



June 2015

Volume 17, Number 6

Federation of State Boards of Physical Therapy

In this News Brief:

- 2015 Council of Board Administrators (CBA) Slate
- Board Member & Administrator Regulatory Training presentations posted
- Dry needling competencies
- June 30: Due date for Annual Meeting credentialing
- July 15: PT Licensure Compact comment period ends
- July 21: Due date for Delegate Assembly motions
- Jurisprudence Assessment Module (JAM) launched for New Hampshire
- North Carolina Dental Board v. FTC update
- The future is not plastics, it's mobility
- CMS poised to expose the data
- National Certified Investigator and Inspector Training in Raleigh
- Our volunteers hard at work
- Spotlight on member resources: ELDD ad-hoc reports
- Cheating in the News: 243 people charged for \$712 million in false Medicare billing
- Board of Directors Report
- Board Liaisons to Jurisdictions
- Staff Contact Information

2015 Council of Board Administrators (CBA) Slate

The CBA Nominating Committee is pleased to announce the following slate for its elections during the CBA Forum in Orlando, Florida. Elections will be held Thursday, October 15.

CBA Chair



Connie Clarkston
Missouri



Glenn Davis
Alabama

Sincerely,
CBA Nominating Committee
Tina Kelley, New Hampshire, CBA Chair
Jeff Rosa, Ohio, CBA Vice Chair
Nancy Worthen, Arkansas, Member

Board Member & Administrator Regulatory Training presentations posted

FSBPT members (this includes recent attendees, of course!) can log in and view the latest presentations from the regulatory training provided June 12-14, 2015. You'll see a link on the Dashboard once you log in at Members Login.

The training covers topics such as roles and responsibilities of licensing boards and their members, the different functions of licensing boards and professional associations, disciplinary actions, board immunity, board conflict of interest and specific information about Federation services.

FSBPT funds attendance to this training.

2016 Date

Next year's training will be June 24-26, 2016 in Alexandria, Virginia. Board members and administrators can register for the training by emailing communications@fsbpt.org.

Dry needling competencies

On May 29-31, FSBPT brought a group of subject matter experts together to discuss the competencies that should be required in order to perform dry needling. Consultants from HUMRRO facilitated the meeting.

The end result was a list of competencies, knowledge and skills that are required to perform dry needling safely.

Using the knowledge and skills statements from the NPTE Practice Analysis, the competencies were categorized as either having been met in PT school or not, and thus, requiring additional training.

The final report is being prepared at this time and so, is not currently available.

June 30: due date for 2015 Annual Meeting credentialing



Please complete the credentialing process as soon as possible!

Why? Your FSBPT annual meeting voting delegate and funded administrator will be invited to attend the Leadership Issues Forum (LIF) August 1-2, 2015. We are unable to send them travel authorizations until we know who they are. We use the credentialing process to ascertain who should receive travel authorizations.

The following 20 jurisdictions ***have NOT completed the process.***

Alaska, California, Connecticut, Delaware, Georgia, Illinois, Kansas, Louisiana, Maine, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma,

Rhode Island, South Carolina, Vermont, Virginia, West Virginia.

If you're a board administrator and need a copy of the credentialing instructions, email communications@fspbt.org.

IMPORTANT DATES FOR ANNUAL MEETING:

Requested completion date for delegate/administrator credentialing: June 30, 2015

Deadline for motions to the [resolutions committee](#): July 21, 2015

Leadership Issues Forum (LIF) Alexandria, Virginia: August 1-2, 2015

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

July 15: PT Licensure Compact comments period ends

The Federation has launched a project to develop an interstate licensure compact for physical therapy.

Be sure to review the draft Physical Therapy Licensure Compact language by going to the FSBPT [Free Resources](#) page.

The purpose of the compact is to increase consumer access to physical therapy services by reducing regulatory barriers to interstate mobility and cross-state practice.

July 21: Due date for Delegate Assembly motions

Delegates, please send your motions for the 2015 Delegate Assembly to the Resolutions Committee (resolutions@fspbt.org) no later than July 21, 2015.

The Resolutions Committee's purpose is to receive and correlate motions to be presented to the Delegate Assembly and identify motions which fall outside the purpose of the Federation. Additionally, the committee provides advice and counsel to Delegates regarding form, wording, and method of presentation of matters to the Delegate Assembly.

Motions that are not submitted to the Resolutions Committee by July 21 can still be heard by the Delegate Assembly, but they require a two-thirds vote without debate to be considered by the Delegate Assembly.

Jurisprudence Assessment Module launched for New Hampshire

FSBPT has launched the second Jurisprudence Assessment Module (JAM) for New Hampshire. New Jersey JAM was launched earlier this year.

A passing score on the New Hampshire JAM is now required for PT and PTA initial licensure as well as for renewal.

JAMs are online and on-demand timed jurisprudence learning modules that must be completed in 90 minutes.

Takers are required to answer 80% of the questions correctly to pass and are permitted two attempts to pass.

While completing the JAM, takers can review the laws and rules to complete the items.

Your board may want to consider JAM for initial licensure or both initial licensure and renewal. Visit the Jurisprudence Assessment Module (JAM) Services page by clicking Our Services from the FSBPT website.

Contact competencestaff@fsbpt.org to learn more. FSBPT staff can demo the JAM at your board meeting either in person or via an internet-based presentation.

North Carolina Dental Board v FTC Update

On June 17, 2015, Federal Trade Commissioner Julie Brill announced that the FTC is working on guidance for state boards regarding the implications of the recent Supreme Court ruling in North Carolina Dental.

You may recall that is the case in which the Court placed a limitation on the applicability of “state action” immunity from the federal antitrust laws. In short, the Court held that state boards that are “controlled” by practicing members of the profession are deemed to be private entities, rather than state entities, for the purpose of state action immunity.

Although this holding certainly strips away some of the protection for state boards, it is a fairly narrow holding. It does not mean there is no immunity. Instead, it means that the actions of state boards that are “controlled” by market participants must undergo a level of review by state agents that are not market participants.

Boards not controlled by market participants would still be deemed state entities and immune from federal antitrust laws for actions that are taken pursuant to a “clearly articulated” policy by the state to displace competition.

The Court’s ruling leaves open questions such as what “control” means and what levels of active supervision by the state will suffice for antitrust immunity. It is on the question of active supervision that the FTC plans to provide its views.

We certainly welcome any and all guidance from the FTC.

When propagated, we expect the guidance to set out guidelines that indicate when the FTC will feel a board is actively supervised.

It seems likely that the FTC guidance will be fairly conservative. That is, it will probably best be viewed as a “safe harbor” – if a state behaves according to the FTC’s guidance, the FTC will take the view that the state boards are actively supervised.

Of course, courts might hold differently, once cases come before them over the years, and there might well be active supervision that does not comply with the FTC guidelines.

The structure of organization of various states with respect to their boards should be viewed individually, in light of the facts and laws relevant there.

In any case, we look forward to hearing the FTC’s views on this matter of importance to our members, and we will report further when the guidelines are issued.

The future is not plastics, it’s mobility

From [The Fickenscher Files](#):

"Do you remember that famous scene in The Graduate where Dustin Hoffman is forewarned that the future is in plastics? Well, according to recent research released by Pew Research, the shift has been from plastics to mobility.

"Fully 64% of Americans now own a smartphone and about 25% of this population has only limited or no broadband availability at home aside from the smartphone.

"Furthermore, more than 50% of the mobile citizenry use their devices to do more than simply calling, texting or browsing. A full 62% use their handheld devices for accessing information on health care concerns, 57% to handle online banking, 43% to look up job information, 40% to search government services, 30% to obtain educational information and 18% to submit job applications. The smartphone is fast becoming the utilitarian everyman device. The other interesting parts of the report were the findings on how smartphone users "feel" about their device. The results:

54% believe it is not always needed but 46% couldn't live without it,

70% believe it gives them freedom but 30% feel it's a leash on their life,

72% feel it connects them but 28% find it distracting,

80% find it worth the cost while 19% find it to be a financial burden. I guess the other 1% don't know?; and,

93% find them helpful while 7% view the smartphone as annoying."

CMS poised to expose the data

From [The Fickenscher Files](#):

"The Centers for Medicare and Medicaid Services (CMS) recently announced that the agency will release its data to the private sector with the expectation that it "...will create new streams of tools to improve care" according to Andy Slavitt, the Acting Administrator.

"In a move that will support the continuing evolution of big data in healthcare, the Agency will also let private organizations merge the data with private data when it starts accepting proposals in September.

"While it will not allow identification of individuals, it will allow identification of providers. Furthermore, new data will be released on a quarterly basis rather than annually, a fairly dramatic shift for the federal government. "

National Certified Investigator and Inspector Training (NCIT) in Raleigh

The Council on Licensure, Enforcement, and Regulation (CLEAR) is planning training in Raleigh, North Carolina sometime in fall 2015 or spring 2016.

Please take a few minutes to complete this [survey](#) to let CLEAR know about your organization's interest. Your response should be received no later than **Friday, July 3, 2015**.



Our volunteers hard at work

This month, FSBPT hosted the following groups:

PT Item Bank Review Committee

PT Exam Development Committee

Spotlight on member resources: ELDD ad-hoc reports



When you provide licensure information to the Federation's Exam, Licensure and Disciplinary Database (ELDD), you can get information about other PT and PTA licenses held by each of your licensees.

You can also see if they have ever been disciplined by another jurisdiction.

Your board administrator can use the tools provided in the Federation's Online Processing System to run a report on any of your licensees.

For more information email eldd@fsbpt.org.

Cheating in the News: 243 people charged for \$712 million in false Medicare billing

On June 18, 2015, the US Justice Department reported that a nationwide sweep led by the Medicare Fraud Strike Force in 17 districts, resulting in charges against 243 individuals, including 46 doctors, nurses and other licensed medical professionals, for their alleged participation in Medicare fraud schemes involving approximately \$712 million in false billings.

In addition, the Centers for Medicare & Medicaid Services (CMS) also suspended a number of providers using its suspension authority as provided in the Affordable Care Act. This coordinated takedown is the largest in Strike Force history, both in terms of the number of defendants charged and loss amount.

[View report.](#)

Board of Directors Report

Here is the motion from the June 2015 board of directors conference call.






To approve the policy statement on diversity for the FSBPT Nominations & Election Manual.




Rationale: This statement clarifies the criteria for slating candidates to include diversity of perspectives as well as experience and commitment to regulatory excellence.

Fiscal Impact: None

Board Liaisons to Jurisdictions

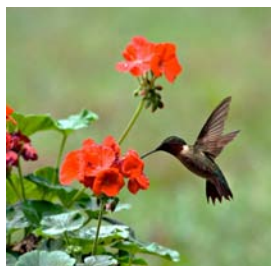
Find out which member of the board of directors is liaison to your jurisdiction.

 <p>Jurisdictions</p>	<p>Your Board Liaisons</p>
<p>Arizona, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah</p>	<p>Charles Brown</p> 
<p>Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	<p>Maggie Donohue</p> 
<p>Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Tennessee</p>	<p>Natalie Harms</p> 
<p>Alaska, California, Hawaii, Ohio, Oregon, Puerto Rico, Virgin Islands, Washington</p>	<p>Jim Heider</p> 
<p>Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania,</p>	<p>Nancy Kirsch</p>

Virginia, West Virginia	
Idaho, Iowa, Michigan, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, Wyoming	<p>David Relling</p> 
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	<p>Ron Seymour</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	
Assessment/ examination development questions	Lorin Mueller, PhD Susan Layton	
Continuing competence	Heidi Herbst Paakkonen	
Credentials review	Jaime Nolan, FCCPT Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT	

Exam, Licensure and Disciplinary Database (ELDD) 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
Legislation or Model Practice Act	Mark Lane Leslie Adrian
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 great geranium 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