

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

Donsia Strong Hill
Secretary

DEC 03 2003



03-020d
1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
32?
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

November 28, 2003

The Honorable Carol Roessler
Chair, Senate Health Committee
Room 8 South
State Capitol
P.O. Box 7882
Madison 53707-7882

Dear Senator Roessler:

This letter responds to your November 25, 2003 correspondence to the Department requesting that the Department review and modify CR 03-020.

The Department agrees to work with the Committee to address the proposed modifications to CR 03-020 by arranging for the rulemaking authority, the Physical Therapists Affiliated Credentialing Board, to meet by teleconference regarding the proposed modifications. Please be assured that Department staff will set up the meeting soon.

We appreciate your efforts toward improving the regulatory framework within the practice of physical therapy.

Sincerely,

A handwritten signature in cursive script, appearing to read "D Strong Hill".

Donsia Strong Hill
Secretary, Department of Regulation and Licensing

c: Barbara Flaherty, PT
Chair, Physical Therapists Affiliated Credentialing board

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

Donsia Strong Hill
Secretary



December 15, 2003

DEC 16 2003

The Honorable Carol Roessler
Wisconsin State Senator
P.O. Box 7882
Madison, WI 53707-7882

Re: CR 03-020

Dear Senator Roessler:

This letter is in response to the November 25 letter sent to Secretary Donsia Strong Hill by the Senate Committee on Health, Children, Families, Aging and Long Term Care, in which the Committee requests a written response as to whether the rulemaking authority agrees to work with the Committee on making modifications to the rule. The Board met by teleconference yesterday and moved in favor of continuing to work with the committee to modify CR 03-020.

After a review and preliminary approval of amendments to the compromise edits, Otto Cordero, a Physical Therapist member of the Board, was appointed to revise the current draft with the Board's Legal Counsel. The revised draft will be submitted to the full Board for review and approval at a date in the near future.

It is my understanding that this letter indefinitely suspends the December 25 deadline for committee review.

Please be assured that we will send the Committee a revised draft as soon as it is available.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Flaherty".

Barbara Flaherty, PT
Chair, Physical Therapists Affiliated Credentialing Board

c: Secretary Donsia Strong Hill, Department of Regulation and Licensing

STATE OF WISCONSIN
PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHYSICAL THERAPISTS AFFILIATED
PHYSICAL THERAPISTS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 03-020)

PROPOSED ORDER

An order of the Physical Therapists Affiliated Credentialing Board to repeal the Notes following PT 1.03 (1) (c) and (1) (d) 4., to renumber and amend PT 3.01 (4) and 6.01; to amend PT 1.01, 1.02 (intro.), (2) and (6), 1.03 (1) (intro.), (c), (d) (intro.), 2., (2), (3) (a) to (d) and the Note following PT 1.03 (3) (d), 2.01 (1) (h), (i), (6) (a) and (b), (8) (intro.), 3.01 (1) and (3), 7.01, 7.02 (1), 8.01; to repeal and recreate chapter PT 5; and to create a Note following PT 1.03 (2), a Note following PT 1.03 (3) (d), a Note following PT 2.01 (8), 2.04, 3.01 (4) and a Note following 4.01 (4), (6) and (7), 4.01 (1) (d), 6.01 (1) (a) to (c), (2) and (3), 7.02 (19), (20), (21), 7.03 and 7.04 and chapter PT 9, relating to the licensing of physical therapists and physical therapist assistants, as well as continuing education requirements.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.085 (5) (b) and 227.11 (2), Stats., and ss. 448.527, 448.55, 448.56, 448.564 and 448.567, Stats., as created by 2001 Wisconsin Act 70.

Statutes interpreted: ss. 448.527, 448.55, 448.56, 448.564 and 448.567, Stats.

This proposed rule-making order implements 2001 Wisconsin Act 70, relating to the licensing of physical therapists and physical therapist assistants and granting rule-making authority. The Act makes a number of changes to the provisions affecting the practice of physical therapy and physical therapist assistants, as well as requirements relating to continuing education.

Section 1 amends the authority to include the amended and new statutory language brought about by Act 70.

Section 2 amends the definitions of "FSBPT" and "physical therapy aide."

Section 3 simply adds two words for clarification.

Section 4 repeals a Note that no longer is needed.

Section 5 is amended to include the physical therapist assistants' requirements.

Section 6 repeals a Note that is no longer needed.

Section 7 is amended to include the physical therapist assistant's requirements.

Section 8 creates a Note that refers to foreign graduate evaluation services.

Section 9 is amended to include the physical therapist assistant requirements.

Section 10 creates a note.

Section 11 is amended to include the physical therapist assistant educational programs.

Section 12 creates a note.

Section 13 creates examination waiver requirements.

Section 14 is amended to include the physical therapist assistant examination.

Section 15 is amended to repeal outdated information.

Section 16 creates a note.

Section 17 is created to clarify the supervision of a person holding a temporary license.

Section 18 is created to provide a letter from an organization or facility requesting the applicant's services.

Section 19 repeals and recreates Chapter PT 5, relating to the practice and supervision of physical therapist assistants and the supervision of unlicensed personnel.

Section 20 repeals some services for referrals and Section 21 creates types of services for referrals.

Section 22 amends several statutory cites.

Section 23 is created to include other conduct that relates to unprofessional conduct.

Section 24 amends a statutory cite.

Section 25 creates Chapter 9, continuing education that includes definitions, requirements, standards for approval of continuing education programs, tables of activities that qualify for continuing education hours, and the number of hours, and what constitutes proof of attendance at continuing that may be required for renewal.

TEXT OF RULE

SECTION 1. PT 1.01 is amended to read:

PT 1.01 Authority and purpose. The rules in chs. PT 1 to & 9 are adopted by the physical therapists affiliated credentialing board pursuant to the authority delegated by ~~s.~~ ss. 15.085 (5) (b), 448.527, 448.55 (3), 448.56 (1m) (b) and 448.567, Stats., and govern the issuance of licenses to ~~practice physical therapy therapists~~ physical therapists under s. 448.53, Stats., the issuance of licenses to physical therapist assistants under s. 448.535, Stats., the referral for physical therapy services under s. 448.56, Stats., unprofessional conduct under s. 448.57, Stats., ~~and~~ biennial license renewal under s. 440.08, Stats., continuing education requirements under s. 448.55 (3), Stats., continuity of care requirements under s. 448.56, Stats., and conduct of board self-audits under s. 448.567, Stats.

SECTION 2. PT 1.02 (intro.), (2) and (6) are amended to read:

PT 1.02 Definitions. (intro.) As used in chs. PT 1 to & 9:

(2) "FSBPT" means the ~~federated state board~~ Federation of State Boards of physical therapy examination Physical Therapy.

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

SECTION 3. PT 1.03 (1) (intro.) and (c) are amended to read:

PT 1.03 Applications and credentials. (1) (intro.) Every person applying for any class of license to ~~practice~~ provide physical therapy services shall make application on forms provided by the board, and shall submit to the board all of the following:

(c) Verified documentary evidence of graduation from a school of physical therapy or a physical therapist assistant educational program approved by the board.

SECTION 4. The Note following PT 1.03 (1) (c) is repealed.

SECTION 5. PT 1.03 (1) (d) (intro.) and 2. are amended to read:

PT 1.03 (1) (d) (intro.) In the case of a graduate of a foreign school of physical therapy or physical therapist assistant educational program, verification of educational equivalency to a board-approved school of physical therapy or physical therapist assistant educational program. The verification shall be obtained from a board-approved foreign graduate evaluation service, based upon submission to the evaluation service of the following material:

2. A verified copy of the diploma from the school or educational program at which professional physical therapy or physical therapist assistant training was completed.

SECTION 6. The Note following PT 1.03 (1) (d) 4. is repealed.

SECTION 7. PT 1.03 (2) is amended to read:

PT 1.03 (2) If an applicant is a graduate of a school of physical therapy or a physical therapist assistant educational program not approved by the board, the board shall determine whether the applicant's educational training is equivalent to that specified in sub. (1) (c). In lieu of its own evaluations, the board may use evaluations prepared by ~~the university of Wisconsin-Madison~~ a board-approved evaluation service. The cost of an evaluation shall be paid by the applicant.

SECTION 8. A Note following PT 1.03 (2) is created to read:

Note: The board periodically reviews and approves foreign graduate evaluation services. A list of board-approved evaluation services is available upon request from the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

SECTION 9. PT 1.03 (3) (a) to (d) and the Note following PT 1.03 (3) (d) are amended to read:

PT 1.03 (3) (a) That he or she is a graduate of a physical therapy school or a physical therapist assistant educational program.

(b) That he or she is licensed as a physical therapist or physical therapist assistant by another licensing jurisdiction in the United States.

(c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school or educational program approved by the licensing jurisdiction or of a school or educational program that the licensing jurisdiction evaluated for educational equivalency.

(d) That he or she has actively practiced as a physical therapy therapist or physical therapist assistant, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

Note: The board approves those schools of physical therapy and physical therapist assistant educational programs that are at the time of the applicant's graduation recognized and approved by the ~~American physical therapy association or the council on medical education of the American medical association, or their successors~~ Commission on Accreditation in Physical Therapy Education.

SECTION 10. A Note following PT 1.03 (3) (d) Note is created to read:

NOTE: Under 2001 Wisconsin Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.

SECTION 11. PT 2.01 (1) (h), (i), (6) (a) and (b), and (8) (intro.) are amended to read:

PT 2.01 (1) (h) Has not practiced ~~physical therapy as a physical therapist or physical therapist assistant~~ as a physical therapist or physical therapist assistant for a period of 3 years prior to application, unless the applicant has been graduated from a school of physical therapy or a physical therapist assistant educational program within that period.

(i) Has been graduated from a physical therapy school or a physical therapist assistant educational program not approved by the board.

(6) (a) The score required to pass each written physical therapy or physical therapist assistant examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession and on the reliability of the examination. The passing grade shall be established prior to giving the examination.

(b) The passing ~~score~~ scores for the national physical therapy examination ~~is that score~~ and the national physical therapist assistant examination are those scores recommended by the ~~federation of state boards of physical therapy~~ Federation of State Boards of Physical Therapy.

(8) (intro.) Any applicant who is a graduate of a school ~~in a program in physical therapy for physical therapists or an educational program for physical therapist assistants~~ in which English is not the primary language of communication shall take and pass each of the following in order to qualify for a license:

SECTION 12. A Note following PT 2.01 (8) is created to read:

Note: Under 2001 Wisconsin Act 70, physical therapist assistants are not required to be licensed until April 1, 2004.

SECTION 13. PT 2.04 is created to read:

PT 2.04 Examination waiver. An applicant for a license to practice as a physical therapist assistant who applies prior to April 1, 2004, shall not be required to complete the national physical therapist assistant examination if the applicant does all of the following:

(1) Pays the fee specified in s. 440.05 (1), Stats.

(2) Subject to ss. 111.321, 111.322 and 111.335, Stats., submits evidence satisfactory to the board that the applicant does not have an arrest or conviction record.

(3) Provides evidence satisfactory to the board that the applicant has graduated from an accredited physical therapist assistant educational program.

(4) Provides evidence satisfactory to the board that during at least 2 years of the 5 year period immediately preceding April 26, 2002, the applicant was a physical therapist assistant, as defined by s. 448.52 (3), Stats., assisting a physical therapist in practice under the general supervision of a physical therapist as specified in s. PT 5.01.

(5) Passes an examination administered by the board on state laws and administrative rules relating to physical therapy.

(6) Submits letters of recommendation from 2 physical therapists licensed by the board who have personal knowledge of the applicant's activities in assisting a physical therapist in practice.

SECTION 14. PT 3.01 (1) and (3) are amended to read:

PT 3.01 Temporary license to practice under supervision. (1) An applicant for a regular license to practice ~~physical therapy~~ as a physical therapist or physical therapist assistant who is a graduate of an approved school of physical therapy or a physical therapist assistant educational program and ~~is scheduled~~ has applied to take the ~~next written~~ national physical therapy licensure ~~therapist examination or the national physical therapist assistant examination or~~ has taken the written physical therapy licensure examination national physical therapist 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 ~~physical therapy~~ 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 ~~physical therapy~~ as a physical therapist or physical therapist assistant, the board, acting through the 2 members, may issue a temporary license to practice ~~physical therapy~~ as a physical therapist or physical therapist assistant under supervision to the applicant.

(3) The holder of a temporary license to practice physical therapy under supervision may practice physical therapy as defined in s. 448.50(4), Stats., providing that the entire practice is under the supervision of a person validly holding a regular license to practice ~~physical therapy in this state as a physical therapist. No physical therapist may supervise more than 2 physical therapists who hold temporary licenses.~~ The supervision shall be direct, immediate, and on premises. ~~In extenuating circumstances, when the supervising physical therapist is absent from the job, the physical therapist with a temporary license may carry out established programs for 30 calendar days. The supervising physical therapist must provide up-to-date documentation prior to absence.~~

SECTION 15. PT 3.01 (4) is renumbered PT 3.01 (5) and amended to read:

PT 3.01 (5) The duration of a temporary license to practice physical therapy under supervision granted under this section shall be for a period of 3 months or until the holder receives failing examination results, whichever is shorter. ~~A temporary license may be renewed for a period of 3 months, and may be renewed a second time for a period of 3 months, for reasons of hardship, if the holder files with the board an affidavit satisfactory to the board identifying the hardship. Practice under a temporary license may not exceed 9 months total duration. In this subsection, "hardship" means an applicant's inability to take or complete a scheduled examination because of illness, family illness or death, accident or disaster, or because the applicant is waiting for examination results.~~

SECTION 16. PT 3.01 (4) and a Note following PT 3.01 (4) are created to read:

PT 3.01 (4) The holder of a temporary license to practice as a physical therapist assistant under supervision may provide physical therapy services as defined in 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.

Note: Under 2001 Wisconsin Act 70, physical therapist assistants are not required to be licensed until April 1 2004.

SECTION 17. PT 3.01 (6) and (7) are created to read:

PT 3.01 (6) A physical therapist may supervise no more than a combined total of 4 physical therapists and physical therapist assistants who hold temporary licenses. This number shall be reduced by the number of physical therapist assistants and physical therapy aides being supervised by the physical therapist under s. PT 5.02 (10).

(7) A temporary license to practice as a physical therapist or physical therapist assistant under supervision may not be renewed.

SECTION 18. PT 4.01 (1) (d) is created to read:

PT 4.01 (1) (d) A letter from a physical therapist licensed in this state requesting the applicant's services, or a letter from an organization or facility in this state requesting the applicant's services.

SECTION 19. Chapter PT 5 is repealed and recreated to read:

Chapter PT 5

PHYSICAL THERAPIST ASSISTANTS AND UNLICENSED PERSONNEL

PT 5.01 Practice and supervision of physical therapist assistants. (1) A physical therapist assistant, as defined in s. 448.50 (3m), Stats., shall assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist.

(2) In providing general supervision, the physical therapist shall do all of the following:

(a) Have primary responsibility for physical therapy care rendered by the physical therapist assistant.

(b) Have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days, unless the board approves another type of contact.

(c) Remain accessible to telecommunications in the interim between direct contacts while the physical therapist assistant is providing patient care.

(d) Establish a written policy and procedure for written and oral communication. This policy and procedure shall include a specific description of the supervisory activities undertaken for the physical therapist assistant as well as a description of the manner by which the physical therapist shall manage all aspects of patient care. The amount of supervision shall be appropriate to the setting and the services provided.

(e) Provide initial patient examination, evaluation and interpretation of referrals and create the initial patient record for every patient the physical therapist treats.

(f) Develop and revise as appropriate a written patient treatment plan and program.

(g) Delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training and experience.

(h) Provide on-site assessment and reevaluation of each patient's treatment at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.

(i) Coordinate discharge plan decisions and the final assessment with the physical therapist assistant.

(j) Limit the number of physical therapist assistants practicing under general supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter. No physical therapist may at any time supervise more than 2 physical therapist assistants full-time equivalents practicing under general supervision.

PT 5.02 Supervision of unlicensed personnel. (1) A physical therapist shall provide direct on-premises supervision of unlicensed personnel at all times. A physical therapist may not direct unlicensed personnel to perform tasks which require the decision making or problem solving skills of a physical therapist, including but not limited to patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) In providing direct on-premises supervision, the physical therapist shall do all of the following:

(a) Retain full professional responsibility for patient related tasks performed.

(b) Be available at all times for direction and supervision with the person performing related tasks.

(c) Evaluate the effectiveness of patient related tasks performed by those under direct supervision by assessing persons for whom tasks have been performed prior to and following performance of the tasks.

(d) Routinely evaluate the effectiveness of patient related tasks performed by those under direct supervision by observing and monitoring persons receiving such tasks.

(e) Determine the competence of personnel to perform assigned tasks based upon his or her education, training and experience.

(f) Verify the competence of unlicensed personnel with written documentation of continued competence in the assigned tasks.

(g) Perform initial patient examination, evaluation, diagnosis and prognosis, interpret referrals, develop and revise as appropriate a written patient treatment plan and program for each patient and create and maintain a patient record for every patient the physical therapist treats.

(h) Provide interpretation of objective tests, measurements and other data in developing and revising a physical therapy diagnosis, assessment and treatment plan.

(i) Direct unlicensed personnel to provide appropriate patient related tasks consistent with the education, training, and experience of the person supervised. Direction should list specific patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.

(j) Limit the number of unlicensed personnel providing patient related tasks under direct supervision to a number of appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services

that are consistent with accepted standards of care and consistent with all other requirements under this chapter.

(k) The total number of physical therapist assistants providing physical therapy services and unlicensed personnel performing patient related tasks under supervision may not exceed a combined total of 4. This number shall be reduced by the number of physical therapists and physical therapist assistants holding temporary licenses who are being supervised under s. PT 3.10 (6).

SECTION 20. PT 6.01 is renumbered PT 6.01 (1) (intro.) and amended to read:

PT 6.01 Referrals. (1) (intro.) In addition to the services excepted from written referral under s. 448.56, Stats., a written referral is not required to provide the following services: ~~conditioning, injury prevention and application of biomechanics, and treatment of musculoskeletal injuries with the exception of acute fractures soft tissue avulsions where other medical interventions may be indicated,~~ related to the work, home, leisure, recreational and educational environments;

SECTION 21. PT 6.01 (1) (a) to (c), (2) and (3) are created to read:

PT 6.01 (1) (a) Conditioning.

(b) Injury prevention and application of biomechanics.

(c) Treatment of musculoskeletal injuries with the exception of acute fractures or soft tissue avulsions.

(2) A physical therapist providing physical therapy services pursuant to a referral under s. 448.56 (1), Stats., shall communicate with the referring physician, chiropractor, dentist or podiatrist as necessary to ensure continuity of care.

(3) A physical therapist providing physical therapy services to a patient shall refer the patient to a physician, chiropractor, dentist, podiatrist or other health care practitioner under s. 448.56 (1m), Stats., to receive required health care services which are beyond the scope of practice of physical therapy.

SECTION 22. PT 7.01 and 7.02 (1) are amended to read:

PT 7.01 Authority and purpose. ~~The definition~~ definitions of this chapter ~~is~~ are adopted by the board pursuant to the authority delegated by ~~s. ss. 15.085 (5) (b); and 448.527, Stats., for the purposes of ch. 448, Stats., to establish the standards of ethical conduct by physical therapists and physical therapist assistants.~~

PT 7.02 (1) Violating or attempting to violate ~~any s. 448.57 (2) (a) to (g), Stats., or any other~~ applicable provision or term of ch. 448, Stats., or of any valid rule of the board.

SECTION 23. PT 7.02 (19), (20), (21), 7.03 and 7.04 are created to read:

PT 7.02 (19) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult receiving treatment shall continue to be a patient until the time of final discharge from physical therapy.

(20) Failure to inform a patient or client of the costs, benefits and risks of viable physical therapy intervention and treatment alternatives.

(21) Failing to report to the board or to institutional supervisory personnel any violation of this chapter by a licensee.

PT 7.03 Complaints. Procedures and requirements for filing complaints with the board are set forth in ch. RL 2.

PT 7.04 Self-audits. The board shall biennially review and evaluate its performance in carrying out its responsibilities under this chapter and in other areas over which the board exercises its independent authority, as defined in s. 440.035, Stats.

SECTION 24. PT 8.01 is amended to read:

PT 8.01 Authority and purpose. The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2), Stats., and govern biennial renewal of licensees of the board.

SECTION 25. Chapter PT 9 is created to read:

Chapter PT 9

CONTINUING EDUCATION

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 (5) (b), 227.11 (2) and 448.55 (3), Stats., and govern required biennial continuing education of licensees of the board.

PT 9.02 Definitions. In this chapter:

(1) "CEU" means continuing education unit in physical therapy.

(2) "Continuing education" means planned, organized learning activities designed to maintain, improve, or expand a licensee's knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

(3) "Hour of continuing education" means not less than 55 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

(4) "Licensee" means a person licensed to practice as a physical therapist or physical therapist assistant in this state.

PT 9.03 Continuing education requirements. (1) Unless granted a postponement or waiver under sub. (8), every physical therapist shall complete at least 30 hours of board-approved continuing education in each biennial registration period, as specified in s. 448.55 (3), Stats.

(2) Unless granted a postponement or waiver under sub. (8), every physical therapist assistant shall complete at least 20 hours of board-approved continuing education in each biennial registration period, as specified in s. 448.55 (3), Stats.

(3) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has lapsed, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.

(4) Unless granted a postponement or waiver under sub. (8), a licensee who fails to meet the continuing education requirements by the renewal deadline shall cease and desist from practice.

(5) During the time between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements.

(6) Applicants from other states applying for a license to practice as a physical therapist under s. 448.53 (3), Stats., shall submit proof of completion of at least 30 hours of continuing education approved by the board within 2 years prior to application.

(7) Applicants from other states applying for a license to practice as a physical therapist assistant under s. 448.535 (3), Stats., shall submit proof of completion of at least 20 hours of continuing education approved by the board within 2 years prior to application.

(8) A licensee may apply to the board for a postponement or waiver of the requirements of this section on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

Note: Under 2001 Wisconsin Act 70, continuing education requirements do not become effective until the licensing period beginning November 1, 2005 and ending on October 31, 2007.

PT 9.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

- (a) The program constitutes an organized program of learning which contributes directly to the professional competency of the licensee.
- (b) The program pertains to subject matters which integrally relate to the practice of the profession.
- (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 subject matter of the activity or program.
- (d) The program fulfills pre-established goals and objectives.
- (e) The program provides proof of attendance by licensees.

(2) Both class I and class II continuing education activities described in tables PT 9.04 – 1 and PT 9.04 – 2 qualify for continuing education hours, except as follows:

- (a) Physical therapists shall acquire at least 20 hours in class I activities.
- (b) Physical therapist assistants shall acquire at least 15 hours in class I activities.
- (c) Both physical therapists and physical therapist assistants shall acquire at least 4 class I hours in ethics and jurisprudence.

<u>TABLE PT 9.04 – 1; CLASS I ACTIVITIES</u>	
(a) Attendance at academic credit courses.	10 hours per semester credit.
(b) Attendance at seminars, workshops, lectures, symposia and professional conferences which are approved by recognized health-related organizations, including the American Physical Therapy Association, the Wisconsin Physical Therapy Association, the Arthritis Foundation, and other recognized CEU granting organizations.	10 hours per CEU.
(c) Satisfactory completion of a self-study course or courses offered through electronic media approved by recognized health-related organizations, including the American Physical Therapy Association, the Wisconsin Physical Therapy Association, the Arthritis Foundation,	10 hours per CEU.

and other recognized CEU granting organizations.	
(d) Certification of clinical specialization by the American Board of Physical Therapy Specialties or other recognized clinical specialization certifying organization.	12 hours.
(e) Authorship of a book in physical therapy or a related professional area.	12 hours.
(f) Publication of one or more chapters of a book in physical therapy or a related professional area.	6 hours.
(g) Authorship of a presented scientific poster, scientific platform presentation or published article undergoing peer review.	6 hours.
(h) Participation as a presenter in continuing education courses, workshops, seminars or symposia which have been approved by a recognized health-related organization and which have been approved for continuing education units. Note: No additional hours are given for subsequent presentations of the same content.	10 hours per CEU.
(i) Participating in a clinical residency program credentialed by the American Physical Therapy Association or other recognized credentialing organization.	5 hours per week of residency to a maximum of 25 hours.

TABLE PT 9.04 – 2; CLASS II ACTIVITIES

(a) Attendance at employer-provided continuing education, including video and non-interactive online courses.	1 hour per contact hour of attendance.
(b) Publication of an article in a non-peer-reviewed publication.	4 hours.
(c) Development of alternative media materials, including computer software, programs and video instructional material.	6 hours.
(d) Serving as a clinical instructor for an accredited physical therapist or physical therapist assistant educational program.	1 hour per contact hour to a maximum of 4 hours.
(e) Participating in a physical therapy study group consisting of 2 or more physical therapists or physical therapist assistants.	A maximum of 1 hour.

(f) Participating in a residency or as a mentor in a formal nonacademic mentorship.	1 hour per 8 contact hours to a maximum of 4 hours.
(g) Attendance at a scientific poster session, lecture, panel or symposium which does not meet the requirements of Class I.	1 hour per contact hour to a maximum of 2 hours.
(h) Serving as a delegate to the American Physical Therapy Association House of Delegates, on a professional committee, board or task force.	A maximum of 1 hour.

(3) The following activities shall not be awarded continuing activity credit:

- (a) Meetings for the purpose of policy decisions.
- (b) Non-educational meetings at annual association, chapter or organization meetings.
- (c) Entertainment or recreational meetings or activities.
- (d) Visiting exhibits.

PT 9.05 Proof of attendance at continuing education programs. Applicants for renewal shall be required to certify their attendance at required continuing education programs. The board may conduct a random audit of all licensees on a biennial basis for compliance with continuing education requirements, and shall audit any licensee who is under investigation by the board for alleged misconduct.

 (END OF TEXT OF RULE)

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.), Wis. Stats.

Dated _____

Agency _____

Chairperson
 Physical Therapists Affiliated
 Credentialing Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute this rule.

The Fiscal Estimate of the Department's costs prepared in November 2001 and attached to 2001 AB 615—enacted as 2001 Act 70—stated:

“This bill would create a new type of license for physical therapist assistants. The agency would require 1.0 FTE at the Program Assistant 1 level to process applications for this license type. The annual salary for a PA 1 is \$20,970 with a fringe cost of \$7,900.

There would also be costs associated with developing, printing and mailing the new application forms. There are currently 4,453 physical therapists licensed in the state of Wisconsin. These costs are projected at \$15 per licensee for a total increase of \$66,795.”

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

PT CR 03-020 (PT Licensing and CE) Leg for 10-day review 02-05-04

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING



Donsia Strong Hill
Secretary

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

February 5, 2004

Senator Carol Roessler, Chair
Senate Committee on Health, Children, Families, Aging
And Long Term Care
8 South, State Capitol
Madison, WI 53702

RE: Clearinghouse Rule 03-020
Physical Therapists Affiliated Credentialing Board

Dear Senator Roessler:

On November 25, 2003, the Senate Committee on Health, Children, Families, Aging and Long Term Care requested that the Department review and modify CR 03-020, relating to the licensing of physical therapists and physical therapist assistants. The Committee met on December 12, 2003, and agreed to work with the committee to address the proposed modifications. The Board designated one of its members to work with Board counsel Wayne Austin on revisions discussed at the meeting. Concurrently, the Department's general counsel re-drafted the rule in an attempt to clarify the scope of practice for physical therapist assistants. This draft was presented to the Board at its January 27, 2004 meeting. With minor modification, the Board passed a motion approving a modified rule. The Board expects no opposition to its proposed edits. Its final version is as follows:

PT 5.01 Practice and supervision of physical therapist assistants. (1) A physical therapist assistant, as defined in s. 448.50 (3m), Stats., shall practice assist a physical therapist in the practice of physical therapy under the general supervision of a physical therapist.

- (2) In providing general supervision, the physical therapist shall do all of the following:
- a) Have primary responsibility for physical therapy care rendered by the physical therapist assistant.
 - b) Have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days, unless the board approves another type of contact.
 - c) Remain accessible to telecommunications in the interim between direct contacts while the physical therapist assistant is providing patient care.
 - d) Establish a written policy and procedure for written and oral communication. This policy and procedure shall include a specific description of the supervisory activities undertaken for the physical therapist assistant as well as a description of the manner by which the physical therapist shall manage all aspects of patient care. The amount of supervision shall be appropriate to the setting and the services provided.

- e) Provide initial patient examination, evaluation and interpretation of referrals and create a the initial patient record for every patient the physical therapist treats.
- f) Develop and revise as appropriate a written patient treatment plan and program.
- g) Delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training and experience.
- h) Provide on-site assessment and reevaluation of each patient's treatment at a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.
- i) Coordinate discharge plan decisions and the final assessment with the physical therapist assistant.
- j) Limit the number of physical therapist assistants practicing under general supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter. No physical therapist may at any time supervise more than 2 physical therapist assistants full-time equivalents practicing under general supervision.

PT 5.02 Supervision of unlicensed personnel. (1) A physical therapist shall provide direct on-premises supervision of unlicensed personnel at all times. A physical therapist may not direct unlicensed personnel to perform tasks which require the decision making or problem solving skills of a physical therapist, including but not limited to patient examination, evaluation, diagnosis, or determination of therapeutic intervention.

(2) In providing direct on-premises supervision, the physical therapist shall do all of the following:

- a) Retain full professional responsibility for patient related tasks performed.
- b) Be available at all times for direction and supervision with the person performing related tasks.
- c) ~~Observe and monitor those under direct supervision on a daily basis.~~ Evaluate the effectiveness of patient related tasks performed by those under direct supervision by assessing persons for whom tasks have been performed prior to and following performance of the tasks.
- d) Routinely ~~and periodically~~ evaluate the effectiveness of patient related tasks performed by those under direct supervision by observing and monitoring persons receiving such tasks.
- e) Determine the competence of personnel to perform assigned tasks based upon his or her education, training and experience.
- f) Verify the competence of unlicensed personnel with written documentation of continued competence in the assigned tasks.
- g) ~~Interpret referrals and perform~~ Perform initial patient examination, evaluation, diagnosis and prognosis, interpret referrals, and develop and revise as appropriate a written patient treatment plan and program for each patient and create and maintain a patient record for every patient the physical therapist treats.

- h) Provide interpretation of objective tests, measurements and other data in developing and revising a physical therapy diagnosis, assessment, and treatment plan.
- i) Direct unlicensed personnel to provide appropriate patient related tasks consistent with the education, training, and experience of the person supervised. Direction should list specific patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.
- j) Limit the number of unlicensed personnel providing patient related tasks under direct supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter.
- k) The total number of physical therapist assistants providing physical therapy services and unlicensed personnel performing patient related tasks under supervision may not exceed a combined total of 4. This number shall be reduced by the number of physical therapists and physical therapist assistants holding temporary licenses who are being supervised under sub. PT 3.10(6).

Chapter PT 5 (title)

PHYSICAL THERAPIST ASSISTANTS AND ~~PHYSICAL THERAPY AIDES~~
UNLICENSED PERSONNEL

PT 1.02 (6) "~~Physical therapy aide~~" "Unlicensed personnel" means a person other than a physical therapist or physical therapist assistant who performs patient related tasks, consistent with the ~~aide's~~ unlicensed personnel's education, training and expertise under the direct on-premises supervision of the physical therapist.

Thank you for your time and consideration of these rules. nd efforts toward improving the regulatory framework within the practice of physical therapy. I understand that this request extends the committee review period for 10 working days under s. 227.19 (4) (b) 2., Stats.

Sincerely,



Tom Ryan, Director
Bureau of Health Professions

WISCONSIN STATE SENATE



Carol Roessler
STATE SENATOR

February 9, 2004

To: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care.

From: Senator Carol Roessler, Chair

Re: CR 03-020 relating to the licensing of physical therapists and physical therapist assistants.

On November 25, 2003, the Senate Committee on Health, Children, Families, Aging and Long Term Care voted 9-0 to request further modifications to CR 03-020, relating to the licensing of physical therapists and physical therapists assistants.

The Committee asked the Department to modify CR 03-020 to reflect a compromise that was reached between the Wisconsin Physical Therapist Association (WPTA) and Aurora. It is my understanding that the attached modifications do not exactly reflect the compromise that was provided to the Department, but that the WPTA and Aurora agree with the proposed changes.

Please contact Jennifer Halbur in my office at 266-5300 by **February 13, 2004** if you have any concerns about the proposed changes.

Halbur, Jennifer

From: Kurtz, Hunter
Sent: Wednesday, February 04, 2004 4:06 PM
To: Halbur, Jennifer

JH you need to call Sec. Strong Hill 6-1623

Wk'd out agreement on ~~axel~~ rule - PT issue.
Sending it over today.

She sat down w/ the gpps personally.

Halbur, Jennifer

To: ron@tenuta-hermes.com
Subject: FW: Letter from Barbara Flaherty, PT, Chair, Physical Therapists Affiliated Credentialing Board



Scan001.PDF

Hi Ron,

Below is correspondence from the DRL regarding the PT rule. Has your group and the PT's at Aurora come to any conclusions as to what exactly needs to be changed? Has the Dept. worked with you at all on this issue?

Thanks!

Jennifer

-----Original Message-----

From: Asbjornson, Karen
Sent: Tuesday, October 28, 2003 1:35 PM
To: Halbur, Jennifer
Subject: FW: Letter from Barbara Flaherty, PT, Chair, Physical Therapists Affiliated Credentialing Board

CR email

Karen Asbjornson
Office of Senator Carol Roessler
(608) 266-5300/1-888-736-8720
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: Meicher, Pamela
Sent: Tuesday, October 28, 2003 12:46 PM
To: Sen.Roessler
Subject: Letter from Barbara Flaherty, PT, Chair, Physical Therapists Affiliated Credentialing Board

Forwarding a letter from Chair Barbara Flaherty, PT, Physical Therapists Affiliated Credentialing Board.

Facsimile Cover Sheet
Fax 608-266-0423



Carol Roessler

STATE SENATOR • 18TH SENATE DISTRICT

Number of pages attached, including cover page: _____

If pages are not all received or are illegible,
please call 1-888-736-8720

Please deliver this fax to:

Michelle Motner

Fax number of addressee: 255-4612

Message:

Michelle Metner PK rules.

- PT Board adopted Germaine "Cleanup" modifications offered by WPT ASSOC.
- These modifications don't address Aurora's concerns.

Halbur, Jennifer

To: Rose, Laura
Subject: PT Rule

Laura,

The PT Examining Board has adopted germane modifications to the Physical Therapist rule. However, at the time the Health Committee voted to request modifications, we were told that the WPTA and the Aurora group were going to work together on new language. This agreement fell through and the PT Examining Board, which agrees with WPTA's position, only adopted a few germane "clean up" modifications.

Carol wants to hold a public hearing on this rule. We will do this on Nov. 24th. Tom Ryan at the DRL has agreed to hold on sending the germane modifications to the Committee until late this week. This will allow the Nov 24th hearing to fall within the Committee's 10 day review period.

I am meeting with Michele Mettner tomorrow at 11:30. She represents the PT's at Aurora who have issues with the rule in its current form. If you are interested in hearing their views before the hearing, you are welcome to join us. I can also just forward the information they give me on to you if there are other things you need to work on.

Thanks,
Jennifer

30/11/03

11-18-03

448.50

Ron Hermes

Randy

Rep On Johnson

Mike - Leukosha PT (worked on rule that is in place now).

U: Cashed out a piece of the pract. that is not theirs.
In rule: claiming as their own "fence me out by."
Increase HC. costs.

M: Skilled parting activities, limited "hot/cold packs"
are not "skilled therapeutic" practices.

H: Rules clarity intent of PCAB back when current rule
was put into place. - Long. Clarifies duties of AIA.

U: Where is evidence of public damage.

A: Vision 20/20 by 2008 - \$ detente in PE to practice
PT in any environment.

John
Hyatt

Mark T. Wichman M.D.
1575 N. RiverCenter Drive #160
Milwaukee, Wisconsin 53212
November 23, 2003

To Senator Roessler & members of the health committee:

I am writing this letter to share thoughts of my opposition to the proposed administrative rule changes for physical therapists (CR 03-020). I can't help but think what it would be like if similar changes were being proposed for my use of a certified Physician Assistant. I have reviewed the list of current patient care tasks, which are routinely performed by PT aides and draw many analogies to a Physician Assistant. If it were decided that a PA could no longer take out sutures, change casts, change dressings, and write prescriptions, it would increase costs and reduce quality of health care.

If, in a similar manner, PT aides could no longer apply ultrasound, hot/cold packs, apply iontophoresis, and assist in applying exercise programs, I feel it would limit the ability of physical therapists to care for my patients. I am afraid this would drive up costs unnecessarily. This could result in higher costs per unit of time. I assure you, this would ultimately result in less visits approved by insurance carriers. I have yet to see where this is in the best interest of the patients.

If there is a problem with certain PT facilities using aides for more duties than the aides are trained, let's spend time going after them. Reputable PT facilities should not be forced to abandon their appropriate use of PT aides and athletic trainers. I have thought this through and can't come up with a single argument how this proposed change would have a positive outcome in patient care. For these reasons, I am opposed to the proposed rule changes. If you have any questions, please feel free to contact me.

Thank you,

Mark T. Wichman M.D.

Compromise Edits of PTACB Clearinghouse rule 03-020

PT 1.02 (6): "Physical therapy aide" means a person other than a physical therapist or physical therapist assistant who performs patient related tasks, consistent with the aide's education, training and expertise under the direct on-premises supervision of the physical therapist.

(7) Patient related tasks: Activities which do not require the decision making or problem solving skills of a physical therapist or physical therapist assistant.

Note: After a therapist has confirmed competency, set parameters and modified the intervention as needed, examples of patient related tasks include, but are not limited to: the mechanical application and monitoring of ultrasound, iontophoresis, interferential current and whirlpool; performing unskilled ambulation; and monitoring an activity or exercise program as determined by the physical therapist.

PT 5.02: Direct supervision of physical therapy aides. Physical therapy aides may perform patient related tasks under the direct on-premises supervision of a physical therapist. In providing direct supervision, the physical therapist shall do all of the following:

- (1) Interpret referrals and perform patient examination, evaluation diagnosis, prognosis, and develop and revise as appropriate the patient treatment plan and program
- (2) Have primary responsibility for patient related tasks performed by the physical therapy aide.
- (3) Determine the competence of each physical therapy aide based upon his or her education, training, and experience.
- (4) Delegate appropriate patient related tasks to the physical therapy aide consistent with the education training, and experience of the person supervised.
- (5) Be available at all times for consultation with the physical therapy aide.
- (6) Observe and monitor those under direct supervision on a daily basis.
- (7) Evaluate the effectiveness of patient related tasks performed by those under direct supervision by assessing persons receiving such tasks prior to and following performance of the tasks.
- (8) Limit the number of physical therapy aides providing patient related tasks under direct supervision to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter.

(9)The total number of physical therapist assistants providing physical therapy services and physical therapy aides performing patient related tasks under supervision may not exceed a combined total of 4. This number shall be reduced by the number of physical therapists and physical therapist assistants holding temporary licenses who are being supervised under sub. PT 3.01 (6).

Halbur, Jennifer

To: ron@tenuta-hermes.com; mmettner@broydrick.com; Rose, Laura; Ottman, Tad
Subject: CR 03-020 relating to Physical Therapists

Hi,

Here is the letter Senator Roessler sent to the Dept. of Reg. and Lic regarding CR 03-020.

Thanks,
Jennifer



11-25-03 ltr to drl
cr 02-03 p...