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### **Federation of State Boards of Physical Therapy**

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### **Our 2017 Award Recipients**

Please join us in congratulating our 2017 awardees! They will be honored at the Awards Luncheon at the Annual Meeting in Santa Ana Pueblo on Saturday, November 4, 2017.

#### Academy of Advanced Item Writers

- Jill Heitzman, *Alabama*
- Floris G. H. Van de Ven, *California*

#### Excellence in Regulation Awards

- Oregon Physical Therapist Licensing Board
- Texas Board of Physical Therapy Examiners

#### Outstanding Service Awards

- |                                     |  |
|-------------------------------------|--|
| ▪ Tina Baum, <i>Nevada</i>          | ▪ Charlotte Martin, <i>Louisiana</i>   |
| ▪ Linda Carlson, <i>Texas</i>       | ▪ Jennifer McDonald, <i>New York</i>   |
| ▪ Carolyn Chanoski, <i>Maryland</i> | ▪ Lawrence C. Ohman, <i>Idaho</i>      |
| ▪ Connie Clarkston, <i>Missouri</i> | ▪ David C. Reed, <i>North Carolina</i> |
| ▪ Linda Gustafson, <i>Minnesota</i> | ▪ James R. Roush, <i>Arizona</i>       |
| ▪ George (Bo) Hamil, <i>Georgia</i> | ▪ Angela Shuman, <i>APTA</i>           |
| ▪ Kathleen Lieu, <i>Washington</i>  | ▪ Liyongo Tolin, <i>Michigan</i>       |
| ▪ Sara F. Maher, <i>Michigan</i>    | ▪ Kory Zimney, <i>South Dakota</i>     |

### President's Award

- Carol Sawyer, *Missouri*

### Richard McDougall Long Term Service Awards

- Veronica Reynolds, *South Carolina*
  - Peter-John Zawicki, *Arizona*
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### **Reminder: 2018 NPTE Fee Increase**

Although this was announced in the November 2016 *News Briefs*, we want to remind you of the NPTE fee increase to \$485 effective January 1, 2018. Individuals who register and pay FSBPT for an exam in 2017 will pay \$400. Individuals who register and pay FSBPT for an exam on or after January 1, 2018, will pay \$485. Prometric fees will not change.

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### **Topics for Your Next Board Meeting**

#### **Review the 2017 Candidate Statements**

Candidates for this year's elected positions for the Board of Directors and Nominating Committee have prepared statements you can review with your board before elections take place on Saturday, November 4, 2017. We encourage you to take some time reviewing [their submissions](#). Candidates will also speak about their experience and answer questions at the Candidate Forum at the Annual Meeting on Friday, November 3, 2017.

#### **2017 Slate and Candidate Statements for the Council of Board Administrators (CBA)**

We are pleased to announce the slate for this year's 2017 CBA open positions:

- CBA Chair position: Charlotte F. Martin, *Louisiana*
- CBA Nominating Committee position: Jason Kaiser, *California*

You can view their candidate statements [here](#).

#### **Key 2018-2020 Meeting Dates for your Planning Calendars**

Consider adding these dates now to your board planning calendars so you don't miss these important meetings! We'll update you when additional meeting dates are established.

#### **2018**

June 8-10, 2018      Regulatory Training for Members and Board Staff | Alexandria, VA  
July 14-15, 2018      Leadership Issues Forum | Alexandria, VA  
October 25-27, 2018      Annual Meeting and Delegate Assembly | Reston, VA

#### **2019**

July 13-14, 2019      Leadership Issues Forum | Alexandria, VA  
October 24-26, 2019      Annual Meeting and Delegate Assembly | Location TBD

#### **2020**

October 22-24, 2020      Annual Meeting and Delegate Assembly | Location TBD

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### **Our Gratitude for Volunteers Hard at Work**

This month, we thank the generous volunteer members of these groups for their support of our mission with work on-site and via conference call:

Exam Development Committee- PTA

Exam Chairs

- Betsy Becker
- Zach Frank
- Kelly King
- Jan Haas
- Manuel Domenech
- Jade Bender-Burnett
- Sara Maher
- Jen McDonald
- Sheri Halen
- David Relling

Excellence in Regulation Committee

- Raymond Bilecky
- Connie Clarkston
- Maggie Donohue
- Larry Ohman

Item Writer Coordinators

Item Writers

Resolutions Committee

- Adrienne Price
- Sarah Schmidt
- Timothy Vidale



### **Spotlight on Member Resources: 2017 Leadership Issues Forum presentation files are available!**

The Leadership Issues Forum took place in Alexandria, VA at the end of July. If you were unable to attend or if attended and wish to share the information with your fellow board members and administrators, you can view the 2017 agenda, speaker bios and presentations [here](#).

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### **Board of Directors Report**

This month, to advance the business of the Federation, the board of directors adopted the motions listed.

To approve the passing standard (theta of 0.8554) for the 2018 NPTE-PTA based on the June 2017 standard setting panel recommendations and other considerations.

*Rationale:* The FSBPT Board reevaluates the appropriateness of the passing standards for the NPTE exams every five years in conjunction with updating the NPTE Content Outline to reflect any changes in the practice among entry-level physical therapy professionals. This periodic review ensures that the passing standards for the NPTE-PT and NPTE-PTA examinations accurately reflect the amount of physical therapy knowledge and clinical reasoning skills currently required for safe and effective practice. In evaluating the passing standards, the Board considered information from a variety of sources, including but not limited to the recommendation of the June 2017 NPTE-PTA standard setting panel, feedback from the panelists, historical records of passing standards and candidate performance, and the panel's rationale for revisions to the standard.

*Fiscal impact:* None

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To approve the passing standard (theta of 1.087) for the 2018 NPTE-PT based on the July 2017 standard setting panel recommendations and other considerations.

*Rationale:* The FSBPT Board reevaluates the appropriateness of the passing standards for the NPTE exams every five years in conjunction with updating the NPTE Content Outline to reflect any changes in the practice among entry-level physical therapy professionals. This periodic review ensures that the passing standards for the NPTE-PT and NPTE-PTA examinations accurately reflect the amount of physical therapy knowledge and clinical reasoning skills currently required for safe and effective practice. In evaluating the passing standards, the Board considered information from a variety of sources, including but not limited to the recommendation of the July 2017 NPTE-PT standard setting panel, feedback from the panelists, historical records of passing standards and candidate performance, and the panel's rationale for revisions to the standard.

*Fiscal impact:* None

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The Academy of Advanced Item Writers consists of those National Physical Therapy Examination (NPTE) item writers who develop both quality and quantity items as defined in the criteria below.

- Developed 60 items which were approved by the Item Bank Review Committee and entered into the item bank.
- Attended at least one FSBPT beginning item writing workshop.
- Fulfilled content area assignments during beginning item writing workshops.
- Recommended by an Item Writer Coordinator
- Provide additional service on an NPTE committee or taskforce

*Rationale:* This motion adds a requirement for "additional service" in order for individuals to become eligible to be members of the Academy of Advanced Item Writers. The requirement helps demonstrate a commitment to the entire NPTE development process. Being a member of the Academy of Advanced Item Writers is an honor for the most dedicated NPTE volunteers and this new criterion is in line with that.

*Fiscal impact:* None

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To approve Veronica Reynolds and Peter Zawicki for the 2017 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

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To approve these individuals for the Academy of Advanced Item Writers:

- Jill Heitzman
- Floris Van de Ven

*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

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To approve these members for 2017 Outstanding Service Awards:

- |                     |                     |
|---------------------|---------------------|
| ▪ Tina Baum         | ▪ Charlotte Martin  |
| ▪ Linda Carlson     | ▪ Jennifer McDonald |
| ▪ Carolyn Chanoski  | ▪ Larry Ohman       |
| ▪ Connie Clarkston  | ▪ David Reed        |
| ▪ Linda Gustafson   | ▪ James Roush       |
| ▪ George (Bo) Hamil | ▪ Angela Shuman     |
| ▪ Kathleen Lieu     | ▪ Liyongo Tolin     |
| ▪ Sara Maher        | ▪ Kory Zimney       |

*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

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## In the Regulatory Industry

### **Health & Care Professions Council, United Kingdom, “Returning to practice” paper**

The Health & Care Professions Council outlines the processes it requires for those returning to practice, including physiotherapists, after a break of more than two years. Read their guidance [here](#).

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## In the News

**“The Onerous, Arbitrary, Unaccountable World of Occupational Licensing,” by Michelle Cottle, published in *The Atlantic* on August 13, 2017**

“Like its predecessor, the Trump administration wants to reform how states issue these certificates, which often have less to do with consumer protection than economic protectionism.

“For all Donald Trump’s flightiness and lack of ideological moorings, in one regard at least, the guy is reasonably steadfast: If Barack Obama supported something, he wants to blow it up or roll it back. Save for filling Antonin Scalia’s Supreme Court seat- which, really, should count more as a win for Mitch McConnell- arguably 45’s most noteworthy feat thus far has been his dogged quest to unravel his predecessor’s legacy.

“Which makes it oh-so-interesting to encounter the rare policy parallels between his administration and the last. Among the more sizzling examples to surface of late: the need to overhaul occupational licensing.”

Read the full article [here](#).

**“Panel led by Mississippi governor to control all licensing regulations,” published on Professional Licensing Report website on August 8, 2017**

“Mississippi legislators in April joined in a growing national trend to ‘regulate the regulators’ in charge of professional licensing by establishing a powerful panel, to be led by the governor, that will vet any regulation proposed by a licensing board.

“The purpose of the measure, House Bill 1425, signed by the governor April 11, is ‘to ensure that occupational licensing boards and board members avoid liability under federal antitrust law.’”

Read the full article [here](#).

**“Florida found a cure for nursing shortage. It didn’t work.” by Scott Travis, published in SunSentinel on August 6, 2017**

“Florida’s effort to train more nurses has faltered, raising concerns about whether there will be enough to care for the state’s increasing number of patients.

“There were about 12,000 nursing vacancies last year, twice as many as in 2009, according to the Florida Center for Nursing. This could force nurses to care for large numbers of patients at a time, leading to inferior care and nurse burnout, experts warn.

“‘When you have a shortage, nurses that remain tend to handle the load, but at what cost?’ asked Willa Fuller, executive director of the Florida Association of Nurses, an advocacy group. ‘We know that it contributes to errors and inconsistencies in care if you don’t have adequate nurse staffing.’

“The problem could get worse during the next few years as the large number of older nurses in the work force retire, and the state’s population continues to grow.”

Read the full article [here](#).

**“New State Telemedicine Laws Show Provider Hurdles Remain”, by Matthew Loughran, published on Bloomberg BNA on August 2, 2017**

“Telemedicine laws recently enacted in Texas and Oklahoma reflect a wider acceptance of the practice but also serve as a reminder that health-care providers and regulators still face significant hurdles in adapting to new remote treatment technologies.

“The Texas law, passed by the state legislature May 12, permits telemedicine providers to establish a patient-provider relationship without an in-person consultation needed. The Oklahoma law, passed 8 days earlier, does the same. Both laws also provide definitions for telemedicine and describe specific delivery methods that will be available for use by telemedicine providers.

“Perhaps most importantly, these laws continue a pattern in which each new state telemedicine law uses different definitions for what constitutes telemedicine and imposes disparate restrictions on what may or may not be done by telemedicine providers. This lack of uniformity stands as an ongoing challenge for providers and their counsel and poses an ongoing impediment to more widespread adoption, health-care lawyers told Bloomberg BNA.”

Read the full article [here](#).

**“NC Dry needling Dispute is Just One of many Antitrust Suits”, by Alexandra Olgin, published on WFAE 90.7 (Charlotte’s NPR News Source) website on July 28, 2017**

“There are a lot of rules that come with practicing medicine, therapy and other professions. They are in place to protect the consumer. But when those rules are used to restrict competitors doing the same thing at a lower cost, it raises the question: Do regulators have consumers' best interest at heart? There has been a spike in lawsuits that challenge the authority of licensing boards. One of the latest disputes comes from North Carolina. It’s between physical therapists and acupuncturists.”

Read the full interview and article [here](#).

**Press Release “Sens. Lee, Cruz, Sasse, and Rep. Issa Introduce Occupational Licensing Reform Bill, appearing on the Mike Lee US Senator for Utah website on July 27, 2017**

“WASHINGTON – Sen. Mike Lee (R-UT), Ted Cruz (R-TX), Ben Sasse (R-NE), as well as Rep. Darrell Issa (R-CA) introduced the Restoring Board Immunity Act Thursday, a bill designed to help states reform their occupational licensing regulations.

“Occupational licensing costs consumers \$200 billion in higher costs every year and deprives an estimated three million prospective professionals of job opportunities,’ Sen. Lee said. ‘This bill creates an incentive for states to implement much needed occupational licensing reforms.’

“Occupational licensing schemes are one of the worst expressions of special interests stifling the American dream for hardworking men and women across this country,’ Sen. Cruz said. ‘The government should not be unnecessarily denying people the opportunity to earn an honest living. This bill incentivizes states to roll back and reform job-killing regulations, and create better paying jobs and greater opportunity.’

“If we want to help our neighbors find work and fight poverty, we can start by clearing away unnecessary occupational licensing barriers,’ said Sasse. ‘Men and women who want to serve their

communities and provide for their kids shouldn't have to wander through the complicated maze of complicated licensing requirements.'"

Read the full release [here](#).

Read Rep. Issa's interview on August 24, 2017 about the subject [here](#).

### **Federal Trade Commission Judge Pauses Litigation Against Louisiana Real Estate Appraisal Board**

In an order dated July 28, 2017, an Administrative Law Judge at the Federal Trade Commission granted the Louisiana Real Estate Appraisal Board's request to suspend antitrust litigation brought by the FTC, notwithstanding objections from FTC staff. The judge held that a short stay of the litigation was appropriate after Louisiana's governor issued an Executive Order significantly changing the state's supervision of the Board's decision making regarding certain appraisal fee rules.

The FTC's lawsuit was filed in May 2017, alleging that the Board was unreasonably restraining price competition for appraisal services in Louisiana, contrary to federal antitrust law. The FTC took issue with the Board's requirement that appraisal fees equal or exceed the median fees identified in survey reports commissioned and published by the Board, and the Board's practice of investigating and sanctioning companies that paid fees below the specified levels. The Board contended that it was acting pursuant to a mandate established by a state statute implementing requirements of the Dodd-Frank Act, which dictates that appraisal management companies pay "a rate that is customary and reasonable for appraisal services performed in the market area of the property being appraised." The FTC disagreed, asserting that Dodd-Frank neither requires nor authorizes the restrictions the Board placed on appraisal fees.

Less than two months into the litigation, Louisiana's governor issued an Executive Order acknowledging that questions had arisen regarding the Board's actions, as well as the implications of a recent U.S. Supreme Court ruling establishing that state licensing boards comprised of a controlling number of active market participants are not entitled to the immunity from federal antitrust laws that is afforded to states, unless the board is "actively supervised" by the state. *North Carolina State Board of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015). The Executive Order requires that the Board submit any proposed regulation related to the appraisal fee law to the Commissioner of Administration for approval, rejection or modification. The Executive Order also requires that the Board obtain the approval of the Division of Administrative Law before entering any settlement, or initiating any administrative complaint, against an appraisal management company.

Following the Executive Order, the Board requested a 90-day stay of the FTC litigation to allow it sufficient time to implement the new oversight regime. The FTC objected, arguing that the new Executive Order may not do enough to address the concerns expressed in its lawsuit. The judge disagreed, noting that "recent developments in the state law challenged in the Complaint . . . fundamentally change the factual and legal basis of this proceeding."

View the State of Louisiana Executive Order [here](#).

**Board Liaisons to Jurisdictions**

Members of the board of directors serve as liaisons to multiple jurisdictions. Current liaison relationships are listed here for your reference.

Jurisdictions	Board Liaison
Delaware, District of Columbia, Indiana, Kentucky, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia	 <p>Ron Barbato</p>
Arizona, Colorado, Oklahoma, Nevada, New Mexico, Texas, Utah	 <p>Charles Brown</p>
Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina	 <p>Tom Caldwell</p>
Illinois, Iowa, Kansas, Michigan, Missouri, Nebraska, Wisconsin	 <p>Natalie Harms</p>
Alaska, California, Hawaii, Oregon, Puerto Rico, Virgin Islands, Washington	 <p>Jim Heider</p>
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Vermont	 <p>Nancy Kirsch</p>
Idaho, Minnesota, Montana, North Dakota, South Dakota, Wyoming	 <p>David Relling</p>

## Staff Contact Information

<b>If you have questions, challenges or ideas, we want to hear from you!</b> <b>FSBPT: (703) 299-3100   FCCPT: (703) 684-8406</b> (Call FSBPT unless otherwise noted after name)	
<b>Subject</b>	<b>Point of Contact/Email Address</b>
ADA accommodations	Shana Smith
aPTitude	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Assessment or examination development questions	Lorin Mueller, PhD Susan Layton <a href="mailto:npte@fsbpt.org">npte@fsbpt.org</a>
Continuing competence	Jeffrey M. Rosa Heidi Herbst Paakkonen <a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Credentials review	Jaime Nolan, FCCPT Susan K. Lindeblad, PT, PhD, FCCPT
ELDD- Exam, Licensure and Disciplinary Database participation	<a href="mailto:eldd@fsbpt.org">eldd@fsbpt.org</a>
Exam registration processing	Christine Sousa
Foreign educated issues	Mark Lane Susan K. Lindeblad, PT, PhD, FCCPT
Immigration	Susan K. Lindeblad, PT, PhD, FCCPT
JAM- Jurisprudence Assessment Module	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Legislation or Model Practice Act	Mark Lane Leslie Adrian
Meeting arrangements	Paul Delaney
NPDB reports/questions	Angela Burnham
oPTion	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
PTLC- Physical Therapy Licensure Compact	<a href="mailto:compact@fsbpt.org">compact@fsbpt.org</a>
PEAT- Practice Exam & Assessment Tool	<a href="mailto:peat@fsbpt.org">peat@fsbpt.org</a>
ProCert	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Reimbursement of expenses Other financial matters	Bill Aronson Linda Michelsen
School reports	<a href="mailto:schoolreports@fsbpt.org">schoolreports@fsbpt.org</a>
Score transfer & reporting	Christine Sousa
SCP PET- Supervised Clinical Practice Performance Evaluation Tool	<a href="mailto:scppet@fsbpt.org">scppet@fsbpt.org</a>
Security issues	Susan Layton <a href="mailto:security@fsbpt.org">security@fsbpt.org</a>
Anything else, including news to share with members	William A. Hatherill Jessica Happel



**Sign off:**

That's all the news today from the colorful crepe myrtle 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*