

## Report From Agency

### STATE OF WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

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| <b>IN THE MATTER OF RULE-MAKING</b> | <b>:</b> |                                  |
| <b>PROCEEDINGS BEFORE THE</b>       | <b>:</b> | <b>REPORT TO THE LEGISLATURE</b> |
| <b>PHYSICAL THERAPY EXAMINING</b>   | <b>:</b> | <b>CR 13-007</b>                 |
| <b>BOARD</b>                        | <b>:</b> |                                  |

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#### **I. THE PROPOSED RULE:**

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

#### **II. REFERENCE TO APPLICABLE FORMS:**

None.

#### **III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA are attached.

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

In July of 2010, the American Physical Therapy Association revised its ethical conduct rules for physical therapist and physical therapist assistants. The new rules codified the core principals espoused within the physical therapy community and modernized the ethical standards. The new “Code of Ethics” applied to physical therapist and the new “Standards of Ethical Conduct” applied to physical therapy assistants. Prompted by the APTA, the Physical Therapy Examining Board decided to review its unprofessional conduct rules. The Board is mandated by s. 448.527, Stats., to promulgate rules establishing a code of ethics governing the profession which is separate and distinct from its grounds for disciplinary proceedings in s. 448.57, Stats. The proposed rule advances both statutory goals by updating the current grounds for unprofessional conduct and incorporating by reference into the unprofessional conduct regulations the APTA’s “Code of Ethics” for physical therapist and “Standards of Ethical Conduct” for physical therapy assistants.

#### **V. SUMMARY OF PUBLIC COMMENTS AND THE SECTION’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Physical Therapy Examining Board held a public hearing on March 7, 2013. The following people either testified at the hearing, or submitted written comments:

Michael W. Edwards, of Pro Health Care, Waukesha, WI provided testimony. Gwyneth Strake of Wisconsin Physical Therapy Association, La Crosse, WI provided testimony and Kip Schick, President of the Wisconsin Physical Therapy Association, Madison, WI, provided written comments.

#### **SUMMARY OF PUBLIC HEARING COMMENTS:**

Mike Edwards. Mr. Edwards supported the rule. He recommended amending the rule to differentiate between APTA “Code of Ethics” for physical therapist and the “Standards of Ethical Conduct” for physical therapy assistants. He supported including in the proposed rule the “Standards of Ethical Conduct” for physical therapy assistants.

Gwyneth Strake Ms. Strake also testified in support of the proposed rule. She advised that the “Standards of Ethical Conduct” for physical therapy assistants should be incorporated into the proposed rule.

Kip Schick, Mr. Schick, President of the Wisconsin Physical Therapy Association, Madison, WI, provided written comments in support of the same measure, that the “Standards of Ethical Conduct” for physical therapy assistants should be added to the rule thereby encompassing physical therapy assistant practice as well.

#### **DEPARTMENT RESPONSE TO PUBLIC HEARING COMMENTS AND WRITTEN COMMENTS:**

After reviewing the public hearing comments and the written comments, the Board made the following changes to the proposed rules:

A subsection, PT 7.025 (3), was added to the rule identifying any violation of the APTA’s “Standards of Ethical Conduct” by a physical therapy assistant is a violation of the unprofessional conduct rules as well.

#### **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment 1 g. Form Style and Placement in Administrative Code** In s. PT 7.025 (18) (f), the substance of the paragraph is not related to the substance of material listed in pars. (a) to (e), and does not read as a complete sentence following s. PT 7.025 (18) (intro.).

**Response:** The language in s. PT 7.025 (18) (f) is intended to reflect the manner of proof for the offenses listed in s. PT 7.025 (18) (a)-(e).

**Comment 1 h. Form Style and Placement in Administrative Code** Substantively, how do s. PT 7.025 (18) and (19) differ?

**Response:** The language in s. PT 7.025 (18) (a) to (e) specifies the types of offenses that would be considered substantially related to the practice of physical therapy while the language in s. PT. 025 (1) is meant to be a catch all for other offenses that may be substantially related but are not mentioned in s. PT 7.025 (18) (a)-(e).

All other recommendations suggested in the Clearinghouse Report have been accepted.

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

None.