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Federation of State Boards of Physical Therapy

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US Supreme Court rules on North Carolina Dental Board vs FTC

The U.S. Supreme Court ruled (6-3) on Wednesday that the North Carolina Dental Board, made up of mostly dentists, illegally suppressed competition when they told non-dentists to stop offering teeth-whitening services.

The court sided with the FTC saying: "Because a controlling number of the board's decision makers are active market participants in the occupation the Board regulates, the Board can invoke state-action immunity **only if** it was subject to **active supervision** by the State, and here that requirement is **not** met." The court went on to add: "This conclusion does not question the good faith of state officers but rather is an assessment of the structural risk of market participants' confusing their own interests with the State's policy goals."

The Court went on to state: "There is no evidence of any decision by the State to initiate or concur with the Board's actions against the non-dentists." Further, "The Act delegates control over the practice of dentistry to the Board, but says nothing about teeth whitening."

On the argument that allowing this FTC order to stand would discourage dedicated citizens from serving on state agencies that regulate their own occupation, the court responded: "This holding is not inconsistent with the idea that those who pursue a calling must embrace ethical standards that derive from a duty separate from the dictates of the State."

In response to the concerns for a definition of “active supervision” by the State, the court responded that it: “... is flexible and context-dependent...and the mere potential for state supervision is not an adequate substitute for a decision by the State. Further, the state supervisor may not itself be an active market participant.”

Watch for a more complete analysis from legal counsel.

Are you interested in attending some of the best regulatory training available?

FSBPT hosts annual training for all jurisdiction board members and administrators on physical therapy regulation. It receives *consistently exceptional reviews*; we are not kidding! And *FSBPT funds your attendance*.

This year’s training is *June 12-14, 2015* in Alexandria, Virginia.

Topics: Regulatory law, terminology, board powers/responsibilities/roles, the regulation of physical therapy, delegation of authority, immunity – and a familiarization with FSBPT services.

Learn more - Log into the [FSBPT Members Site](#). Look for “forget your username or password?” if you need help logging in. Once you’re in, look for Upcoming Board Member & Administrator Training under Meetings & Events.

Register for training – Email communications@fsbpt.org.

2015 voting delegates and funded administrators are invited to attend LIF

If you become your board’s voting delegate or funded administrator for the 2015 annual meeting in Orlando, expect an automatic invitation to the Leadership Issues Forum (LIF) in August. FSBPT funds your attendance at both meetings. Here are the dates:

LIF: August 1-2, 2015 in Alexandria, Virginia

Annual Meeting: October 15-17, 2015 in Orlando, Florida

DETAILS

Credentialing

We will be opening delegate credentialing soon. This process allows administrators to electronically credential their voting delegates, alternate delegates and funded administrator to attend the annual meeting.

With that information, we email travel authorizations to the voting delegate, primary alternate delegate and funded administrator for the annual meeting.

Leadership Issues Forum

Attendees have found this to be an excellent way to immerse themselves in the background information about motions that will be voted on at the annual meeting. The meeting allows attendees to discuss the motions in-depth in a congenial atmosphere that allows for a frank give-and-take.

Attendees can then present this information to their board before they attend the annual meeting and allow for a full discussion and surfacing of additional thoughts or issues prior to the annual meeting

Separate travel authorizations will be sent to voting delegates and FSBPT-funded administrators for the LIF meeting.

Can't attend LIF?

Voting delegates and funded administrators who cannot attend LIF can nominate another delegate or administrator to take their place. Nominated individual should be attending the annual meeting as well.

2017 NPTE test dates scheduled

Here are the PT and PTA test dates for 2017. They will be posted on our website at the Exam Candidates NPTE Dates and Deadlines page by the end of this month (February 2015).

PT:

January 26, 2017
April 26, 2017
July 18-19, 2017
October 25, 2017

PTA:

January 12, 2017
April 5, 2017
July 6, 2017
October 3, 2017



Our volunteers hard at work

This month, FSBPT hosted the following groups:

Item Bank Review Committee – PTA

Exam Development Committee - PTA

Item Writers Workshop

Spotlight on member resources: The Public



Do you have a resource page for physical therapy patients? We do. One of the best features of this section is that we link to each state's license verification page.

Maybe you can borrow some of our ideas – or maybe you have information you think might be useful on our page. If you do, send it to communications@fsbpt.org.

[View The Public webpage.](#)

Cheating in the News: How college classes encourage cheating

James M. Lang wrote an article for The Boston Globe in August 2013 with the subtext, *Our universities motivate students to be dishonest. Here's how to fix them.*

“When the fall semester opens at Harvard University in just a few short weeks, the campus will still be echoing from the cheating scandal last year that saw the suspension of more than 60 students in a government course.

“The scandal grabbed attention because of the shock value of the headline’s pairing: Harvard students and cheating. Most commentators zeroed in on the students—apparently lazy and dishonest, for all their talent—or on the hypercompetitive culture of America’s most prestigious university. Still others suggested that cheating has become commonplace in our schools as the result of the increasingly amoral larger society in which they operate...

“In other words, it may be that cheating rates are so high because too many university curriculums and courses are designed for cheating. And, based on current trends in college education, the problem may be about to get worse.”

[View article.](#)

Healthcare Regulatory CEO Group second meeting

CEOs from the National Council of State Boards of Nursing, National Boards of Pharmacy, Federation of State Medical Boards, Association of State and Provincial Psychology Boards, National Board of Certification in Occupational Therapy, the Association of Social Work Boards, and the Federation of State Boards of Physical Therapy are meeting February 26 & 27 in Washington, DC to focus on various topics to include mobility and collaboration.

Board of Directors Report

Here are the motions from the February 2015 board of directors meeting.

To modify investment policy to reflect a benchmark for total net return that exceeds the All Urban Consumer Price Index by 3%.

Rationale: The use of market indexes will apply the current benchmark index to the historical data even though the mix of funds constantly changes. The CPI would be a more consistent measure for current and prior years.

Fiscal impact: None

To modify the investment policy to add a “Strategic Global Allocation Manager” as a new investment group and to change the investment allocation guidelines by decreasing the Large Cap and the Mid/Small Cap categories by 5% each and reallocating the total of 10% to the new category.

Rationale: This would add to our diversification. Such managers seek out underpriced stocks from throughout the world.

Fiscal impact: None

To appoint the following individuals to the Dry Needling Competencies Task Force:

- Joe Donnelly
- Sean Flannagan
- Michelle Layton
- Keri Maywhort
- JJ Thomas
- Sumesh Thomas
- Edo Zylstra
- Board liaison: Charles Brown

Rationale: The purpose of the task force is to develop, with the assistance of an outside consultant, a profile of competencies required of physical therapists in to perform dry needling in a clinical setting. Licensing boards may choose to use the competencies to determine requirements for their licensees to perform dry needling.

Fiscal Impact: None; already budgeted.

Logging in

FSBPT members can log in to the Members section of the FSBPT website by clicking on “Members Login” at the top of the page. Look for “Forgot your username or password?” if you have forgotten or don’t know them.

Board minutes can be found under FSBPT Governance.

Board Liaisons to Jurisdictions

Find out which member of the board of directors is liaison to your jurisdiction.

 <p>Jurisdictions</p>	<p>Your Board Liaisons</p>
<p>Arizona, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah</p>	<p>Charles Brown</p>

	
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	<p>Maggie Donohue</p> 
Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Tennessee	<p>Natalie Harms</p> 
Alaska, California, Hawaii, Ohio, Oregon, Puerto Rico, Virgin Islands, Washington	<p>Jim Heider</p> 
Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia	<p>Nancy Kirsch</p> 
Idaho, Iowa, Michigan, Minnesota, Montana, North Dakota, South Dakota,	<p>David Relling</p>

Wisconsin, Wyoming	
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	<p data-bbox="1000 495 1162 527">Ron Seymour</p> 

	<p data-bbox="849 915 1162 982">Staff Contact Information Who Should I Contact?</p>
<p data-bbox="500 1115 1122 1146">FSBPT: 703.299.3100 FCCPT: 703.684.8406</p> <p data-bbox="578 1152 1044 1178">(Call FSBPT unless otherwise noted after name.)</p>	
<p data-bbox="402 1234 496 1262">Subject</p>	<p data-bbox="792 1234 987 1262">Point of Contact</p>
<p data-bbox="402 1287 643 1314">ADA accommodations</p>	<p data-bbox="792 1287 927 1314">Shana Smith</p>
<p data-bbox="402 1333 683 1392">Assessment/ examination development questions</p>	<p data-bbox="792 1333 1008 1360">Lorin Mueller, Ph.D.</p> <p data-bbox="792 1367 935 1394">Susan Layton</p>
<p data-bbox="402 1417 662 1444">Continuing competence</p>	<p data-bbox="792 1417 1052 1444">Heidi Herbst Paakkonen</p>
<p data-bbox="402 1463 605 1491">Credentials review</p>	<p data-bbox="792 1463 1003 1491">Jaime Nolan, FCCPT</p> <p data-bbox="792 1497 1146 1524">Susan K. Lindeblad, Ph.D., FCCPT</p>
<p data-bbox="402 1547 756 1606">Exam, Licensure and Disciplinary Database (ELDD) participation</p>	<p data-bbox="792 1581 963 1608">eldd@fsbpt.org</p>
<p data-bbox="402 1631 716 1659">Exam registration processing</p>	<p data-bbox="792 1631 954 1659">Christine Sousa</p>
<p data-bbox="402 1677 662 1705">Foreign educated issues</p>	<p data-bbox="792 1677 906 1705">Mark Lane</p> <p data-bbox="792 1711 1146 1738">Susan K. Lindeblad, Ph.D., FCCPT</p>
<p data-bbox="402 1761 537 1789">Immigration</p>	<p data-bbox="792 1761 1146 1789">Susan K. Lindeblad, Ph.D., FCCPT</p>
<p data-bbox="402 1808 610 1866">Legislation or Model Practice Act</p>	<p data-bbox="792 1808 906 1835">Mark Lane</p> <p data-bbox="792 1841 930 1869">Leslie Adrian</p>

Meeting arrangements	Paul Delaney
Member contact updates	Maribeth C. Decker
NPDB reports/questions	Angela Burnham
Practice Review Tool (PRT)	practicereview@fsbpt.org
PT and PTA Practice Exam & Assessment Tool (PEAT)	peat@fsbpt.org
Reimbursement of expenses; other financial matters	Tracy Leadmon Larry Wilkerson
School reports	SchoolReports@fsbpt.org
Score transfer & reporting	Christine Sousa
Security issues	Susan Layton
Anything else, including news to share with members	William A. Hatherill Maribeth C. Decker



Sign off: That's all the news today from the caustically cold cynical banks of the Potomac, where the fish are faster, the fishing boats are longer, and the fishermen are still full of stories.

- William A. Hatherill, CEO