

Clearinghouse Rule 20-054

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHYSICAL THERAPY
PHYSICAL THERAPY EXAMINING : EXAMINING BOARD
BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Physical Therapy Examining Board to **repeal** PT 1.03 (3) (d) (Note 2); to **amend** PT 1.03 (1) (intro.), (a) (Note), and (d) (intro.), 3., and 4., (2) (Note), and (3) (a) to (d); and to **create** PT 1.03 (4), relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

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 440.09 (5), Stats., provides “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members. The proposed rule also updates and

repeals obsolete notes, and makes other changes to provide clarity and meet current standards for drafting administrative code.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Physical Therapy Examining Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on December 2, 2020, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 1.03 (1) (intro.), (a) (Note), and (d) (intro.), 3., and 4., (2) (Note), and (3) (a) to (d) are amended to read:

PT 1.03 (1) (intro.) ~~Every~~ Except as provided under subs. (3) and (4), every person applying for any class of license to provide physical therapy services shall submit to the board all of the following:

(a) (Note) Application forms are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ from the department of safety and professional services' website at www.dsps.wi.gov.

(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~~ The verification required under this paragraph shall be obtained from a board-approved foreign graduate evaluation service, based upon submission to the evaluation service of all of the following material:

3. A record of the number of class hours spent in each subject, for both preprofessional and professional courses. For subjects which include laboratory and

discussion sections, the hours must be described in hours per lecture, hours per laboratory, and hours per discussion per week. Information must include whether subjects have been taken at basic entry or advanced levels.

4. A syllabus ~~which~~ that describes the material covered in each subject completed.

(2) (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 by calling (608) 266-2112.~~

(3) (a) ~~That he or she~~ The applicant is a graduate of a physical therapy school or a physical therapist assistant educational program.

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

(c) ~~That the~~ The jurisdiction in which he or she the applicant is licensed required the ~~licensee~~ applicant 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~~ The applicant has actively practiced as a physical 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.

SECTION 2. PT 1.03 (3) (d) (Note 2) is repealed.

SECTION 3. PT 1.03 (4) is created to read:

PT 1.03 (4) A reciprocal license to provide physical therapy services shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this subsection.

SECTION 4. EFFECTIVE DATE. 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.), Stats.

(END OF TEXT OF RULE)
