



This article is based on a presentation by Nancy R. Kirsch, PT, DPT, PhD, FAPTA, President, Federation of State Boards of Physical Therapy, at the 2017 FSBPT Annual Meeting.

Protecting the Public through Engaging the Licensee

Regulatory boards began by registering people who were eligible to practice. Licensing boards then evolved into assessing the licensee's competence to practice. From there they evolved into providing disciplinary action against those whose competence was compromised.

The next logical step would be for boards to evolve into error-prevention vehicles. The easiest way to do that is to increase professional and inter-professional relationships. Easiest does not mean easy, however.

Many obstacles stand in the way. Some attorneys general have opined that boards cannot promote professional engagement. There are problems of isolation in rural areas. And, there is a lack of understanding in the professional community about how important engagement is to safe practice. Pennsylvania, Georgia, and Nebraska are among the states where the attorney general has said the regulatory boards may not engage with practitioners except for licensing and disciplinary actions.

Isolation is a major factor in many parts of the country. In Nebraska, for example, 80% of the population is within 100 miles of the eastern border, yet 70% of complaints and penalties occur within the 25% of the population in the rural areas.

According to studies, healthcare providers who are professionally engaged have fewer incidents of misconduct and other behavioral lapses. Malpractice statistics also support professional engagement to reduce liability. There is anecdotal evidence too. Not one disciplinary action taken by one physical therapy board in the past six years has been against an active member of the professional association. In a recent retrospective analysis of 10 years of licensing board disciplinary data in New Jersey, only two of almost 300 people disciplined were members of the professional association at the time of the analysis.

But few join their professional organization. The American Physical Therapy Association, for example, recently reached 100,000 members. But that's still only about 30% of licensees. Seven of 10 licensees are not engaged in how the profession is growing from the profession's perspective.

The Stake for Not Evolving is Extinction

Boards need to evolve into changing that perspective. It's not just a PT-centered effort, however. Organizations evolve or die. Licensing boards are no different. The stake for not evolving is extinction.

This is cutting edge in terms of where boards see themselves. It's not just physical therapy, either. This is coming out of the medical, psychology and nursing literature.

Professional engagement is defined as demonstrating commitment to the professional role by expanding, promoting, and protecting through knowledge, development, education of new professionals, networking, and stewardship.

The professionally engaged physical therapist thinks and behaves in a way that positively affects patients and advances the values and the societal mission of the profession. Organizational research has found that engaging employees or students builds a healthy organization. The regulatory community hasn't done much in this area yet.

The same virtues expected of an ideal health professional are the ones expected of boards: honesty, sincerity, truthfulness, loyalty, consistency, reliability, dependability. Professional board attributes also include public protection, communication, transparency, innovation, collaboration, and engagement.

Boards score pretty high on public participation. Boards have members of the public serving as board members, the meetings are open, and they're in public. The same can be said of communication, transparency, innovation, and collaboration. Boards have publications, websites, and make presentations, among other communication efforts. On transparency, boards make available information about licenses, whether there are any actions against the licensee, and how long a person has been licensed. The Physical Therapy Licensure Compact is a good example of innovation, of seeing a need and banding together to make it happen. Working with other physical therapy licensing boards and working with licensing boards in other professions are examples of collaboration. Professional engagement is the area where boards historically have fallen short.

Boards engage practitioners in some ways. Boards contact licensees every one, two, or three years, depending on license renewal timing. Then licensees renew their license and the board disappears in the rearview mirror until they need to engage again to renew their license.

Self-Regulation is a Privilege, Not a Right

There are many reasons self-regulation is a privilege. Anecdotal evidence shows that many physical therapists and physical therapist assistants do not know the difference between the licensing board and the professional organization. Licensees also don't understand the power of self-regulation or its importance. They don't understand the value of self-regulation until somebody comes along and tries to take it away. Self-regulation allows for the growth of the profession and provides the public protection that patients deserve. A privilege of being a profession is the ability to self-regulate. If professionals don't do it well or don't prove the value of doing it, they will lose it. Being able to prove the value of self-regulation is critical.

Without engagement, self-regulation cannot be done well.

Isolated practitioners are potentially dangerous practitioners. They are practicing without knowledge of what's going on in the overall healthcare environment. A professional can't be engaged without being a lifelong learner. That doesn't necessarily mean completing a particular continuing education course. It means being stimulated by the environment around them that allows the professional to continue to improve. Being better as regulators. Being better as practitioners. Being better as educators. Being better in terms of our consultative roles, whatever role it happens to be. Engagement is associated with achievement, productivity, satisfaction, and empowerment.

Isolation doesn't necessarily encompass only the physical therapists in rural areas. A dysfunctional workplace can isolate professionals as well. Professionals working in a disengaged environment find it difficult to be engaged staying there. And if professionals in a disengaged environment take on chameleon characteristics, they will take on that overall disengaged persona.

Often, that leads to burnout, which is a huge issue. Patient care absolutely benefits from engagement. And there's a professional growth benefit. If a professional fails to grow, she/he will become a disengaged practitioner and her/his clinical skills will fall behind. Her/his skills can't possibly stay up to the level they need to be to be safe and effective.

Boards currently provide remediation after someone finds themselves in trouble. The trick now is to provide tools to remediate before trouble arrives.

Boards Have Attempted Engagement in Limited Ways

Some boards have made attempts to reach out. Pennsylvania's physical therapy board took the show on the road and traveled to universities and colleges and spoke to the students about the licensing board. It was seen as successful for several reasons:

- it clarified that the regulatory board was not the professional organization
- it showed students that board members are human beings, not ominous ogres that are going to take everybody's license away
- it allowed the students and faculty to ask questions or make points about current issues

Unfortunately, the attorney general put an end to it.

Students are one segment of the population, but the licensees need to retain engagement skills too. Some believe the majority of licensees would not be able to describe what's in the practice act or regulations.

The Washington, DC, board has two primary programs to try to engage their licensees. Once a year, normally during PT month, the board hosts a forum for all district licensees. Free CEUs are offered as an incentive. Licensees meet the people on the board and hear what the board has done during the past year and what it has planned for the coming year. An educational topic also is offered. In 2017 the board offered imaging education because they're working on having PTs be able to order imaging in DC. Attendance has increased every year for the three years it's been offered, from 40 or 50 the first year to more than 100 in 2017. Still, that's only about 10% of the licensees engaged. The DC board also ventures out to the two PT programs in the nation's capital to talk to students.

Maryland board members also visit all the PT programs in the state. In addition, board members visit four regions of the state whenever there are statutory changes to obtain feedback from licensees. The board stopped doing a regularly scheduled newsletter and now only sends out communications when it's essential or when the board needs feedback. That approach has been very effective.

The Louisiana board is very proactive. They visit the schools and conduct a traveling jurisprudence where they provide licensees with updates on any statute or rule changes and discuss recent disciplinary actions where the rules weren't obvious to the licensee. They come prepared with a list of staff members to distribute and strongly encourage licensees to call staff members with questions. Louisiana also partners disciplined licensees with a monitor, except for substance abuse cases. Disciplined PTs are assigned to a board member or advisory committee member who performs monitoring visits and acts as a resource to the disciplined licensee.

But while there is some movement in some states, the conversation on evolving boards into prevention vehicles is just beginning. It is clear data needs to be collected on the effectiveness of board engagement and the consequences on not engaging, if state legislatures and attorney generals are to come on board. In a small, unscientific poll, board members overwhelmingly responded that licensees see regulatory boards as punitive. Boards need to change that to licensees seeing the boards as a partner in protecting the public. Engagement is the key to that reversal.



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