Federation of State Boards of Physical Therapy
2013 Annual Meeting Schedule

Thursday, October 10

11:00 AM – 5:30 PM
Council of Board Administrators Forum (Members & Invited Guests Only)
(Lunch provided)
Tom Ryan, CBA Chair and Bureau Director, Wisconsin Physical Therapy Examining Board and Veronica Reynolds, CBA Vice Chair and Administrator, South Carolina Board of PT Examiners

All board administrators are invited to attend the CBA Forum which is designed for administrators by administrators. Administrators who are funded to attend the annual meeting are automatically funded to attend this session.

2:00 PM – 5:30 PM
Jurisdiction Board Chair Forum (Members & Invited Guests Only)

Jurisdiction board chairs are invited to attend this forum to discuss issues of specific interest to board chairs. Board chairs who are funded to attend the annual meeting are automatically funded to attend this meeting.

6:00 PM – 7:00 PM
Welcome Reception

While this reception is for all attendees, First-Time Attendees (who should arrive 15 minutes early, at 5:45) are especially invited to meet the Federation’s Board of Directors, candidates for office and other board members and administrators.

7:00 PM - 8:30 PM
CBA Dinner with the Board of Directors (By invitation)
Friday, October 11

7:00 AM – 8:00 AM
"Eat and Greet" Hearty Breakfast

8:00 AM – 8:30 AM
Welcome to Texas, Members of the Texas Board of Physical Therapy Examiners
President’s State of the Federation Address, Maggie Donohue, PT

8:30 AM – 11:50 AM
Updates from the Leadership Issues Forum
FSBPT Board of Directors, R. Crady deGolian, Director, The National Center for Interstate Compacts and
Mark Lane, PT, FSBPT Vice President, Moderator
This session will review the information gathered at the FSBPT’s August Leadership Issues Forum, which
includes topics of NPTE Eligibility, the Minimum Dataset, Continuing Competence, Interstate Compacts,
proposed bylaws amendments and the other motions before the Delegate Assembly.

12:00 PM – 12:50 PM
Issues Forum (Members & Invited Guests Only)
(Lunch provided)
Kathleen Luedtke-Hoffmann, PT, MBA, PhD, Texas, Moderator
Members share their questions and concerns as they prepare for the Delegate Assembly.

The Issues Forum depends on member input!
If you have topics to share with other jurisdiction board members – or questions to ask them – please
email them to our CEO, William A. Hatherill. There will also be an opportunity to submit issues at the
Registration Desk.

1:00 PM – 1:50 PM
Sexual Boundary Violations: A study of practitioner characteristics
S. Michael Plaut, Ph.D., Formerly Adjunct Faculty, Department of Psychology, UNC Wilmington; Associate
Professor of Psychiatry and Assistant Dean for Student Affairs, University of Maryland School of Medicine
Thirty-four Maryland health professionals referred for tutorial ethics education after being found to
have crossed sexual boundaries with patients were studied. The presentation will describe demographic
characteristics, violations specified in board orders, sanctions imposed, possible risk factors identified,
and consequences for the respondents beyond the sanctions imposed. Incidence of recidivism and
behavioral correlates of recidivism will be discussed. Recommendations will be made for determination
of effective sanctions and for preventive education, with special attention to various patterns of
compliance motivation as well as non-sexual boundary crossings that may be precursors of sexual
boundary violations.
2:00 PM – 2:50 PM Choose one of three sessions

Whistleblower Protection for Texas Nurses
Melinda Hester, DNP, RN, Lead Practice Consultant, Texas Board of Nursing
A famous case in Texas involving whistleblower protections broke down in 2009. Two nurses from Winkler County, Texas reported unsafe practices and ended up being criminally indicted for third degree felonies. Are your whistleblower protections adequate?

When Employment and Licensure Intersect: addressing ex-offenders in the healthcare professions
Thomas A. Dilling, Adjudication Coordinator/Legislative Liaison, Ohio Board of Nursing and Michael K. Miller, MPA, Assistant Executive Director, State Medical Board of Ohio
The need to better manage state correctional spending and reduce recidivism rates places a focus on increasing ex-offender employment and resulted in efforts to reduce collateral consequences for persons with a criminal history, including barriers to professional licensure for former offenders. In turn, public safety concerns related to licensing health care professionals with criminal records must receive greater attention. Collateral consequences cannot be removed without first understanding the rationale for their creation. This presentation offers strategies for finding a balance between permitting those with criminal backgrounds to attain professional licensure as a step towards employment and protecting the safety of the public.

I just have a short question for you: Advice, advisory statements and responding to questions
Mark R. Brengelman, Attorney at Law PLLC and Paul J. Welk, PT, JD, Tucker Arensberg PC
The intersection of Board advice, advisory statements, and responding to questions can cross legal boundaries. Statutes and administrative regulations or rules are enforced as Board law. But does a Board statement about a regulation make new law? Can a Board interpret and apply the law? How? If not, why bother? What may a Board do to interpret its own laws while not itself running afoul of the law in the process? Identify different perspectives for considering questions presented to Boards and give consideration to a Board’s options for responding in a way to best help physical therapists understand and interpret existing agency laws.

3:15 PM – 4:00 PM Choose one of three sessions

Clinic Audits by Licensing Boards: a case study
Neva .F Greenwald, PT, Emeritae Faculty, Department of Physical Therapy, University of Mississippi Medical Center and Cyndi Scott, PT, PhD, MBA, Professor, Department of Physical Therapy, University of Mississippi Medical Center
This session describes rationale, process, and outcomes for a novel approach used by one licensure board to promote consumer protection. It illustrates a method for investigating physical therapy clinical practices to determine whether consumers receive the expected level of care. Since its inception,
the program has enhanced compliance with legal practice standards by physical therapy clinical practitioners.

The Scarlet Letter – PTA

Panel discussion: Barbara Behrens, PTA, MS, New Jersey; Tom Caldwell, PT, SCS, ATC, Ohio; and Natalie Harms, PT, DPT, GCS, Nebraska; moderated by Nancy R. Kirsch, PT, DPT, PhD, Director of the Doctor of Physical Therapy Program at Rutgers, The State University of New Jersey

Does your Board have “one of those” on it? They are the licensees in your state who bear the letter “A” that PTAs bear as part of their professional designation. Sometimes it feels as if it is as much of a burden as a Scarlet letter. Participants will gain an understanding of just what it’s like to be “one of them” and learn how Boards with and without PTA members deal with issues that involve all licensees.

Exam Licensure & Disciplinary Database: when it works and when it doesn't

Seif A. Mahmoud, FSBPT Managing Director of Information Systems

As physical therapists and assistants continue to practice in multiple states, the Federation’s Exam, Licensure and Disciplinary Database has tremendous potential for protecting the public. Meeting attendees who are unfamiliar with the database will hear about specific instances where the database has served its public protection role. Those seasoned veterans who are already familiar with the database and the initiatives surrounding it will share a variety of scenarios that could lead to gaps that weaken the database along with how individual jurisdictions can avoid or overcome those weaknesses.

4:05 PM – 5:00 PM
Delegate Workshop and Candidate Forum (Members & Invited Guests Only)

Ray Bilecky, OH, Resolutions Committee chair and Victoria Reynolds, SC, Nominating Committee chair

This session is required for Delegates and Alternate Delegates. The Resolutions Committee will encourage discussion regarding motions that will come before the Delegate Assembly. In addition, candidates will provide information about their qualifications and answer questions from the floor.

6:00 PM – 7:30 PM
Board of Directors Liaison Dinner with voting delegates, alternate delegates, jurisdiction chairs and candidates (By invitation)

Saturday, October 12

6:45 AM – 7:40 AM
"Eat and Greet” Hearty Breakfast

7:45 AM – 9:00 AM
Changes in Testing

Carmen Catizone, MS, RPh, DPh, Executive Director/Secretary, National Association
The validity of the NPTE is of paramount importance to FSBPT and its member boards and we continually assess our program and the environment in which we test to look for opportunities to improve. Understanding other programs in the healthcare industry helps provide perspective as FSBPT considers changes to enhance NPTE validity. This session will look at three healthcare testing programs and recent changes they’ve made. The Federation of State Medical Boards will describe strategic enhancements that are underway in the United States Medical Licensing Examination (USMLE). The Canadian Alliance of Physiotherapy Regulators will present highlights of a recent modernization project and administration elements of the national entry-level examination. The National Association of Boards of Pharmacy (NABP) will highlight initiatives in their testing program including the “why and how” of a new testing limit.

9:15 AM – 10:30 AM Choose one of three sessions

Fraud & Abuse Part I: Compliance, Fraud and Abuse; navigating today’s regulatory environment
Gayle Lee, J.D. Senior Director, Health Finance and Quality, American Physical Therapy Association
The federal government and states are increasing efforts to prevent fraud and abuse in health care through increased investigations, audit and enforcement activity. This session will provide background on fraud and abuse, various audit initiatives, identify risk areas for physical therapists across practice settings, and review strategies for avoiding audits and preventing fraud and abuse. Learn about APTA initiatives regarding professional integrity.

The State of the Jurisdictions: annual update
Leslie Adrian, PT, FSBPT Director of Professional Standards
This interactive session will discuss some of the most pressing legislative and regulatory issues faced by the physical therapy regulatory community in the 2013 legislative session. Participants are encouraged to share experiences and challenges faced by his/her physical therapy board.

Bridging Programs: an effective regulatory tool
Mary Jane Harris, PT, MS, DSc (Hon), Director, Department of Accreditation, American Physical Therapy Association; Nancy R. Kirsch, PT, DPT, PhD, Director of the Doctor of Physical Therapy Program at Rutgers, The State University of New Jersey; and Sharon Switzer-McIntyre, B.P.E., B.Sc.P.T., M.Ed., Ph.D., Program Director, OIEPB Program, Department of Physical Therapy, University of Toronto
Canadian Bridging Programs are designed to assist physical therapists educated outside of Canada (IEPT’s) to bridge their educational and clinical practice gaps in an effort to facilitate successful integration into the Canadian healthcare system. Through analysis of the best available evidence and consensus building activities with major stakeholder groups the University of Toronto has developed two streams of Bridging Programs; comprehensive and modular. This presentation will highlight the key features of the programs from the perspectives of internationally educated physical therapists, faculty and the regulators. The key factors that affect successful integration of IEPT’s will be highlighted, as will the collaborative projects across the country and many opportunities for future collaborations. This will be followed by a discussion of developing bridging programs in the U.S., including what CAPTE is doing to facilitate their development.

August 13, 2013
10:45 AM - 11:45 AM Choose one of three sessions

Fraud & Abuse Part II: Medicare Fraud - some real cases
David M. Blank, Senior Counsel in the Administrative and Civil Remedies Branch, Office of Counsel to the Inspector General, U.S. Department of Health and Human Services and Steve Levine, Partner, Fearon & Levine Consulting
Find out the latest information regarding fraud, abuse, and compliance with rules and regulations. In order to comply with changing laws and rules, this session will provide background on various audit initiatives; identify areas of audit risk across all practice settings; and review strategies for preventing, managing and appealing audits along with some real cases of fraud.

Advanced Practice: the role of the regulator
Dianne Millette, Registrar, College of Physical Therapists of Alberta
This session will provide an overview of how the College of Physical Therapists of Alberta obtained authority to allow physiotherapists to advance their practice in Alberta, Canada. A brief overview of the regulatory model will also be provided to provide context for the policy changes.

Website Design: meeting your consumers’ needs
Susan Layton, FSBPT Chief Operating Officer and Thomas Wear, Partner, Cstraight Media
Do you think your website meets your consumers’ needs? Do you know what topics are of interest to consumers? FSBPT staff has reviewed all our members’ websites to find out how you communicate with the public. We’ll share what we’ve found and highlight some of the good things we see out there. We’ll also have an expert on web and user experience design to give you some helpful hints and practical advice on how you can effectively connect with your consumers.

11:45 AM – 12:45 PM
Awards Luncheon
Maggie Donohue, PT, President
We will honor inductees into the Academy of Advanced Item Writers, and recipients of this year’s Outstanding Service Awards, President’s Award and Richard McDougall Long Term Service Award.

12:45 PM - 1:30 PM
Determining the Truth of a Statement
Mark McClish, President, Advanced Interviewing Concepts
There are several ways you can phrase a statement. People will always word their statement based on all their knowledge. Therefore, their statement may contain information they did not intend to share. People’s words will betray them. By closely examining a person’s language, you can determine if a person is being truthful or deceptive.
1:30 PM - 2:20 PM Choose one of three sessions

Fraud and Abuse Part III: when do billing issues become regulatory issues?
E. Dargan Ervin, Jr., PT, and Deborah Hatherill, PT
This session will look at the inappropriate billing for services and attempt to determine the role of licensing boards in dealing with billing issues. Actual cases will be reviewed and appropriate board action will be explored. The session will attempt to challenge the notion that “billing is not a regulatory issue.” Come prepared to participate and engage in dialogue and discussion.

Telehealth, Legislation and the Licensing Board
Mike Billings, PT, MS, CEEAA, President, Infinity Rehab and Mei Wa Kwong, JD, Senior Policy Associate & Project Director, Center for Connected Health Policy
The session will provide an overview of innovative models of care and the integration of telehealth as well as the use of telehealth in a skilled nursing setting as a solution to meeting state practice act requirements. Additionally, the speakers will provide an overview of the current national legislative policy environment and an example of how changing state telehealth policy for therapists is evolving and what audience members should consider when pursuing telehealth policy in their regions.

What’s happening at CAPTE and why you should know about it
Mary Jane Harris, PT, MS, DSc (Hon), Director, Department of Accreditation, American Physical Therapy Association
This presentation will address several issues currently facing CAPTE and the physical therapy educational community and the initiatives that CAPTE is currently undertaking to address them. Implications for licensure boards will be discussed.

2:35 PM - 3:20 PM Choose one of three sessions

Fraud and Abuse Part IV: moral potency - “To tell or not to tell….what is the question?”
Nancy R. Kirsch, PT, DPT, PhD, Director of the Doctor of Physical Therapy Program at Rutgers, The State University of New Jersey and Sherri Paru, PT, Clinical Advisor/Investigator, Oregon Physical Therapist Licensing Board
Licensees, consumers, employers and others often recognize a situation that is wrong, know they should do something about it, but cannot take that next step in the continuum of ethical decision making to take action. What can Boards do to empower people to recognize their ethical and legal duty to report? Actual cases will be presented that illustrate the complexity of these cases.

FTC vs North Carolina Dental Board: the latest (bad) news
Jennifer Ancona Semko, Partner, Baker & McKenzie LLP
This session will provide an up-to-the-minute analysis of the Federal Trade Commission’s antitrust lawsuit against the North Carolina State Dental Board. Ms. Semko will discuss the most recent adverse ruling against the North Carolina Board and where the litigation currently stands, as well a separate
significant antitrust decision issued by the United States Supreme Court this year. These two decisions reflect the narrowing of the “state action immunity” defense for regulatory boards. We will discuss why these rulings should matter to FSBPT members and the important questions regulatory board members should be asking themselves in light of this year’s legal developments.

Risk, Recognition, Resolution - Addiction in healthcare professionals
Brian Fingerson, RPh; President; Kentucky Professionals Recovery Network
This presentation will help the attendees better understand the definition of addiction and the special risks associated with healthcare professionals and addictive disease. It will give some behavioral indicators as to identification of someone with a suspected problem with substance abuse. It will also give some possible courses of action to deal with the problem.

3:30 PM – 4:30 PM Choose one of three sessions

What did I do wrong?! Legal and ethical analysis of state licensure board complaints
Mark R. Brengelman, Attorney at Law PLLC
The practice of physical therapy is regulated and controlled by state licensure boards - which means your license can be revoked or restricted based on legal or ethical misconduct. What constitutes misconduct? This program illustrates the wide range of misconduct, with in-depth analysis of case vignettes taken from actual prosecutions. Drawing from state laws and the APTA Code of Ethics, this program overviews the complaint process, identifies violations, examines sanctions, and explores the interface of law and ethics in disciplinary actions from ethical and risk management perspectives in actual cases. Analyze and minimize violations by first identifying regulations in your state.

NPTE Updates
Lorin Mueller, PhD, FSBPT Managing Director of Assessment and Richard Woolf, PT, DPT, CSCS, FSBPT Assessment Content Manager
This session will focus on what is new with the National Physical Therapy Examination (NPTE), including the implementation of the new content standards, updated pass rates, the resources available on the FSBPT website, new performance feedback reports, and new item development procedures. The presenters will also cover frequently asked questions, such as how do we ensure the items on the NPTE are good and how do we construct forms of equal difficulty. The presenters will allow substantial time for questions.

Dry Needling: where it’s been, where it’s going and making informed regulatory decisions
Michelle Layton, PT, DPT, OCS, MTC, CMPT, FAAOMPT and Rob Stanborough, PT, DPT, MHSc, FAAOMPT, MTC, CMPT
In recent years, the technique of dry needling has become a topic of debate due to its confusion with acupuncture, arguments that PTs do not have the qualifications necessary to perform the procedure safely, and general lack of knowledge.
The research – much of it done by PTs – clearly demonstrates its effectiveness to decrease pain, restore strength and overall function. Although popular in the outpatient orthopaedic setting, it can also be used to assist patients with neurological impairments, such as with pain in patients with a hemiplegic shoulder.

This session will provide clinical insight into this approach, a brief history, the evidence supporting the use of dry needling for treatment of neuromusculoskeletal conditions, safety regarding the technique, and updated information on state opinions regarding dry needling.

4:30 – 5:00 PM
Break (Food and networking)

5:00 PM - 7:00 PM
Delegate Assembly (Members & Invited Guests Only)

**Resolutions Committee Availability**
The Resolutions Committee will be available to meet during the meeting at a delegate’s request. There will be a sign-up sheet at the Registration table to set up a time to meet with the committee. Check your registration package to find out what room they will be in.