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Federation of State Boards of Physical Therapy

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Potential remedy for providing antitrust immunity to board members

The Federation, through the Professional Licensing Coalition, has been working on a legislative solution to the issue created for members of jurisdiction licensing boards when the Supreme Court ruled that the North Carolina Dental Board did not have state immunity from lawsuits when it sent cease and desist orders to teeth whitening kiosks.

A State Licensing Board Antitrust Act has been drafted to add state licensing boards to The Local Government Antitrust Act (LGAA) of 1984 (federal legislation) that shielded local governments from lawsuits asking for antitrust treble damage awards.

Richard McDougall Award winner – Joni Kalis



Each year, the Federation awards those members whose individual work has made a lasting significant and distinguished contribution to the Federation over at least 10 years.

This year's award goes to **Joni Kalis, PT** of Oregon, whose service includes service (membership and chair) on a number of significant Federation committees and task forces as well as active participation as a Voting Delegate.

Congratulations, Joni!

Presidents Award winners – Jane Julian & Senator Bo Watson

Each year, the President recognizes and honors those individuals who, in the President's opinion, have made significant, outstanding contributions to the Federation in the past year.



Jane Julian, PT of South Carolina, current chair of the Federation's Ethics and Legislation Committee.



Senator Bo Watson, PT of Tennessee, who was crucial to the forward movement of the Physical Therapy Licensure Compact.

Academy of Advanced Item Writers

The following individuals will be inducted into the Academy of Advanced Item Writers at our annual meeting in recognition of both the quality and quantity of items written for the National Physical Therapy Examination.

*Frank Bates
Lucinda Bouillon
Audrey Campbell
Michael Connors
Mary Conway
Anissa Davis
Mayra Eschbach
Sean Griech
Sheri Hale
Shana Harrington
Karen Holtgreffe
Jasmin Riehl Jimeno
Rebecca Johnson
Debra McDowell
Ron Meade
Claudia Medeiros
Jennifer Mercer
Kristen Metzler-Wilson
Michael Nanzer
Patti Berg-Poppe
Anne Reicherter
Kristin Schroeder
Stephanie Thurmond
Elizabeth M Williamson*

10 states have not yet credentialed their delegates

The following states have not yet credentialed their delegates for FSBPT's annual meeting November 3-5, 2016 in Columbus, Ohio.

Alabama, Alaska, Delaware, Georgia, Kansas, Maine, New Mexico, New York, South Dakota and Vermont

Three positions are ***funded by FSBPT*** to attend the annual meeting, which includes two full days of regulatory training and the Delegate Assembly – Voting Delegate, Primary Alternate Delegate and Funded Administrator.

Administrators, if you need a copy of the credentialing instructions, email communications@fsbpt.org.

2016 Leadership Issues Forum presentations posted

2016 Leadership Issues Forum presentations are posted on the [Leadership Issues Forum \(LIF\) section](#) of the FSBPT Members Area.*

Presentations include the Physical Therapy Licensure Compact, Continuing Competence, NPTE Eligibility, NPTE Practice Analysis, Ethics and Legislation Issues, the Minimum Data Set, the Exam, Licensure and Disciplinary Database, Foreign Educated Issues and New Ways to Interface with FSBPT.

LIF provides an opportunity for attendees to learn more about current regulatory issues as well as prepare for the Delegate Assembly. Voting Delegates and FSBPT-funded Administrators to the annual meeting will be automatically funded to attend the LIF - it is very important that these key players attend.

** If you attended LIF but don't have access to the Members Area, email communications@fsbpt.org and let us know what presentations you would like to see.*

2017 dates posted for Regulatory Training and LIF

2017 Regulatory Training for Members and Board Staff (Formerly the Board & Administrator Training)

June 9-11, 2017 | Alexandria, Virginia

Attendance: Current (new and seasoned) regulatory board members and staff.

2017 Leadership Issues Forum

July 29-30, 2017 | Alexandria, Virginia

Attendance: 2017 committee chairs, 2017 Voting Delegates (or primary alternate delegates) and 2017 Funded Administrators will be expected to attend.

Members, [click here](#) to learn more.



Our volunteers hard at work

This month, FSBPT hosted the following groups:

PT Exam Development Committee

PT & PTA NPTE Oversight Committee

Item Writer Coordinators

ProCert Reviewers Training

Mary Addison Blackstone

Trent Casper

LaVonne Couch

Claudia Fenderson

Krista Kleinig

Joy Levine

Rachna Patel

Finding good pain treatment is hard. If you're not white, it's even harder.

On August 9, 2016, Abby Goudnough posted in the New York Times, “Roslyn Lewis was at work at a dollar store here, pushing a heavy cart of dog food, when something popped in her back: an explosion of pain. At the emergency room the next day, doctors gave her Motrin and sent her home.

“Her employer paid for a nerve block that helped temporarily, numbing her lower back, but she could not afford more injections or physical therapy. A decade later, the pain radiates to her right knee and remains largely unaddressed, so deep and searing that on a recent day she sat stiffly on her couch, her curtains drawn, for hours.

“The experience of African-Americans, like Ms. Lewis, and other minorities illustrates a problem as persistent as it is complex: Minorities tend to receive less treatment for pain than whites, and suffer more disability as a result.

“While an epidemic of prescription opioid abuse has swept across the United States, African-Americans and Hispanics have been affected at much lower rates than whites. Researchers say minority patients use fewer opioids, and they offer a thicket of possible explanations, including a lack of insurance coverage and a greater reluctance among minorities to take opioid painkillers even if they are prescribed. But the researchers have also found evidence of racial bias and stereotyping in recognizing and treating pain among minorities, particularly black patients.”

[View article.](#)

Move to end Step 2 clinical assessments for doctors

In 2004, the US Medical Licensing Exam (USMLE) was expanded to include a clinical skills assessment -- Step 2 CS. A similar exam had previously been administered only to foreign medical graduates, but since the change all graduates of US medical schools are required to pass the exam prior to obtaining a medical license.

There is a national movement to end Step 2 CS. They believe eliminating the national clinical skills exam for US medical graduates reduces unnecessary costs in the education process without negatively affecting patient care.

[Visit website.](#)

Arkansas still struggling with telehealth regulations

Eric Wicklund of mHealth Intelligence reported on August 17, 2016, “Arkansas is moving toward legislation that would enable healthcare providers to treat first-time patients via telehealth – though those patients would still have to be sitting in a healthcare facility to take advantage of the service.

“The Arkansas Legislative Council’s Rules and Regulations Subcommittee has signed off on an amendment to Regulation 2.8 of the state’s Medical Code, permitting a physician licensed in the state to use real-time audio-visual technology to establish a relationship with a first-time patient. The amendment will go into effect in 10 days.

“Arkansas is one of only a few states still to mandate an in-person visit prior to a telehealth relationship.”

[View article.](#)

Is your jurisdiction using [aPTitude](#)?

More than 27,000 PTs and PTAs are now registered with [aPTitude](#) to record and maintain completed continuing competence activities, and to track completion process for compliance with their jurisdictions’ requirements.

aPTitude’s continued expansion presents an opportunity for jurisdiction boards to use the system to promote awareness of continuing competence requirements and options, and offers a low-cost compliance audit solution.

Unsure of how to accomplish this? Contact CompetenceStaff@fsbpt.org to schedule an orientation and demonstration. We can also provide jurisdictions with promotional language and other resources to encourage licensee use of [aPTitude](#).

Does measuring quality really ensure patient safety?

On April 21, 2016, Tinker Ready wrote in HealthLeaders Media, “Does healthcare quality measurement ensure patient safety? Sounds logical, unless you take a step back and ask whether healthcare quality measures truly measure quality.

“That’s what hospitals have asked the Centers for Medicare & Medicaid Services to do. And this week, the agency stopped short of posting new hospital ratings on [Hospital Compare](#) as scheduled. The launch of the ratings has been rescheduled for July.”*

**Note: They were updated July 27, 2016.*

[View article.](#)

FTC comments on Delaware Board of Dietetics/Nutrition telehealth

On August 16, 2016, the Federal Trade Commission (FTC) staff sent a letter to the Delaware Board of Dietetics/Nutrition commenting on the board’s proposed telehealth regulation. The FTC said that, “The proposed Board regulation could promote the use of telehealth and potentially enhance competition and patient care by allowing licensed dietitians/nutritionists (‘licensees’) to determine whether telehealth is an appropriate level of care for a patient and to provide dietetics and nutrition services through telehealth. It could enhance consumer choice by providing an alternative to in-person care, potentially reducing travel costs and increasing access to care.

“The proposed regulation, however, would limit the flexibility of the revised Delaware code by requiring that ‘[a]ll initial evaluations shall be performed face to face and not through telehealth.’

“... The proposed regulation could unnecessarily discourage the use of telehealth for assessment and diagnosis and restrict consumer choice.”

[Read letter.](#)

Spotlight on member resources: Start collecting Minimum Data Set information



FSBPT and APTA are collaborating with the National Center for Health Workforce Analysis (National Center) to create a Minimum Data Set (MDS) to describe the physical therapist and physical therapist assistant workforce.

Your board can collect this information by including the set of questions developed by the MDS task force in your renewal process.

Go to our MDS page from the [Regulatory Resources](#) page and find the *Physical Therapist Minimum Data Set Questionnaire* along with a number of other useful resources on the MDS.

National Certified Investigator & Inspector Training (NCIT) November 2-4

CLEAR will offer the National Certified Investigator & Inspector Training Basic program and Specialized program in Richmond, Virginia from November 2-4, 2016.

[CLEAR's NCIT Basic program](#) provides a three-day, hands-on training and certification program in investigation and inspection techniques and procedures.

[CLEAR's Specialized Program](#) offers in-depth training in three subjects. Completion of the NCIT—Basic program is a prerequisite.

Cheating in the News: A “massive” breach has exposed hundreds of new SAT questions

On August 3, 2016, Renee Dudley of Reuters posted, “Just months after the College Board unveiled the new SAT this March, a person with access to material for upcoming versions of the redesigned exam provided Reuters with hundreds of confidential test items. The questions and answers include 21 reading passages – each with about a dozen questions – and about 160 math problems.”

James Wollack, Director of the University of Wisconsin-Madison Testing and Evaluation Services (T&E), the UW System Center for Placement Testing, and a member of the Federation’s National Physical Therapy Examination (NPTE) Technical Advisory Panel (TAP), is quoted.

[View article.](#)

Board of Directors Report

Here are the motions from the August board of directors meetings.

To submit a bylaws amendment motion and an Areas of Focus motion to the Resolutions Committee for the 2016 Delegate Assembly.

Rationale: Motions must be submitted to the Resolutions Committee 90 days before the date of the Delegate Assembly.

Fiscal Impact: None.

To approve Joni Kalis for the 2016 Richard McDougall Long Term Service Award.

Rationale: Each year, the Federation awards those members whose individual work merits special recognition. Awards will be given at the Federation's Annual Meeting, and awardees need to be given advance notice so that they will be able to attend the Annual Meeting.

Fiscal impact: None

To approve the individuals for the Academy of Advanced Item Writers.

Frank Bates

Lucinda Bouillon

Audrey Campbell

Michael Connors

Mary Conway

Anissa Davis

Mayra Eschbach

Sean Griech

Sheri Hale

Shana Harrington

Karen Holtgreffe

Jasmin Riehl Jimeno

Rebecca Johnson

Debra McDowell

Ron Meade

Claudia Medeiros

Jennifer Mercer

Kristen Metzler-Wilson

Michael Nanzer

Patti Berg-Poppe

Anne Reicherter

Kristin Schroeder

Stephanie Thurmond

Elizabeth M Williamson

Rationale: Each year, the Federation awards those members whose individual work merits special recognition. Awards will be given at the Federation's Annual Meeting, and awardees need to be given advance notice so that they will be able to attend the Annual Meeting.

Fiscal impact: None

Board Liaisons to Jurisdictions

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



Jurisdictions

**Your
Board
Liaisons**

Arizona, Colorado, Nevada, New Mexico,
Oklahoma, Texas, Utah

Charles Brown



Alabama, Arkansas, Florida, Georgia,
Louisiana, Mississippi, North Carolina,
Ohio, South Carolina

Tom Caldwell



Connecticut, Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont

Maggie Donohue



Illinois, Indiana, Kansas, Kentucky,
Missouri, Nebraska, Tennessee

Natalie Harms



Alaska, California, Hawaii, Oregon, Puerto
Rico, Virgin Islands, Washington

Jim Heider

	
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, Wisconsin, Wyoming	<p>David Relling</p> 

	<p>Staff Contact Information Who Should I Contact?</p>
<p>FSBPT: 703.299.3100 FCCPT: 703.684.8406 (Call FSBPT unless otherwise noted after name.)</p>	
Subject	Point of Contact
ADA accommodations	Shana Smith
aPTitude	competencestaff@fsbpt.org
Assessment/ examination development questions	Lorin Mueller, PhD Susan Layton
Continuing competence	Jeffrey M. Rosa Heidi Herbst Paakkonen

	competencestaff@fsbpt.org
Credentials review	Jaime Nolan, FCCPT Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT
ELDD -Exam, Licensure and Disciplinary Database participation	eldd@fsbpt.org
Exam registration processing	Christine Sousa
Foreign educated issues	Mark Lane Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT
Immigration	Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT
JAM – Jurisprudence Assessment Module	competencestaff@fsbpt.org
Legislation or Model Practice Act	Mark Lane Leslie Adrian
Meeting arrangements	Paul Delaney
Member contact updates	Maribeth C. Decker
NPDB reports/questions	Angela Burnham
oPTion	competencestaff@fsbpt.org
PTLC -Physical Therapy Licensure Compact	compact@fsbpt.org
PEAT - Practice Exam & Assessment Tool	peat@fsbpt.org
ProCert	competencestaff@fsbpt.org
Reimbursement of expenses; other financial matters	Bill Aronson Linda Michelsen
School reports	SchoolReports@fsbpt.org
Score transfer & reporting	Christine Sousa
SCP PET - Supervised Clinical Practice Performance Evaluation Tool	scppet@fsbpt.org
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
vanilla strawberry hydrangea covered
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