

STATEMENT OF SCOPE

PHYSICAL THERAPY EXAMINING BOARD

Rule No.: PT 1 and 5

Relating to: Supervision of Physical Therapist Assistants

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

Administrative rules require a physical therapist providing general supervision of a physical therapist assistant to have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days and provide on-site assessment and reevaluation of each patient's treatment a minimum of one time per calendar month or every tenth treatment day, whichever is sooner. The spread of COVID-19 and the resulting safety precautions have severely limited the ability of physical therapists to adhere to these supervision requirements. An expeditious promulgation of the proposed rule is in the best interest of Wisconsin's economy and public welfare, as it will help ensure continuity of care for individuals in need of physical therapy services.

2. Detailed description of the objective of the proposed rule:

The Board's primary objective is to promulgate an emergency rule that will temporarily suspend the requirements under s. PT 5.01 (2) (b) and (h) that a supervising physical therapist have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days and provide on-site assessment and reevaluation of each patient's treatment a minimum of one time per calendar month or every tenth treatment day, whichever is sooner.

The Board will also conduct a review of the supervision requirements under s. PT 5.01, which will include evaluating alternative methods for a supervising physical therapist to maintain contact with physical therapist assistants and patients. The Board may, as a result of this evaluation, revise the requirements for supervision of physical therapist assistants under s. PT 5.01. These revisions may be included in the emergency rule, promulgated in a permanent rule, or both.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section PT 5.01 contains requirements for supervision of physical therapist assistants, including requirements that a physical therapist providing general supervision of a physical therapist assistant have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days and provide on-site assessment and reevaluation of each patient's treatment a minimum of one time per calendar month or every tenth treatment day, whichever is sooner. If the rules are not updated to temporarily suspend these requirements, continuity of care of individuals in need of physical therapy services may be adversely affected. In addition, the Board will evaluate alternative methods by which a supervising physical therapist may maintain contact with physical therapist assistants and patients, and may as a result revise the requirements for the supervision of physical therapist assistants under s. PT 5.01.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.56 (6), Stats., provides “[a] physical therapist assistant may assist a physical therapist in the practice of physical therapy if the physical therapist provides direct or general supervision of the physical therapist assistant. The examining board shall promulgate rules defining “direct or general supervision” for purposes of this subsection. Nothing in this subsection interferes with delegation authority under any other provision of this chapter.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

80 hours

6. List with description of all entities that may be affected by the proposed rule :

Physical therapists, physical therapist assistants, entities employing physical therapists and physical therapist assistants, and individuals accessing physical therapy services.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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