

Clearinghouse Rule 08-049

**STATE OF WISCONSIN
PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : NOTICE OF PUBLIC HEARING
PHYSICAL THERAPISTS AFFILIATED :
CREDENTIALING BOARD :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Physical Therapists Affiliated Credentialing Board in ss. 15.085 (5) (b), 227.11 (2), 448.53 (2) and 448.55 (3), Stats., and interpreting ss. 448.535 (2) and 448.55 (3), Stats, the Physical Therapists Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to repeal PT 2.04, 9.02 (3), 9.04 (2) (a) to (c), Table PT 9.04 – 1 and Table PT 9.04 – 2; to renumber and amend PT 9.04 (2) (intro.); to amend PT 3.01 (5) and 9.03 (1) and (2); to repeal and recreate PT 9.02 (1); and to create Table PT 9.04, relating to examination waivers, temporary licenses and continuing education.

Hearing Date, Time and Location

Date: July 10, 2008
Time: 9:15 A.M.
Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by July 14, 2008, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Sections 448.535 (2) and 448.55 (3), Stats.

Statutory authority:

Sections 15.085 (5) (b), 227.11 (2), 448.53 (2) and 448.55 (3), Stats.

Explanation of agency authority:

The Physical Therapists Affiliated Credentialing Board has the authority to promulgate rules under ss. 448.53 (2) and 448.55 (3), Stats.

Related statute or rule:

Sections 448.53 (2) and 448.55 (3), Stats.

Plain language analysis:

The proposed changes to the physical therapy rules are intended to address three separate items. To begin with, the board is repealing s. PT 2.04. That section contained a waiver provision for applicants, provided they applied prior to April 1, 2004. Because the deadline to apply for an examination waiver under that provision has expired and is therefore not applicable, the board is eliminating it. In addition, the board is extending the potential duration of a temporary license. Currently, a temporary license is only valid for three months. This proposal would allow the board to extend a temporary license twice, each for three month intervals, provided the licensee could demonstrate hardship. However, licensees would only be permitted to practice under a temporary license for nine months. The board had encountered several applicants who, for various reasons, were unable to take the examination during the required three month timeframe and thus believed that offering these extensions would accommodate those difficulties. Finally, the board has streamlined its continuing education provisions in an effort to eliminate any confusion surrounding how to calculate the required number of hours and how to determine what programs are acceptable. A new table better defines the various categories as well as the number of contact hours each may receive.

SECTION 1 repeals s. PT 2.04 since the deadline to apply for an examination waiver under that provision has expired. Section PT 2.04 applied to applicants who were eligible for an examination waiver prior to April 1, 2004.

SECTION 2 amends s. PT 3.01 (5) to allow the board the ability to extend a temporary license for reasons of hardship. Two, three-month extensions would be permitted. Licensees would only be permitted to practice under a temporary license for nine months.

SECTION 3 repeals the definition of continuing education unit (“CEU”) found in s. PT 9.02 (1) and replaces it with the term “contact hour.” Contact hour is defined as not less than 50 minutes that a licensee actually spends attending an acceptable continuing education program. This term is used throughout the section that addresses continuing education requirements.

SECTION 4 repeals the definition of “hour of continuing education” found in s. PT 9.02 (3). That term is replaced with “contact hour” as found in SECTION 3.

SECTION 5 amends s. PT 9.02 (1) and (2) by adding the requirement for both physical therapists and physical therapist assistants that four hours of their required continuing education be in the area of ethics and jurisprudence. Previously, this requirement had been included in s. PT 9.04 (2) (c).

SECTION 6 rennumbers s. PT 9.04 (2) (intro.) and further amends it by referring readers of the rule to a newly numbered table that identifies various categories of continuing education.

SECTION 7 repeals s. PT 9.04 (2) (a) to (c) which referenced the old continuing education table. The table has been modified and is renumbered under this proposal. This section also identified the number of required continuing education hours for both physical therapists and physical therapist assistants. That information is now included under s. PT 9.02 (1) and (2) and found in SECTION 5.

SECTION 8 repeals Table PT 9.04 – 1 and Table PT 9.04 – 2. A new table has instead been created. It identifies various categories of continuing education and the number of contact hours each one is eligible to receive for each category.

SECTION 9 creates Table PT 9.04. The new table modifies a few of the continuing education categories and identifies the number of contact hour limits each category is entitled to receive.

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

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Minnesota:

Twenty hours of continuing education are required every two years. No ethics or jurisprudence credits are required. Minnesota grants temporary permits to physical therapists (different for new graduates, physical therapists licensed in another state, and foreign educated physical therapists), but does not allow for extensions. Contact hour is defined as an instructional session of 60 minutes, excluding coffee breaks, registration, meals with or without speaker, and other social activities. Three categories of activity are defined and are based upon specified credit standards.

Illinois:

Temporary practice is allowed for six months by a person in Illinois to assist in the case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapy project and is licensed as a physical therapist in another state.

Following notification of eligibility for examination, an applicant who fails to take the examination for a license within sixty days of the notification shall forfeit his or her fee and his

or her right to practice as a physical therapist or physical therapist assistant until such time as the applicant has passed the appropriate examination. Any applicant failing the examination three times in any jurisdiction will not be allowed to sit for another examination until the applicant has presented satisfactory evidence to the board of appropriate remedial work as set forth in the rules and regulations. If an applicant neglects, fails or refuses to take an examination or fails to pass an examination for a license or otherwise fails to complete the application process within three years after filing the application, the application shall be denied. However, such applicant may make a new application for examination accompanied by the required fee, and must furnish proof of meeting qualifications for examination in effect at the time of new application. One continuing education hour equals 50 minutes. Credit conversions are spelled out in the rule.

Iowa:

Forty hours of continuing education are required per biennium. One hour of continuing education equals fifty minutes. Six months of supervised practice is allowed after the receipt of an application by examination. Three months of supervised practice is allowed after the receipt of an application by endorsement. Continuing education conversions are spelled out in the rule.

Michigan:

Michigan does not have continuing education requirements or temporary permits. The practice of physical therapy may only be conducted by prescription of a licensed physical therapist.

Summary of factual data and analytical methodologies:

The board conducted an extensive review of its rules with its legal counsel after identifying the need to clarify portions of the rule. Continuing education providers were consulted. Most of the discussion centered on the conversion of credits for Class I and Class II Activities. The rule was revised as deemed necessary.

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

The effect on small business is no different from the original rule.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Professional Credentialing and Office of Legal Counsel. The one-time salary and fringe costs in the Division of Professional Credentialing and Office of Legal Counsel are estimated at \$1,200.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708, email at pamela.haack@drl.state.wi.us. Comments must be received on or before July 14, 2008, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 2.04 is repealed.

SECTION 2. PT 3.01 (5) is 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, unless the board grants an extension of the temporary license. 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. Practice under a temporary license may not exceed 9 months total duration.

SECTION 3. PT 9.02 (1) is repealed and recreated to read:

PT 9.02 (1) "Contact hour" means not less than 50 minutes a licensee spends in actual attendance at or completion of acceptable continuing education.

SECTION 4. PT 9.02 (3) is repealed.

SECTION 5. PT 9.03 (1) and (2) are amended to read:

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. Four of the required 30 hours shall be in the area of ethics and jurisprudence.

(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. Four of the required 20 hours shall be in the area of ethics and jurisprudence.

SECTION 6. PT 9.04 (2) (intro.) is renumbered PT 9.04 (2) and is amended to read:

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

SECTION 7. PT 9.04 (2) (a) to (c) are repealed.

SECTION 8. Table PT 9.04 – 1 and Table PT 9.04 – 2 are repealed.

SECTION 9. Table PT 9.04 is created to read:

TABLE PT 9.04

ACTIVITY	CONTACT HOUR LIMITS
(a) Successful completion of relevant academic coursework.	No limit. [10 contact hours = one semester credit; 6.6 contact hours = quarter credit]
(b) Attendance at seminars, workshops, lectures, symposia, and professional conferences which are sponsored or approved by acceptable health-related or other organizations including, but not limited to, the American Physical Therapy Association or the Wisconsin Physical Therapy Association.	No limit.
(c) Successful completion of a self-study course or courses offered via electronic or other means which are sponsored or approved by acceptable health-related or other organizations including, but not limited to, the American Physical Therapy Association or the Wisconsin Physical Therapy Association.	No limit.
(d) Earning a clinical specialization from the American Board of Physical Therapy Specialties or other recognized clinical specialization certifying organizations.	Up to 12 contact hours for initial certification or for recertification.

(e) Authorship of a book about physical therapy or a related professional area.	Up to 12 contact hours for each book.
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(f) Authorship of one or more chapters of a book about physical therapy or a related professional area.	Up to 6 contact hours for each chapter.
(g) Authorship of a presented scientific poster, scientific platform presentation, or published article.	Up to 6 contact hours for each poster, platform presentation or refereed article.
(h) Presenting seminars, continuing education courses, workshops, lectures or symposia which have been approved by recognized health-related organizations including, but not limited to, the American Physical Therapy Association or the Wisconsin Physical Therapy Association. <u>Note:</u> No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are limited to the extent of the revision.	No limit.
(i) Teaching in an academic course in physical therapy as a guest lecturer. <u>Note:</u> No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are limited to the extent of the revision.	No limit. [10 contact hours = one semester credit; 6.6 contact hours = one quarter credit]
(j) Teaching in an academic course in physical therapy. <u>Note:</u> No additional hours are given for subsequent presentations of the same content. Substantive course revisions may be counted but are not limited to the extent of the revision.	No limit. [10 contact hours = one semester credit; 6.6. contact hours = one quarter credit]
(k) Successful completion in a clinical residency program credentialed by the American Physical Therapy Association or other recognized credentialing organization.	No limit.
(l) Attending employer provided continuing education, including video and non-interactive on-line courses.	Up to 15 contact hours for physical therapists. Up to 10 contact hours for physical therapist assistants.
(m) Authoring an article in a non-refereed publication.	Up to 5 contact hours.
(n) Developing alternative media materials, including computer software, programs, and video instructional material.	1 contact hour per product. Up to 5 contact hours.
(o) Serving as a clinical instructor for internships with an accredited physical therapist or physical therapist assistant educational program.	Up to 15 contact hours for physical therapists. Up to 10 contact hours for physical therapist assistants.
(p) Serving as a supervisor for students fulfilling clinical observation requirements.	1 contact hour per contact hour with students, up to 5 contact hours.

(q) Participating in a physical therapy study group of 2 or more physical therapist or physical therapist assistants or in an interdisciplinary study group of members of at least 2 disciplines meeting on a topic relevant to the participants' work.	Up to 2 contact hours per study group.
(r) Participating as a resident or as a mentor in a formal nonacademic mentorship.	1 contact hour per each 8 contact hours for both the resident and mentor, up to 5 contact hours.
(s) Attending a scientific poster session, lecture panel, or a symposium.	Up to 2 contact hours.
(t) Serving as a delegate to the American Physical Therapy Association House of Delegates, on a professional committee, board, or task force.	Up to 5 contact hours.

 (END OF TEXT OF RULE)

PT 2, 3, 9 CR08- (Exam waiver, temporary license, CE) Hearing Notice 5-20-08