

STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHYSICAL THERAPY EXAMINING
PHYSICAL THERAPY EXAMINING	:	BOARD
BOARD	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 15-027

PROPOSED ORDER

An order of the Physical Therapy Examining Board to repeal PT 1.02 (2), 1.04, and 3.02; to amend PT 1.03 (title) and (1) (intro.) and (a), 2.01 (5), and 8.02; to repeal and recreate PT 8.05, and to create PT 1.03 (1) (e) relating to temporary reentry licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071, 448.53, and 448.55, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 448.55 (3), Stats.

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., the Physical Therapy Examining Board (Board) is generally empowered to promulgate rules that will provide guidance within the profession and that interpret the statutes it enforces or administers. Pursuant to s. 448.55 (3), Stats., the Board has express authority to, “promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.” These proposed rules will give guidance within the profession regarding the requirements for renewing a license. Therefore, the Board is empowered both generally and specifically to promulgate the proposed rule.

Related statute or rule:

Wis. Admin Code chs. PT 1, 2 and 8

Plain language analysis:

The Physical Therapy Examining Board (Board) reviewed its rules and determined that certain provisions needed clarifying. First, s. PT 1.04 was repealed. By requiring the

completed application include all required documents including verified documentary evidence of graduation from a school of physical therapy by the application deadline date the Board is in fact requiring applicants to complete their postsecondary education as a condition of taking the exam. The deadline date was removed in keeping with 2013 Wisconsin Act 114 which required boards to refrain from requiring the completion of postsecondary education before an applicant is eligible to take a credentialing examination. Secondly, the Board decided to repeal the temporary reentry license found in s. PT 3.02 and the term candidate for reentry in s. PT 1.02 (2). These provisions were originally designed to allow persons who had not practiced as a physical therapist for a period of 3 years or more an opportunity to gain clinical experience while waiting for full licensure. However, s. PT 2.01 (h) already addresses applicants returning to the practice of physical therapy after a 3 year absence by requiring an oral examination. Lastly, the Board revised requirements for reinstatement of a license found in s. PT 8.05 by adding conditions applicants need to follow if their license has been surrendered, revoked, or has unmet disciplinary requirements.

SECTION 1. repeals the term “candidate for reentry” from the Definitions section.

SECTION 2. amends PT 1.03 to align the administrative code with 2013 WI Act 114 by listing the licensure requirements rather than the application requirements.

SECTION 3. adds successful completion of required examinations to the list of licensure requirements.

SECTION 4. repeals licensure requirements in s. PT 1.04 that have been added to s. PT 1.03 in the proposed rule.

SECTION 5. amends PT 2.01 (5) to align the administrative code with 2013 WI Act 114.

SECTION 6. repeals the temporary reentry license.

SECTION 7. removes the application form language from s. PT 8.02. The Department is transitioning away from mailing paper renewal applications with advances in technology.

SECTION 8. amends the reinstatement language found in s. PT 8.05 by adding a provision on unmet discipline.

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois allows restoration of license which has been expired or on inactive status for more than 5 years. Ill Admin. Code tit. 68 §1340.60 a). Licensees must do one of the following to restore their license: (1) submit certification of current licensure from

another state or territory, (2) submit an affidavit attesting to military service, (3) pass the National Physical Therapy Examination, or (4) submit evidence of recent attendance at an educational program in physical therapy.

Iowa: Iowa allows reactivation of a license that has been on inactive status for more than five years. Licensees must provide verification of a license from every jurisdiction in which the licensee was licensed or has practiced during the time period that the licensee's Iowa license was inactive. The licensee must also provide verification of completion of 80 hours of continuing education within 2 years of the application for reactivation. 645 Iowa Admin. Code 200.15.

Michigan: Michigan allows relicensure of a license that has lapsed for 3 years or more. Licensees must: (1) submit a completed application on a form provided by the department, (2) pass an examination of Michigan laws and rules related to the practice of physical therapy, and (3) either establish that licensee has been employed as a physical therapist in another jurisdiction or pass the National Physical Therapy Examination. Mich. Admin. Code R.338.7137 (2).

Minnesota: Minnesota does not renew, reissue, reinstate, or restore a license that has lapsed or has not been renewed within two annual license renewal cycles. A licensee whose license has been cancelled for nonrenewal must obtain a new license and fulfill all the current requirements for licensure at that time. Minn. Statutes 148.737.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include reviewing administrative rules and statutes of other states and comparing them to current Wisconsin Administrative Code.

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

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days and 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 proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Vieira@wisconsin.gov.

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

Comments may be submitted to Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. Comments must be received on or before the public hearing to be held on May 28, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. PT 1.02 (2) is repealed.

SECTION 2. PT 1.03 (title) and (1) (intro.) and (a) are amended to read:

PT 1.03 ~~Applications and credentials~~ Licensure requirements. (1) Every person applying for any class of license to provide physical therapy services shall ~~make application on forms provided by the board, and shall~~ submit to the board all of the following:

(a) A completed and verified application form provided by the board and the fees specified in s. 440.05 (1), Stats.

SECTION 3. PT 1.03 (1) (e) is created to read:

PT 1.03 (1) (e) Evidence of successful completion of the examinations specified in ch. PT 2.

SECTION 4. PT 1.04 is repealed.

SECTION 5. PT 2.01 (5) is amended to read:

PT 2.01 (5) The board shall notify each applicant ~~found eligible~~ for examination of the time and place scheduled for that applicant's examination. Failure of an applicant to appear for examination as scheduled will void the applicant's examination application and require the applicant to reapply for examination unless prior scheduling arrangements have been made with the board by the applicant.

SECTION 6. PT 3.02 is repealed.

SECTION 7. PT. 8.02 is amended to read:

PT 8.02 Renewal required; method of renewal. Each licensee shall renew his or her license biennially with the department. ~~On or before February 1 of each odd-numbered year the department shall mail to each licensee at his or her last known address as it appears in the records of the board an application form for renewal.~~ Each licensee shall complete a renewal application form and return it with the required fee to the department prior to the next succeeding March 1.

SECTION 8. PT 8.05 is repealed and recreated to read:

PT 8.05 Requirements for late renewal and reinstatement. A license shall expire if it is not renewed by March 1 of each odd-numbered year, except for temporary licenses granted pursuant to ch. PT 3. A licensee who allows their license to expire may apply to the board to renew or reinstate their license by completing one of the following:

(1) **RENEWAL BEFORE 5 YEARS.** If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and completion of the continuing education requirements specified in ch. PT 9.

(2) **RENEWAL AFTER 5 YEARS OR MORE.** If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on renewal of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This section does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(3) **REINSTATEMENT.** A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been surrendered or revoked, may apply to have the license reinstated in accordance with all of the following:

- (a) Evidence of the completion of the requirements under s. PT 8.05 (2).
- (b) Evidence of completion of disciplinary requirements, if applicable.
- (c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license.

SECTION 9. 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)

This Proposed Order of the Physical Therapy Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Physical Therapy Examining Board