

CR 94-220

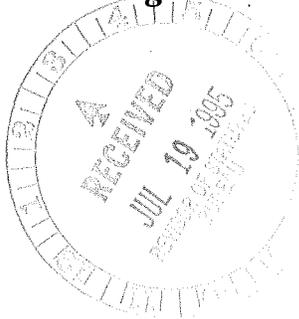
**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

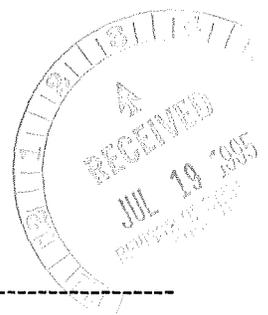
*I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Physical Therapists Affiliated Credentialing Board, do hereby certify that the annexed rules were duly approved and adopted by the Physical Therapists Affiliated Credentialing Board on the 18th day of July, 1995.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*



**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 18th day of July, 1995.**

**Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing**



STATE OF WISCONSIN  
PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : PHYSICAL THERAPISTS AFFILIATED  
PHYSICAL THERAPISTS AFFILIATED : CREDENTIALING BOARD  
CREDENTIALING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 94-220)  
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ORDER

An order of the Physical Therapists Affiliated Credentialing Board to create chapters PT 1 to 8 relating to the regulation of physical therapists and physical therapist assistants.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and  
ss. 15.085 (5) (b), 448.52 (3), 448.53 (2) and 448.56 (1), Stats., as created by  
1993 Wisconsin Act 107.

Statutes interpreted: ss. 448.53, 448.54 and 448.57, Stats.

In this proposed rule-making order the Physical Therapists Affiliated Credentialing Board creates rules relating to the practice of physical therapy. These rules are as a result of 1993 Wisconsin Act 107 which created the Physical Therapists Affiliated Credentialing Board and gave the board the authority to promulgate rules.

Section PT 1.01 sets forth the statutory authority for the proposed rules. Section PT 1.02 provides definitions of terminology used in the proposed rules. Section PT 1.03 specifically outlines the application and credentialing process. Section PT 1.04 outlines the application deadlines and fees.

Section PT 2.01 creates the oral examination procedures to be used by applicants who may be required to take an oral examination before the Physical Therapists Affiliated Credentialing Board. It further spells out the requirements to take the state board examinations. Section PT 2.02 discusses the conduct of the examinations. Section PT 2.03 spells out the process to be used for examination failure.

Section PT 3.01 creates and spells out the process for temporary certificates who are required to practice under supervision.

Section PT 4.01 outlines the process to be used for the issuance of a locum tenens license.

Section PT 5.01 establishes the criteria for general supervision of a physical therapist assistant which are consistent with the appropriate supervisory oversight and with preserving responsibility of the physical therapist for physical therapy services provided.

Section PT 6.01 outlines when written referrals are not required.

Section PT 7.01 sets forth the statutory authority for developing an unprofessional conduct section. Section PT 7.02 defines unprofessional conduct as it applies to the profession of physical therapy.

Section PT 8.01 sets forth the statutory authority for developing the biennial registration section. Section PT 8.02 outlines the requirements and the methods of registration. Section PT 8.03 spells out the initial registration provision. Section PT 8.04 specifically outlines when a registration is prohibited, annulled and the process for reregistration. Section PT 8.05 outlines the process regarding a failure to be registered and the status of a credential holder who is not currently registered and how they may reregister.

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TEXT OF RULE

SECTION 1. Chapters PT 1 to 8 are created to read:

Chapter PT 1

LICENSE TO PRACTICE PHYSICAL THERAPY

PT 1.01 AUTHORITY AND PURPOSE. The rules in chapters PT 1 to 8 are adopted by the physical therapists affiliated credentialing board pursuant to the authority delegated by s. 15.085 (5) (b), Stats., and govern the issuance of licenses to practice physical therapy under s. 448.53, Stats.

PT 1.02 DEFINITIONS. As used in chapters PT 1 to 8:

- (1) "Board" means the physical therapists affiliated credentialing board.
- (2) "FSBPT" means the federated state board physical therapy examination.
- (3) "License" means any license, permit, certificate or registration issued by the board.
- (4) "Licensee" means any person validly possessing any license granted and issued to that person by the board.
- (5) "TOEFL" means test of English as a foreign language as administered by the educational testing service.

PT 1.03 APPLICATIONS AND CREDENTIALS. (1) Every person applying for any class of license to practice physical therapy 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.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) An unmounted photograph approximately 8 cm. by 12 cm. of the applicant taken not more than 60 days prior to the date of application.

(c) Verified documentary evidence of graduation from a school of physical therapy approved by the board.

(d) In the case of a graduate of a foreign school of physical therapy, verification of educational equivalency to a board-approved school of physical therapy. The verification shall be obtained from a board-approved foreign graduate evaluation service, based upon submission to the evaluation service of the following material:

1. A verified copy of transcripts from the schools from which secondary education was obtained.

2. A verified copy of the diploma from the school at which professional physical therapy training was completed.

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 describes the material covered in each subject completed.

Note: The board annually reviews and approves foreign graduate evaluation services. A list of board-approved evaluation services is available from the board upon request.

(2) If an applicant is a graduate of a school of physical therapy not approved by the board, the board shall determine whether the applicant's educational training is equivalent to that specified in par. (c). In lieu of its own evaluations, the board may use evaluations prepared by the university of Wisconsin-Madison. The cost of an evaluation shall be paid by the applicant.

(3) The board may waive the requirement under par. (c) for an applicant who establishes, to the satisfaction of the board, all of the following:

(a) That he or she is a graduate of a physical therapy school.

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

(c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school approved by the licensing jurisdiction or of a school that the licensing jurisdiction evaluated for educational equivalency.

(d) That he or she has actively practiced physical therapy, 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.

Note: The board approves those schools of physical therapy that are at the time of the applicant's graduation recognized and approved by the American physical therapy association or the council on medical education of the American medical association, or their successors.

PT 1.04 APPLICATION DEADLINE AND FEES. The completed application and all required documents must be received by the board at its office not less than 30 days prior to the date of the examination. The required fees specified in s. 440.05 (1), Stats., shall accompany the application.

## Chapter PT 2

### EXAMINATIONS

#### PT 2.01 PANEL REVIEW OF APPLICATIONS; EXAMINATIONS REQUIRED.

(1) All applicants shall complete written examinations. In addition, an applicant may be required to complete an oral examination if the applicant:

(a) Has a medical condition which in any way impairs or limits the applicant's ability to practice physical therapy with reasonable skill and safety.

(b) Uses chemical substances so as to impair in any way the applicant's ability to practice physical therapy with reasonable skill and safety.

(c) Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

(d) Has within the past 2 years engaged in the illegal use of controlled substances.

(e) Has been subject to adverse formal action during the course of physical therapy education, postgraduate training, hospital practice, or other physical therapy employment.

(f) Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

(g) Has been convicted of a crime the circumstances of which substantially relate to the practice of physical therapy.

(h) Has not practiced physical therapy for a period of 3 years prior to application, unless the applicant has been graduated from a school of physical therapy within that period.

(i) Has been graduated from a physical therapy school not approved by the board.

(2) An application filed under s. PT 1.03 shall be reviewed by an application review panel consisting of at least 2 board members designated by the chairperson of the board. The panel shall determine whether the applicant is eligible for a regular license without completing an oral examination.

(3) All examinations shall be conducted in the English language.

(4) Where both written and oral examinations are required, they shall be scored separately and the applicant shall achieve a passing grade on both examinations to qualify for a license.

(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.

(6) (a) The score required to pass each written physical therapy examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession and on the reliability of the examination. The passing grade shall be established prior to giving the examination. The passing grade for the FSBPT examination shall be designated by a grade of 75.

(b) The score required to pass the statutes and rules examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession and on the reliability of the examination. The passing grade shall be established prior to giving the examination. The passing grade for the statutes and rules examination shall be designated by a grade of 85.

(c) An applicant who has received passing grades on written examinations for a license to practice physical therapy conducted by another licensing jurisdiction of the United States may submit to the board verified documentary evidence to determine whether the scope and passing grades of the examinations are equivalent to those of this state at the time of the applicant's examination, and if the board finds that the equivalence exists, the board will accept the equivalence in lieu of requiring further written examination of the candidate. The burden of proof of the equivalence shall lie upon the applicant.

(7) Members of the board shall conduct oral examinations of each candidate and are scored as pass or fail.

(8) Any applicant who is a graduate of a school in a program in physical therapy in which English is not the primary language of communication shall take and pass TOEFL in order to qualify for a license.

PT 2.02 CONDUCT OF EXAMINATIONS. At the start of the examinations, applicants shall be provided with the rules of conduct to be followed during the course of the examinations. Any violation of these rules of conduct by any applicant will be cause for the board to terminate the examination of the applicant and to exclude the applicant from continuing the examinations, and will also be cause for the board designee to find that the applicant has failed the examinations.

PT 2.03 FAILURE AND REEXAMINATION. An applicant who fails to achieve passing grades on the examinations required under this chapter may apply for reexamination on forms provided by the board. For each reexamination, the application shall be accompanied by the reexamination fee. If an applicant for reexamination fails to achieve passing grades on the second reexamination, the applicant may not be admitted to further examination until the applicant reapplies for licensure and presents to the board evidence of further professional training or education as the board may consider appropriate in the applicant's specific case.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

### Chapter PT 3

#### TEMPORARY LICENSES

PT 3.01 TEMPORARY LICENSE TO PRACTICE UNDER SUPERVISION. (1) An applicant for a regular license to practice physical therapy who is a graduate of an approved school of physical therapy and is scheduled to take the next written physical therapy licensure examination or has taken the written physical therapy licensure examination and is awaiting results and is not required to take an oral examination, may apply to the board for a temporary license to practice physical therapy under supervision. The applications and required documents

for a regular license and for a temporary license may be reviewed by 2 members of the board, and upon the finding by the 2 members that the applicant is qualified for admission to examination for a regular license to practice physical therapy, the board, acting through the 2 members, may issue a temporary license to practice physical therapy under supervision to the applicant.

(2) The required fees shall accompany the application for a temporary license to practice under supervision.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(3) The holder of a temporary license to practice physical therapy under supervision may practice physical therapy as defined in s. 448.50 (4), Stats., providing that the entire practice is under the supervision of a person validly holding a regular license to practice physical therapy in this state. No physical therapist may supervise more than 2 physical therapists who hold temporary licenses. The supervision shall be direct, immediate, and on premises. In extenuating circumstances, when the supervising physical therapist is absent from the job, the physical therapist with a temporary license may carry out established programs for 30 calendar days. The supervising physical therapist must provide up-to-date documentation prior to absence.

(4) A temporary license to practice physical therapy under supervision granted under this section shall expire on the date the applicant is notified that he or she has failed any of the required examinations for a regular license to practice physical therapy. A temporary license to practice physical therapy under supervision shall expire on the first day the board begins its examination of applicants for regular license to practice physical therapy after the license is issued, unless the holder submits to examination on that date.

(5) A temporary license to practice physical therapy under supervision may not be renewed.

#### Chapter PT 4

#### LOCUM TENENS LICENSE

**PT 4.01 LOCUM TENENS LICENSE.** (1) A person who holds a valid license to practice physical therapy issued by another licensing jurisdiction of the United States may apply to the board for a locum tenens license to practice physical therapy and shall submit to the board all of the following:

(a) A completed and verified application form.

Note: Application forms are available upon request to the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) A letter of recommendation from a physician or supervisor or present employer stating the applicant's professional capabilities.

(c) A verified photostatic copy of a license to practice physical therapy issued to the applicant by another licensing jurisdiction of the United States.

(d) A recent photograph of the applicant as required under s. PT 1.02 (2).

(e) The required fees.

(2) The application and documentary evidence submitted by the applicant shall be reviewed by a member of the board, and upon the finding of the member that the applicant is qualified, the board, acting through the member, may issue a locum tenens license to practice physical therapy to the applicant.

(3) The holder of a locum tenens license to practice physical therapy may practice physical therapy as defined in s. 448.56 (1), Stats., providing the practice is confined to the geographical area for which the license is issued.

(4) A locum tenens license to practice physical therapy shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board, acting through a member of the board, may renew the locum tenens license for additional periods of 90 days each, but the license may not be renewed within 12 months of the date of its original issuance, nor again renewed within 12 months of the date of any subsequent renewal.

## Chapter PT 5

### PHYSICAL THERAPIST ASSISTANTS

**PT 5.01 PHYSICAL THERAPIST ASSISTANTS.** A physical therapist assistant, as defined in s. 448.52 (3), Stats., may practice physical therapy under the general supervision of a physical therapist. In providing general supervision, the physical therapist shall do all of the following:

(1) Have primary responsibility for physical therapy care rendered by the physical therapist assistant.

(2) Have direct face-to-face contact with the physical therapist assistant at least every 14 calendar days.

(3) Remain accessible to telecommunications in the interim between direct contacts while the physical therapist assistant is providing patient care.

(4) Limit the number of physical therapist assistants supervised to a number appropriate to the setting in which physical therapy is administered, to ensure that all patients

under the care of the physical therapist receive services that are consistent with accepted standards of care and consistent with all other requirements under this chapter. No physical therapist may supervise more than 2 physical therapist assistants full-time equivalents at any time.

(5) Establish a written policy and procedure for written and oral communication. This policy and procedure shall include a specific description of the supervisory activities undertaken for the physical therapist assistant, appropriate to the setting and the services provided.

(6) Provide initial patient evaluation and interpretation of referrals.

(7) Develop and revise as appropriate the patient treatment plan and program.

(8) Delegate appropriate portions of the treatment plan and program to the physical therapist assistant consistent with the physical therapist assistant's education, training and experience.

(9) Provide on-site assessment and reevaluation of each patient's treatment a minimum of one time per calendar month or every tenth treatment day, whichever is sooner, and adjust the treatment plan as appropriate.

(10) Coordinate discharge plan decisions and the final assessment with the physical therapist assistant.

#### Chapter PT 6

#### REFERRALS

PT 6.01 REFERRALS. A written referral is not required for services under s. 448.56 (1), Stats. In addition, a written referral is not required to provide the following services: conditioning, injury prevention and application of biomechanics, and treatment of musculoskeletal injuries with the exception of acute fractures soft tissue avulsions where other medical interventions may be indicated, related to the work, home, leisure, recreational and educational environments.

#### Chapter PT 7

#### UNPROFESSIONAL CONDUCT

PT 7.01 AUTHORITY AND PURPOSE. The definition of this chapter is adopted by the board pursuant to the authority delegated by s 15.085 (5) (b), Stats., for the purposes of ch. 448, Stats.

PT 7.02 DEFINITION. The term "unprofessional conduct" is defined to mean and include but not be limited to the following, or aiding or abetting the same:

- (1) Violating or attempting to violate any applicable provision or term of ch. 448, Stats., or of any valid rule of the board.
- (2) Violating or attempting to violate any term, provision or condition of any order of the board.
- (3) Knowingly making or presenting or causing to be made or presented any false, fraudulent or forged statement, writing, certificate, diploma, or other thing in connection with any application for a license.
- (4) Practicing fraud, forgery, deception, collusion or conspiracy in connection with any examination for a license.
- (5) Giving, selling, buying, bartering or attempting to give, sell, buy or barter any license.
- (6) Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other state. This subsection does not apply to a change of name resulting from marriage, divorce or order by a court of record.
- (7) Engaging or attempting to engage in the unlawful practice of physical therapy.
- (8) Any practice or conduct which tends to constitute a danger to the health, welfare or safety of a patient or the public.
- (9) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to patients.
- (10) Practicing or attempting to practice under any license beyond the scope of that license.
- (11) Offering, undertaking or agreeing to treat or cure a disease or condition by a secret means, method, device or instrumentality; or refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease or condition.
- (12) Representing that a manifestly incurable disease or condition can be or will be permanently cured; or that a curable disease or condition can be cured within a stated time, if it is not the fact.
- (13) Knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

(14) Willfully divulging a privileged communication or confidence entrusted by a patient or deficiencies in the character of patients observed in the course of professional attendance, unless lawfully required to do so.

(15) Engaging in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence.

(16) Engaging in false, misleading or deceptive advertising.

(17) Having a license, certificate, permit, registration or other practice privilege granted by another state or by any agency of the federal government to practice physical therapy limited, restricted, suspended or revoked, or having been subject to other disciplinary action by the state licensing authority or by any agency of the federal government.

(18) Conviction of any crime which may relate to practice under any license, or of violation of any federal or state law regulating the possession, distribution or use of controlled substances as defined in s. 161.01 (4), Stats. A certified copy of a judgment of a court of record showing the conviction, within this state or without, shall be presumptive evidence of the conviction.

## Chapter PT 8

### BIENNIAL REGISTRATION

**PT 8.01 AUTHORITY AND PURPOSE.** The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 and 448.53, Stats., and govern biennial registration of licensees of the board.

**PT 8.02 REGISTRATION REQUIRED; METHOD OF REGISTRATION.** Each licensee shall register biennially with the board. On or before October 1 of each odd-numbered year the board 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 registration. Each licensee shall complete the application form and return it with the required fee to the board office prior to the next succeeding November 1. The board shall notify the licensee within 30 business days of receipt of a completed registration form whether the application for registration is approved or denied.

**PT 8.03 INITIAL REGISTRATION.** Any licensee who is initially granted and issued a license during a given calendar year shall register for that biennium. The board shall notify the licensee within 30 business days of receipt of a completed registration form whether the application for registration is approved or denied.

**PT 8.04 REGISTRATION PROHIBITED, ANNULLED; REREGISTRATION.** Any person whose license has been suspended or revoked may not be permitted to register, and the registration of the person shall be deemed annulled upon receipt by the secretary of the board of a verified report of the suspension or revocation, subject to the person's right of appeal. A person

whose license has been suspended or revoked and subsequently restored shall be reregistered by the board upon receipt by the board of both a verified report of the restoration and a completed registration form.

**PT 8.05 FAILURE TO BE REGISTERED.** (1) Failure for whatever reason of a licensee to be registered as required under this chapter makes the licensee subject to the effect of s. 448.07 (1) (a), Stats., which states, inter alia, "*No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered with the board.*"

(2) A license shall expire if it is not renewed by November 1 of odd-numbered years. A licensee who allows the license to lapse may apply to the board for reinstatement of the license as follows:

(a) 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.

(b) 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 reinstatement 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.

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(END OF TEXT OF RULE)  
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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.

Dated July 18, 1995

Agency Michael W. Edwards  
Chairperson  
Physical Therapists Affiliated Credentialing Board



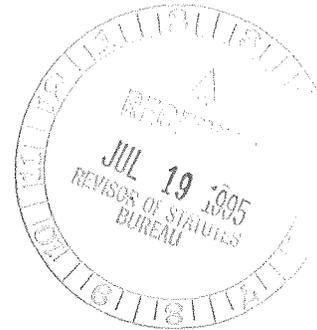
**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** July 19, 1995

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Rules Center Coordinator  
Department of Regulation and Licensing  
Office of Administrative Rules



**SUBJECT:** Final Rule-Making Order

**Agency: PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD**

**Clearinghouse Rule: 94-220**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.