

Report From Agency

**STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD**

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 16-089
PHYSICAL THERAPY :
EXAMINING BOARD :

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

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

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.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Physical Therapy Examining Board held a public hearing on February 8, 2017. The Wisconsin Physical Therapy Association (WPTA) provided comments in support of the general language and intent of the provisions as outlined in the proposed rules. However, the WPTA had the following comments/questions concerning the proposed rule:

1. PT 10.02 (3) uses the term “certified” but should use the term “accredited” instead. The American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE) accredits residencies and fellowship sites, so the word “accredited” is more accurate.
2. How will the Board make determinations with compliance in ch. PT 10 when identifying “other national organizations recognized by the board” in s. PT 10.02 (2) and (3)? Would the rule have to be updated in the future if additional organizations are recognized? How would a licensee request that another “national organization” be considered – proactively prior to ordering x-rays or retroactively if the Board conducts an audit or investigates a complaint?

In response, the Board has made the requested terminology change in s. PT 10.02 (3). The Board has also modified s. PT 10.02 (2) and (3) to specify the criteria for recognition of specialty certification programs from other national organizations and residency or fellowship programs accredited by other national organizations.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A