

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 16-089)

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:

Section 448.56 (7) (a) (intro.), Stats., as created by 2015 Wisconsin Act 375, 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 Board by rule:

1. The physical therapist holds a clinical doctorate degree in physical therapy.
2. The physical therapist has completed a nationally recognized specialty certification program.
3. The physical therapist has completed a nationally recognized residency or fellowship certified by an organization recognized by the examining board.

4. The physical therapist has completed a formal X-ray ordering training program with demonstrated physician involvement.

As required by 2015 Wisconsin Act 375, the proposed rules further specify the above qualifications.

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 were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

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 Greg.Gasper@wisconsin.gov, or by calling (608) 261-4466.

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.

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

Comments may be submitted to 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, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on February 8, 2017, to be included in the record of rule-making proceedings.

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.

Note: See also s. 448.56 (7) (b), Stats., relating to coordination of care with the patient's primary care physician or an appropriate health care practitioner.

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.

(2) The physical therapist has been issued a specialty certification from the American Board of Physical Therapy Specialties. The clinical practice hours leading to the specialty certification shall include training in the practice of ordering x-rays. A specialty certification issued by a national organization other than the American Board of Physical Therapy Specialties satisfies the qualification under this subsection if the certification program meets the criteria under sub. (4) (a) to (f).

(3) The physical therapist has completed a residency or fellowship accredited by the American Board of Physical Therapy Residency and Fellowship Education. The residency or fellowship shall include training in the practice of ordering x-rays. Completion of a residency or fellowship accredited by a national organization other than the American Board of Physical Therapy Residency and Fellowship Education satisfies the qualification under this subsection if the residency or fellowship program meets the criteria under sub. (4) (a) to (f).

(4) The physical therapist has successfully completed a formal x-ray ordering training program meeting all of the following criteria:

(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.

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)

This Proposed Order of the Physical Therapy Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Physical Therapy Examining Board