

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

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
PHYSICAL THERAPISTS AFFILIATED: **ON CLEARINGHOUSE RULE 08-049**
CREDENTIALING BOARD : **(s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required.

III. FISCAL ESTIMATES:

The Department of Regulation and Licensing estimates that the proposed 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. The department also finds that this rule has no significant fiscal effect on the private sector.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed changes to the physical therapy rules are intended to address three separate items. 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.

V. NOTICE OF PUBLIC HEARING AND PUBLIC COMMENTS:

A public hearing was held on July 10, 2008. JoAnne Preston, Rural Wisconsin Health Cooperative, Sauk City, WI, was present to obtain information only. There were no other appearances at the public hearing and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2. The rule preface states that s. 227.137, Stats., may require that an economic impact report be prepared prior to agency submission of a rule to the Wisconsin Legislative Council. The statute was amended in 2005 Wisconsin Act 249 to provide that an economic report, if required, must be prepared before submission of the rule to the Legislature for final review.

Response: You will note on page 4 of the proposed rule-making order, second paragraph under “Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report,” that the Department of Regulation and Licensing is not included as an “agency” under s. 227.137, Stats.

Comment 5.a. In s. PT 3.01 (5), it may be helpful to specify examples of what may constitute a hardship.

Response: The board will handle hardship issues on a case-by-case basis, and therefore do not believe it is necessary to specify examples of what may constitute a hardship in the rules.

[Note: On page 2 of the Clearinghouse Report, the second comment is numbered a., and refers to Table PT 9.04 (g). That comment should refer to PT 9.04 (l), and that change was made.]

All of the remaining recommendations in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

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