutes an organized program of learning that contributes to the professional competence, *The expectation is that the material will be at least at an "entry level" for PT/PTA audience.*
   2) Contains subject matter which integrally relates to the practice of the profession,
   3) Has presenters with specialized education, training or experience that qualifies them to present the subject matter, facilitate the activity or program,
   4) Has pre-established goals and objectives, *that also demonstrate the expected*

*outcomes are at least at entry level*
5) Provides proof attendance by participants.

Providers are asked to specifically identify material covering ethics or jurisprudence to ensure the course is approved for the specific category if relevant.

**Monitoring**

**A.** As a quality control measure, the WPTA reserves the right to audit any course at any time. Goal: 5% audit of approved courses annually.

**B.** Members of the CEU Panel or their designees will conduct the audits.

## Provider Information

(This is the instructions for providers when completing an application.)

1. Submit the completed Request for CEU Assignment Form with supporting documents and the $75 non-refundable appraisal fee 30 days prior to date of the program. Please send to the WPTA Office.
2. Continuing Education Units (CEUs) are determined based on the number of contact or instructional hours. Each contact hour is equal to 0.10 CEU. Time spent on registration, meals or breaks will not be counted when determining CEUs.
3. Minimum requirement for awarding CEU certificates: participant attends at least 80% of the program and participates satisfactorily as determined by the program sponsor.
4. A Course Evaluation Form to obtain feedback from the participant needs to be submitted with the CEU Application. The form needs to assess the objectives, course content, instructor(s), method of presentation and the extent to which the learning outcomes were achieved. It is the responsibility of the course sponsor to have this form completed by each participant and to share the results of the evaluation with the course instructor(s).
   *"We look for a combination of didactic and experiential knowledge on a subject and reasonable evidence that the knowledge the presenter brings to the table significantly exceeds the level of the target audience."*
5. A reference list of at least three current sources must be submitted along with the completed application.
6. When the course is approved for CEUs by the WPTA, you may issue WPTA certificates or your own certificates. The certificates should be completed by the course sponsor and contain:
   a. Number of CEUs awarded by WPTA
   b. Participant's name
   c. Title of course
   d. Signature of Instructor or Course Sponsor
   e. Date of course completion

----- Original Message -----
**From:** MShropshire@new.rr.com
**To:** Mike Edwards
**Sent:** Tuesday, November 01, 2011 7:32 AM
**Subject:** WPTA CE Task Force update request

Hi Mike,
I've been asked by the PTEB to touch base with you and the WPTA CE Task Force to find out how things have been progressing since August. (It sounded like improvements were being made in the CEU approval process.) Could you please share an update with me?

Thank you,
Mark Shropshire
PTEB

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# 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: |
|---|---|
| Sandy Nowack<br>Legal Counsel | February 27, 2012<br>Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |

3) Name of Board, Committee, Council, Sections:
Physical Therapy Examining Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| March 8, 2012 | ☐ Yes<br>☒ No | Credentialing Issue: Board discussion of requirements for temporary licensure, education equivalency. |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| ☒ Open Session<br>☐ Closed Session<br>☐ Both | ☐ Yes by (name)<br>☒ No | |

10) Describe the issue and action that should be addressed:

Is there justification to withhold temporary licensure from applicants whose education has been deemed equivalent to that obtained in approved programs?

Issue came to light on February 27, 2012.

11) Authorization

Signature of person making this request — Date: 2/27/12

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

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 Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

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