



PHYSICAL THERAPY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
December 6, 2016

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 record of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-4)**
- B) Approval of Minutes of September 7, 2016 (5-7)**
- C) Administrative Updates**
 - 1) Staff Changes
 - 2) Board Member – Term Expiration Date
 - a) Shari Berry – 07/01/2020
 - b) Lori Dominiczak – 07/01/2017
 - c) John Greany – 07/01/2019
 - d) Thomas Murphy – 07/01/2017
 - e) Sarah Olson – 07/01/2017
- D) Nominations, Elections, and Appointments**
- E) Legislative and Administrative Rule Matters – Discussion and Consideration (8-12)**
 - 1) Draft Rule Language for PT 10 and 1 to 9 Relating to Authority of Physical Therapists to Order X-Rays (9-12)
 - 2) Report from Shari Berry Relating to PTA Supervision of PTA Students Legislation
 - 3) Implementation of Coursework Tool
 - 4) Update on Other Legislation and Pending or Possible Rulemaking Projects
- F) Credentialing, Education, and Examination Matters (13-15)**
 - 1) Approval Process for Ethics and Jurisprudence Courses
 - 2) Standards for Approval of Continuing Education Courses
 - a) Other States Information from Michele Thorman (14-15)
- G) New Board Member Mentoring – Discussion and Consideration (16)**
- H) 2016 Annual Report (17)**

- I) **Federation of State Boards of Physical Therapy (FSBPT) Matters**
- J) **FSBPT Alternate Approval Process for the National Physical Therapy Examination (NPTE) – Board Consideration of Motion to Authorize**
- K) **Speaking Engagement(s), Travel, or Public Relation Request(s) and Reports – Discussion and Consideration (18)**
 - 1) Travel Report from FSBPT Annual Meeting on November 3-5, 2016 in Columbus, OH
- L) Informational Items
- M) Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions
 - 13) Presentation of Interim Order(s)
 - 14) Petitions for Re-Hearing
 - 15) Petitions for Assessments
 - 16) Petitions to Vacate Order(s)
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Requests for Disciplinary Proceeding Presentations
 - 19) Motions
 - 20) Petitions
 - 21) Appearances from Requests Received or Renewed
 - 22) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports
- N) Public Comments
- O) **Future Agenda Items**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

- P) **Education and Examination Matters**
 - 1) **APPEARANCE: Cody Wagner, DSPS DLSC Attorney – Status of the Physical Therapy Continuing Education Audit (19)**
 - 2) **APPEARANCE: Aaron Knautz, DSPS Licensing Exams Specialist – Review of the PTA Oral Exam Items**
- Q) **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
 - 1) **Administrative Warning(s)**
 - a) 16 PHT 006 (A.M.B.) **(20-21)**

- b) 16 PHT 008 (J.A.D.) **(22-23)**
- c) 16 PHT 010 (C.L.F.) **(24-25)**
- d) 16 PHT 016 (L.A.J.) **(26-27)**
- e) 16 PHT 017 (K.J.K.) **(28-29)**
- f) 16 PHT 020 (D.K.O.) **(30-31)**
- g) 16 PHT 021 (N.D.R.) **(32-33)**
- h) 16 PHT 024 (K.L.S.) **(34-35)**
- i) 16 PHT 025 (S.P.T.) **(36-37)**
- j) 16 PHT 026 (T.L.U.) **(38-39)**
- k) 16 PHT 031 (S.L.K.) **(40-41)**
- l) 16 PHT 034 (S.L.M.) **(42-43)**
- m) 16 PHT 035 (P.M.S.) **(44-45)**
- 2) **Proposed Stipulation(s), Final Decision(s) and Order(s)**
 - a) 16 PHT 012 – Susan M. Glynn **(46-51)**
 - b) 16 PHT 014 – Ernest C. Hansen **(52-57)**
 - c) 16 PHT 019 – Carol J. Mottram **(58-65)**
 - d) 16 PHT 027 – Sheila M. Webber **(66-71)**
 - e) 16 PHT 030 – Tammy L. Herro **(72-77)**
- 3) **Case Closings(s)**
 - a) 16 PHT 005 (J.T.B.) **(78-80)**
 - b) 16 PHT 007 (D.E.B.) **(81-83)**
 - c) 16 PHT 015 (S.E.H.) **(84-86)**
 - d) 16 PHT 029 (A.L.G.) **(87-89)**
 - e) 16 PHT 032 (M.A.K.) **(90-92)**
 - f) 16 PHT 033 (K.L.L.) **(93-95)**
- 4) **Monitoring (96-97)**
 - a) Paul Abler – Requesting Full Licensure **(98-109)**
 - b) Vincent Kabbaz – Review Fitness for Duty Assessment, Requesting Full Licensure **(110-132)**

R) Open Cases

S) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Petition(s) for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders

- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

T) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

U) Open Session Items Noticed Above not Completed in the Initial Open Session

V) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

W) Credentialing, Education, and Examination Matters (133)

- 1) Process for Candidate Failure of the National Physical Therapy Exam

X) Board Member Recusal (134-135)

Y) Ratification of Licenses and Certificates

ADJOURNMENT

The Next Scheduled Meeting is February 8, 2017.

**PHYSICAL THERAPY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 7, 2016**

PRESENT: Shari Berry, PT; Lori Dominiczak, PT; John Greany, PT (*was excused from the meeting at 11:55 a.m.*), Thomas Murphy; Sarah Olson, PTA

STAFF: Tom Ryan, Executive Director; Nilajah Hardin, Bureau Assistant; and other department staff

CALL TO ORDER

Lori Dominiczak, Chair, called the meeting to order at 8:30 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- *Item P.2. is Corrected to Read: "Proposed Stipulations(s), Final Decision(s) and Orders"*

MOTION: Sarah Olson moved, seconded by Shari Berry, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Shari Berry moved, seconded by Thomas Murphy, to approve the minutes of May 26, 2016 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

PT 10 and 1 to 9 Relating to Authority of Physical Therapists to Order X- Rays

Proposals for Draft Rule Language

MOTION: Shari Berry moved, seconded by Sarah Olson, to designate Lori Dominiczak to serve as liaison to DSPTS staff for drafting PT 10 and 1 to 9 relating to Authority of Physical Therapists to Order X-Rays. Motion carried unanimously.

2015 WISCONSIN ACT 375 REGARDING PHYSICAL THERAPISTS ORDERING X-RAYS

MOTION: John Greany moved, seconded by Shari Berry, to designate Lori Dominiczak to speak on the Board's behalf at the 2016 FSBPT Annual Meeting on November 3-5, 2016 in Columbus, OH regarding 2015 Wisconsin Act 375. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 11:05 a.m.

RECONVENE TO OPEN SESSION

MOTION: Shari Berry moved, seconded by Thomas Murphy, to reconvene in Open Session at 12:18 p.m. Motion carried unanimously.

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

MOTION: Shari Berry moved, seconded by Thomas Murphy, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CREDENTIALING MATTERS

APPEARANCE: Cyndi T. Bigner, PT – Oral Exam

John Greany was excused from the meeting at 11:55 a.m.

MOTION: Shari Berry moved, seconded by Sarah Olson, to offer Cyndi Bigner a Limited License to practice Physical Therapy. Should the applicant decline the offer, then the application is denied. **Reason for Denial:** Denial of full licensure per Wis. Stat. § 448.57 (2)(f) and Wis. Admin. Code § PT 7.025 (23). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Sarah Olson moved, seconded by Thomas Murphy, to issue an Administrative Warning in the following matters:

1. 16 PHT 013 (W.M.H.)
2. 16 PHT 018 (D.L.C.)
3. 16 PHT 028 (K.G.Z.)
4. 16 PHT 036 (J.S.S.)

Motion carried unanimously.

Proposed Stipulation(s), Final Decision(s) and Order(s)

16 PHT 023 – Thomas J. Schumacher, P.T.

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Thomas J. Schumacher, P.T., Respondent, DLSC case number 16 PHT 023. Motion carried unanimously.

Case Closings(s)

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to close the DLSC cases for the reasons outlined below:

1. 16 PHT 009 (B.E.) – No Violation
2. 16 PHT 011 (C.A.F.) - No Violation
3. 16 PHT 041 (D.M.F.) - No Violation

Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Shari Berry moved, seconded by Sarah Olson, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Murphy moved, seconded by Sarah Olson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:20 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven, Administrative Rules Coordinator		2) Date When Request Submitted: 11/23/2016 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 12/6/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Draft Rule Language for PT 10 and 1 to 9 Relating to Authority of Physical Therapists to Order X-Rays 2. Report From Shari Berry Relating to PTA Supervision of PTA Students Legislation 3. Implementation of Coursework Tool 6 4. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: .			
11) Authorization			
<i>Dale Kleven</i>		<i>November 23, 2016</i>	
<small>Signature of person making this request</small>		<small>Date</small>	
<small>Supervisor (if required)</small>		<small>Date</small>	
<small>Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</small>			
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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Physical Therapy Examining Board to create ch. PT 10 relating to authority of physical therapists to order x-rays.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.56 (7) (a), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.56 (7) (a) (intro.), Stats.

Explanation of agency authority:

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

Section 448.56 (7) (a) (intro.), Stats., provides “[a] physical therapist may order X-rays to be performed by qualified persons only if the physical therapist satisfies one of the following qualifications, as further specified by the examining board by rule ...”

Related statute or rule:

None.

Plain language analysis:

As required by 2015 Wisconsin Act 375, the proposed rules specify the qualifications a physical therapist is required to satisfy to order X-rays.

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

None.

Comparison with rules in adjacent states:

The following rules governing the practice of physical therapy in Illinois, Iowa, Michigan, and Minnesota do not explicitly authorize or prohibit the ordering of X-rays by physical therapists:

Illinois: 68 Ill. Adm. Code 1340

Iowa: 645 IAC 200 to 203

Michigan: Mich Admin Code, R 338.7101 to R 338.7150

Minnesota: Minnesota Rules, Chapter 5601

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2015 Wisconsin Act 375 and obtaining input and feedback from the Physical Therapy Examining Board.

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Effect on small business:

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

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Chapter PT 10 is created to read:

Chapter PT 10

ORDERING X-RAYS

PT 10.01 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b) and 448.56 (7) (a), Stats., and specify the qualifications a physical therapist must satisfy to order x-rays.

PT 10.02 Qualifications. A physical therapist may order x-rays to be performed by qualified persons if the physical therapist satisfies one of the following qualifications:

(1) The physical therapist holds an entry level clinical doctorate or transitional clinical doctoral degree in physical therapy from a college or university that has a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education or a successor organization recognized by the board.

(2) The physical therapist has been issued a specialty certification from the American Board of Physical Therapy Specialties or other national organization recognized by the board. The clinical practice hours leading to the specialty certification shall include training in the practice of ordering x-rays.

(3) The physical therapist has completed a residency or fellowship certified by the American Board of Physical Therapy Residency and Fellowship Education or other national organization recognized by the board. The residency or fellowship shall include training in the practice of ordering x-rays.

(4) The physical therapist has completed a formal x-ray ordering training program approved by the board under s. PT 10.03.

PT 10.03 Approval of x-ray ordering training programs. (1) Only x-ray ordering training programs approved by the board may be used to satisfy the qualification under s. PT 10.02 (4). To apply for approval of an x-ray ordering training program, a provider shall submit to the board an application on forms provided by the department. The application shall include all of the following concerning the program:

- (a) The title.
- (b) A general description and a detailed outline of the content.
- (c) The dates and locations.
- (d) The name and qualifications of the instructor.
- (e) The sponsor.

Note: An application for x-ray ordering training program approval may be obtained from the board at the Department of Safety and Professional Services, Office of Education and Examinations, P.O. Box 8366, Madison, Wisconsin, 53708, or from the department's website at <http://dsps.wi.gov>.

(2) An x-ray ordering training program must meet all of the following criteria to be approved:

(a) The program constitutes an organized program of learning which contributes directly to the professional competency of a licensee to order x-rays.

(b) The program pertains to subject matters which integrally relate to the practice of ordering x-rays.

(c) The program is conducted by individuals who have specialized education, training, or experience by reason of which the individuals should be considered qualified concerning the practice of ordering x-rays. This shall include demonstrated physician involvement in the development or presentation of the program.

(d) The program fulfills pre-established goals and objectives.

(e) The program provides proof of attendance by licensees.

(f) The program includes a final examination or other assessment of a licensee's competency to order x-rays.

(3) A separate application shall be submitted for each x-ray ordering training program approval request.

(4) A program sponsor may repeat a previously approved x-ray ordering training program without application, if the subject matter and instructor have not changed.

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

(END OF TEXT OF RULE)

**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: 11/23/2016	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 12/6/2016	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Credentialing, Education, and Examination Matters – Discussion and Consideration 1. Approval Process for Ethics and Jurisprudence Courses 2. Standards for Approval of Continuing Education Courses a. Other States Information From Michele Thorman	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

This message is shared as follow up to my previous message this morning to Shari, John, Sara and Diane (which included her dialog with Lori) regarding "other organizations" approving CE. Thank you for observing precautions related to "walking quorums".

I did a search of surrounding jurisdictions and how they handle CE approval.

- 2 jurisdictions (MN and IL) exempt state universities and colleges from applying for / paying for CE approval
- 1 jurisdiction (IA) do not require CE approval/ application fees but instead leaves it to the licensee to determine if the course meets Iowa's standards. Participants receive completion certificates for courses and must provide documentation that the CE meets standards. CE providers are asked to be familiar with the IA standards.
- 1 jurisdiction (MI) appears to mirror the CE approval fees and processes recently adopted by the WPTA

I am happy to visit with you individually if you wish. Thank you again for your kind consideration of this information.

Michele

From the Minnesota Board of Physical Therapy's Application for CE Approval

http://mn.gov/boards/assets/CE%20Course%20Approval%20Application%20and%20Instructions_tcm21-91122.pdf

*Any course planned, sponsored, or cosponsored by an accredited university or college, medical school, state or national medical or osteopathic association, or a national medical specialty society, the American Physical Therapy Association or other national or state physical therapy association, the Arthritis Foundation, American Heart Association, or other national or state health organization shall be presumed to meet the above standards and need not submit an application.

From the Illinois Department of Financial and Professional Regulation

<https://www.idfpr.com/renewals/apply/forms/f1915pt.pdf>

"Forward a fee of \$500 in the form of a check or money order made payable to the Department of Financial and Professional Regulation. (State agencies, state colleges and state universities in Illinois are exempt from paying this fee.)"

From the Iowa Bureau of Professional Licensure

: http://www.iowaapta.org/documents/filelibrary/documents/coned_sponsor_guidelines_413DF5DB06C73.pdf

"The Bureau of Professional Licensure does not pre-approve continuing education providers, sponsors or individual programs. It is the licensees' responsibility to

determine if the continuing education programs they attend meet the requirements of their professional licensure board.

Potential sponsors are responsible for independently determining if the programs they provide conform to the continuing education requirements set forth in the rules regulations of the professional boards."

Michigan Physical Therapy Association:

https://mpta.com/about-michigan-physical-therapy/partner/MPTA_CEU_Application_Form.pdf

Appears this fee structure is the same as WPTA with the exception that it allows for an "approved provider" status if a given course is taught multiple times in one year in MI. Approved providers pay a flat fee based on the number of times a course is offered.

Michele Thorman PT, DPT, MBA
Clinical Professor/Associate Program Director
University of WI - La Crosse Physical Therapy Program

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lori Dominiczak		2) Date When Request Submitted: 11/7/2016 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 12/6/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? New Board Member Mentoring	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: John Greany will address this.			
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 Safety & Professional Services**

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4) Meeting Date: 12/6/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2016 Annual Report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Assign responsibility for completing the report.			
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 Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 11/23/2016 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Physical Therapy Examining Board			
4) Meeting Date: 12/6/2016	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel or Public Relation Requests and Reports – Discussion and Consideration 1. Travel Report from FSBPT Annual Meeting on November 3-5, 2016 in Columbus, OH	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Receive a report following the conclusion of the 2016 FSBPT Annual meeting.			
11) Authorization			
<i>Kimberly Wood</i>		11/23/2016	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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**

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7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive 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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Amber Cardenas, Board Counsel		2) Date When Request Submitted: 10.4.2016 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Member Recusal	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review information regarding ethical and legal obligations to recuse on certain matters at meetings.			
11) Authorization			
Signature of person making this request		Date	
s/Amber Cardenas		10.4.2016	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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Recusal

Board members are charged with making decisions that objectively represent the voice of the public, members of the profession, and those seeking entry into the profession. This means that as a board member you are not an advocate for a private interest group or professional association. As a public official, you are held to the highest standards of ethical and professional conduct, and should strive to avoid any relationship, activity or position that may influence the performance of your official duties as a board member.

It follows that you must recuse yourself from any conflict of interest that would compromise your neutrality in making decisions on the board. Ask yourself, “can I decide the issue, fairly and without bias, prejudice, or the impression or appearance of impropriety?” If not, you should recuse from the matter.

A conflict of interest is a type of interest that would result in some benefit, perceived benefit to you, or a bias or perceived bias in favor of or against a particular matter. Under any of the above circumstances, you may have an ethical duty to recuse. Factors to consider in deciding whether to recuse are whether the issue at hand involves a colleague, friend, family member or someone with a close business or social relationship. If yes, then it may be proper to recuse yourself from the matter. The more remote the relationship, professional association, or knowledge becomes, the further you may be removed from bias. You must consider whether you can render an impartial and unbiased decision.

Finally, when acting as a case advisor, you have a legal duty to recuse when the case involves a **contested matter** which is being deliberated and voted upon.

Examples include:

- Reviews of Administrative Warnings
- Petitions for Summary Suspension
- Complaints for Probable Cause (Med Board)
- Administrative Law Judge Proposed Decision and Orders (ALJ PDOs).

The Case Advisor **must** recuse him or herself and leave the room for any contested matter. Board Counsel should be present for contested cases to answer any legal questions and to provide information to the prosecutor should the case be remanded.

The Department of Safety and Professional Services greatly appreciates your willingness to serve the public and those in your profession. If there are any questions about whether a Board member should recuse, please contact Board Legal Counsel.