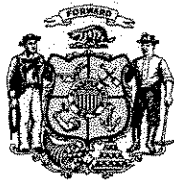


WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

Scott McCallum
Governor
Oscar Herrera
Secretary



1400 East Washington Avenue
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Testimony on Senate Bill 305
Before the
Senate Committee on Health, Utilities, Veterans and Military Affairs
Wednesday, March 6, 2002, 1:30 P.M.
411 South, State Capitol

Good afternoon Chairman Moen and members of the committee. Thank you for this opportunity to testify on Senate Bill 305 relating to the licensing of physical therapists and physical therapist assistants. My name is William Black. I am a legal counsel at the Department of Regulation and Licensing and testifying today on behalf of Secretary Oscar Herrera for information only.

Among many changes to the law, SB 305 requires a new license for physical therapist assistants. The department has not received evidence that state licensing of physical therapist assistants is necessary to protect patient safety.

Under current law, a physical therapist assistant is defined as a person who has graduated from a physical therapy assistant associate degree program approved by the American Physical Therapy Association. No license from the board is required for a physical therapist assistant to assist a physical therapist in practice, if the assistance is under the general supervision of the physical therapist. The board is required to promulgate rules that define what constitutes "general supervision." SB 305 would eliminate these provisions and prohibit a person from representing that he or she is a physical therapist assistant unless he or she is licensed by the board. In addition, the bill provides that only a licensed physical therapist assistant may append to his or her name the letters "P.T.A."

To qualify for a physical therapy assistant license under the bill, a person must satisfy certain requirements established by the Physical Therapists Affiliated Credentialing Board. Requirements include: graduating from a physical therapists assistant educational program that is accredited by an agency approved by the board and passing an examination for demonstrating minimum competency in the technical application of physical therapy services.

A different examination requirement applies to certain persons who apply for a license before the bill goes into effect, which is 24 months after publication of the bill. Such a person may obtain a license if he or she passes an examination on state laws and administrative rules relating to physical therapy, instead of an examination on competency. Also, such a person must meet other requirements established by the board.

The department thinks that the existing working relationship between the licensed physical therapist and physical therapist assistant currently works well and provides for adequate public protection. The department questions the need for state licensing of physical therapist assistants.

Again, thank you for the opportunity to comment on this legislation.



Wisconsin Medical Society

Your Doctor. Your Health.

March 6, 2002

To: Members of the Senate Committee on Health, Utilities, Veterans, and
Military Affairs

From: Alice O'Connor, Vice President of Advocacy and Policy
Wisconsin Medical Society

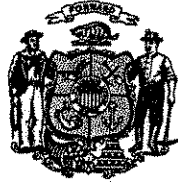
Re: Support for Senate Bill 305

The Wisconsin Medical Society (the Society), representing more than 9000 physicians and their patients in Wisconsin, requests you to vote for in favor of passage for SB 305. This bill acknowledges and clearly defines the changes in the scope of practice of Physical Therapists since the present state laws were enacted in the late 1940s.

The Society, after working several months in cooperation with the Wisconsin Physical Therapists Association, and in consultation with physician-specialists in neurology, physical medicine & rehabilitation (physiatry) and orthopedics, believes the definition of "physical therapy" (in concert with the definition of "diagnosis") contained in SB 305 is appropriate in scope from the medical perspective, and that it does accurately reflect the education, training and practice of licensed physical therapists. Because of this, we support SB 305 and ask you recommend this legislation to the Senate for passage.

Thank you.

STATE OF WISCONSIN



**Statement of the
WI Physical Therapists Affiliated Credentialing Board
Before the
Senate Committee on
Health, Utilities, Veterans And Military Affairs
Senator Rodney Moen, Chair**

**Statement of Laurie Kontney, Professional Board Member
representing the
Physical Therapists Affiliated Credentialing Board
concerning Senate Bill 305 relating to licensing of physical
therapists and physical therapist assistants.**

**411 South, State Capitol
Wednesday, March 6, 2002 1:30 P.M.**

Good afternoon Chairman Moen and committee members. Thank you for the opportunity to testify on Senate Bill 305. My name is Laurie Kontney and I am a professional member of the Wisconsin Physical Therapists Affiliated Credentialing Board. I currently serve as Secretary. We have previously submitted written testimony in support of the companion bill, AB 615, to the Assembly Committee on Health. We now would like to lend our support to the passage of Senate Bill 305.

The Board feels that the passage of SB 305 would be beneficial in providing a definition of "Physical Therapy" that is reflective of current practice. Schools are educating practitioners and we are testing to the level of competency described in this definition.

SB 305 would provide for the credentialing of Physical Therapist Assistants. This provision is needed for public protection purposes.

We are in support of the disciplinary and oversight features which are added to the regulation of physical therapy practice.

The Physical Therapists Affiliated Credentialing Board has no objection to the currently proposed Assembly Amendment to the companion bill AB 615 with one exception. Section 19v, creating § 448.52(2m), Stats. (starting at page 2, line 2 please see attached) states as follows:

448.52(2m) A license is not required under this subchapter for any of the following:

(a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor.

(b) A chiropractor licensed under ch. 446 claiming to render modality based physical therapy services.

The board strongly feels that the reference to "modality based physical therapy services" in par. (b) is inherently confusing in failing to establish a distinction between "physical therapy" and "modality based physical therapy." To the extent that such a distinction exists, it will not be recognized by the public, and the chance for confusion by persons seeking physical therapy services is therefore obvious. **Accordingly, the Physical Therapists Affiliated Credentialing Board would suggest that proposed § 448.52(2m) be amended to read as follows:**

448.52(2m) A license is not required under this subchapter for any of the following:

(a) Except as provided in par. (b), a chiropractor licensed under ch. 446 claiming to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor.

(b) A chiropractor licensed under ch. 446 claiming to render modality based services.

Our proposed amendment to the Assembly Amendment to AB 615 would delete "physical therapy" from the suggested language of "modality based physical therapy services." We are recommending this change because "modality based physical therapy services" does not exist. It is a made up phrase. "Modalities" are interventions which are common to a number of professional disciplines such as Physical Therapy, Occupational Therapy, Athletic Training, Nursing, and yes, Chiropractic. They do not belong to physical therapy since they are shared with other professions. To identify them as "physical therapy" is erroneous and misleading.

Contact the Board at 1400 East Washington Avenue, PO Box 8935, Madison, WI 53708-8935.

E-mail: clete.hansen@drl.state.wi.us. Voice: 608-266-5439; Fax: 608-267-3816; TTY: 608-267-2416

Senate Committee on Health, Utilities, Veterans and Military Affairs
Statement of Laurie Kontney, WI Physical Therapists Affiliated Credentialing Board
Senate Bill 305
Page 3

Under current law the term Physical Therapy is a protected term and those not licensed to provide Physical Therapy are prevented from representing, publicly, that they do. Currently, the proposed language in the Assembly Amendment, would create the likelihood of generating confusion, to the detriment of the public's understanding of the services they are receiving.

It is imperative that the language used to create public policy be unambiguous. We respectfully submit that the proposed Assembly Amendment does create ambiguity, which will lead to public confusion.

Again, thank you for this opportunity to testify on this legislation.

Attachment

Vote Record

Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 3/16/02

Bill Number: SB 305

Moved by: Robson

Seconded by: Cowles

Motion: intro + adopt of Sen Amend 1

Committee Member

Sen. Rodney Moen, Chair

Aye

No

Absent Not Voting

Sen. Roger Breske

Sen. Judith Robson

Sen. Jon Erpenbach

Sen. Mark Meyer

Sen. Peggy Rosenzweig

Sen. Robert Cowles

Sen. Scott Fitzgerald

Sen. Mary Lazich

Totals:

Motion Carried

Motion Failed

Vote Record

Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: _____

Bill Number: SB 305

Moved by: _____

Seconded by: Meyer

Motion: Waiver

Committee Member

Sen. Rodney Moen, Chair

Aye

No

Absent Not Voting

Sen. Roger Breske

Sen. Judith Robson

Sen. Jon Erpenbach

Sen. Mark Meyer

Sen. Peggy Rosenzweig

Sen. Robert Cowles

Sen. Scott Fitzgerald

Sen. Mary Lazich

Totals:

Motion Carried

Motion Failed