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

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### **FSBPT state visits**

#### **Oregon**

The Oregon Physical Therapist Licensing Board Executive Director **Jim Heider**, Oregon Physical Therapy Association representative and former Oregon PT Board Chair **Steve Alstot**, and FSBPT staff testified in front of the Oregon House and Senate Interim Committees on Health Care regarding the Physical Therapy Licensure Compact.

The legislators were given a brief overview of the compact. Both committees were extremely receptive to the idea of the Compact and a Senate Committee bill to adopt the Physical Therapy Licensure Compact is expected to be introduced in the 2016 interim session.

## **Tennessee**

FSBPT was on hand at the November meeting of the Tennessee Board of Physical Therapy to present on the Physical Therapy Licensure Compact and the Exam, Licensure, and Disciplinary Database (ELDD).

## **Texas**

FSBPT presented at the Texas Board of Physical Therapy Examiners' November meeting covering topics including the Physical Therapy Licensure Compact, dry needling, the Jurisprudence Assessment Module (JAM) and the upcoming alternative approval pathway.

## **Virginia**

FSBPT presented at the Virginia Board of Physical Therapy meeting on the topic of the Physical Therapy Licensure Compact.

### **Licensure Compact briefing scheduled for January 7, 2016**

FSBPT in conjunction with our partners at The Council of State Governments (CSG) and APTA will be hosting a Legislative Briefing day on the Physical Therapy Licensure Compact (PTLC) for interested legislators January 7, 2016 in Nashville, Tennessee.

As you are aware, The Council of State Governments is a non-partisan organization serving all three branches of state government with extensive experience providing guidance and technical assistance in the field of interstate compacts. This will be a unique opportunity to educate key state legislators on the PTLC.

If your state has any interest in potentially moving forward with the PTLC in 2016 or even in 2017, email [compact@fsbpt.org](mailto:compact@fsbpt.org) so we can identify potential legislators to invite from your state.

### **Basis for Disciplinary Action Definitions updated**

When FSBPT first planned its disciplinary database, we used the same Basis for Action Categories for the Federation's database as the National Practitioner Data Bank (NPDB). This was to avoid duplication and keep things as simple as possible for the FSBPT members filling out NPDB reports.

Unfortunately NPDB has never provided specific definitions for the Basis for Action Categories. As a result every jurisdiction categorizes the data differently. Without consistency, the data has limited, if any, use.

To help solve this problem, the FSBPT board of directors appointed the Disciplinary Categories Task Force to develop definitions and guidelines for how and when to use the categories. The task force was represented by four different jurisdictions as well as a board attorney. Over the course of several months, they defined and refined the categories. They used sample cases to test their definitions. The original document has recently been updated with additional examples and even more clarification.

[Find the document here.](#)

### **Online Processing System update**

The Federation is rapidly approaching the next major milestone of the Online Processing System Redesign project. This milestone focuses exclusively on the portion of the software used by our

jurisdictions' staff members to process eligibility, exam scores, licenses, disciplinary actions and ADA invoices.

One of the many enhancements being introduced is User Identity Management. This allows you to see which of your staff members took action on a candidate's record. Board administrators recently received an email with instructions on how to request individual user accounts for each staff member.

The Federation began this redesign more than two years ago and has produced enhanced systems for the Federation's program directors, exam candidates and staff. We are pleased to be in a position to roll out these enhancements for our members over the coming weeks.

### **2015 Annual Meeting presentations posted**

The 2015 annual meeting presentations have been posted to the Members Area of the FSBPT website. If you would like a copy of some presentations and do not have access to the Members Area, please send your request to [communications@fsbpt.org](mailto:communications@fsbpt.org).

### **FSBPT's 2016 NPTE eligibility requirements**

Below is a summary of FSBPT NPTE eligibility requirements effective January 1, 2016. Note that FSBPT's eligibility requirements are not the same as a jurisdiction's requirements for licensure. For more information, go to [Exam Candidates](#) | National Exam (NPTE) | Eligibility Requirements.

### **Lifetime limit**

Candidates will be able to take the exam a maximum of six times. An individual can take the NPTE for PTs six times and also take the NPTE for PTAs six times if he or she is otherwise qualified to do so. As of January 1, 2016, any candidate who has already tested six times will no longer be allowed to test unless a jurisdiction chooses to appeal this policy on a candidate's behalf.

### **Low score limit**

Candidates who receive two very low scores on the exam, currently defined as performing at or close to chance level (scale scores 400 and below), will not be allowed to test again. No scores prior to January 1, 2016 will be considered, which means all candidates will have a "clean slate" with regard to this eligibility requirement.



### **Our volunteers hard at work**

This month, FSBPT hosted the following groups:

PT & PTA Item Bank Review Committee

Foreign Educated Standards Committee

*Mary Keehn*, Chair

*Violet Acuna-Parker*

*Angela Diaz*

*Charlotte Martin*

*Tom Mohr*

*James Heider*, Board Liaison

### **Foreign Educated Standards Committee meets**

The Foreign Educated Standards Committee met in Alexandria to discuss a number of issues regarding graduates of non-CAPTE education programs that would like to be licensed in the United States.

Committee members (see their names in “Our volunteers hard at work”) developed both a *Framework for Using FEPT’s Experiences in Credentialing* and *Best Practices for Endorsement of the non-CAPTE Graduate Physical Therapist* for review by the Federation Board of Directors. The committee also finalized the pilot of the *Performance Evaluation Tool for Supervised Clinical Practice*.

### **North Carolina lawsuit regarding dry needling**

On Thursday, November 12, 2015, PT in Motion News reported, “A lawsuit challenging the North Carolina Acupuncture Licensing Board's efforts to prevent physical therapists (PTs) from engaging in dry needling is being supported by the North Carolina Physical Therapy Association. Titled *Henry v North Carolina Acupuncture Licensing Board*, the challenge is an antitrust lawsuit filed in the US District Court for the Middle District of North Carolina, arguing that the North Carolina Acupuncture Licensing Board (NCALB) is violating antitrust law and due process rights in its actions to prevent PTs from practicing the skilled intervention.”

[View article.](#)

### **Continuing Competence update**

#### **ProCert**

If your jurisdiction was concerned that it takes ProCert too long to review an activity, fear not. For activities certified in 2015, it took on average 32 days from date of submission. The average review time since program inception in late 2012 has remained steady in the low to mid-30 day range.

#### **aPTitude**

At its November meeting, the Hawaii Board determined that licensees will be required to use the aPTitude system to track continuing competence activities as part of Hawaii’s new continuing competence requirements. Hawaii joins Georgia as the two jurisdictions that require all licensees to upload continuing competence activities to the aPTitude system.

View information on Continuing Competence on our website at [Free Resources](#) | Continuing Competence.

If your jurisdiction is interested in joining Georgia and Hawaii, email [CompetenceStaff@fsbpt.org](mailto:CompetenceStaff@fsbpt.org).

### **Higher-Ed Hustle: the saga continues**

Last month, we reported about a college which provided unaccredited programs for physical therapist assistants in Florida. This month, we find that the college has closed and the owner is facing charges of illegally purchasing political influence. For more information, click on the following link:

- [Dade Medical College showing signs of financial trouble](#)
- [Fred Grimm: Before his fall, Ernesto Perez bought himself lots of friends](#)
- [Arrested Florida donor and his employees donated to Sen. Bob Menendez](#)
- [A for-profit empire, Dade Medical College, tumbles down](#)

### **To reach seniors, tech start-ups must first relate to them**

Paula Spam writes in an October 23, 2015 New York Times article, “Daily, breathless announcements arrive in my inbox, heralding technology products for older adults.

“A ‘revolutionary’ gait-training robot. An emergency response device said to predict falls. A combination home phone and tablet system that ‘transforms how older seniors connect with and are cared for by their loved ones.’

“Daily, too, I hear tales of technology failing in various ways to do what older people or their worried families expect. I hear about frail elders who remove their emergency pendants at bedtime, then fall in the dark when they walk to the bathroom and can’t summon help.”

[View article.](#)

### **Spotlight on member resources: 2016 meeting schedule posted**



View a list of 2016 FSBPT meetings in the Members Area of the FSBPT website under Meetings & Events.

### **Cheating in the News: \$55 million health care fraud scheme**

The US Department of Justice reported on October 26, 2015, “The owner of two medical clinics in Brooklyn, New York, pleaded guilty today to her role in a \$55 million health care fraud and money laundering conspiracy...

“Valentina Kovalienko, 46, pleaded guilty before U.S. District Judge Roslynn R. Mauskopf of the Eastern District of New York to conspiracy to commit health care fraud and conspiracy to commit money laundering...Pursuant to her plea agreement, Kovalienko agreed to forfeit \$29,336,497.27, which amount she admitted is traceable to her criminal conduct.

“According to admissions made in connection with her plea, from approximately February 2008 to February 2011, Kovalienko and others executed a scheme in which patients were paid cash kickbacks to subject themselves to medically unnecessary physical and occupational therapy, diagnostic tests and office visits that were not performed by licensed professionals, and for which the clinics billed Medicare and Medicaid. Kovalienko also admitted that, to support the fraudulent claims, **she paid occupational and physical therapists to falsify patient charts and billing records.**”

[View article.](#)

### **Board of Directors Report**

The board of directors did not meet in November.

### **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

	
<p>Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia</p>	<p>Nancy Kirsch</p> 
<p>Idaho, Iowa, Michigan, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, Wyoming</p>	<p>David Relling</p> 

	<p><b>Staff Contact Information</b> Who Should I Contact?</p>
<p><b>FSBPT: 703.299.3100   FCCPT: 703.684.8406</b> (Call FSBPT unless otherwise noted after name.)</p>	
<p><b>Subject</b></p>	<p><b>Point of Contact</b></p>
<p>ADA accommodations</p>	<p>Shana Smith</p>
<p>Assessment/ examination development questions</p>	<p>Lorin Mueller, PhD Susan Layton</p>
<p>Continuing competence</p>	<p>Jeffrey M. Rosa Heidi Herbst Paakkonen <a href="#">Competence Staff</a></p>
<p>Credentials review</p>	<p>Jaime Nolan, FCCPT</p>

	Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT
Exam, Licensure and Disciplinary Database (ELDD) participation	<a href="mailto:eldd@fsbpt.org">eldd@fsbpt.org</a>
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)	<a href="mailto:practicereview@fsbpt.org">practicereview@fsbpt.org</a>
PT and PTA Practice Exam & Assessment Tool (PEAT)	<a href="mailto:peat@fsbpt.org">peat@fsbpt.org</a>
Reimbursement of expenses; other financial matters	Tracy Leadmon Larry Wilkerson
School reports	<a href="mailto:SchoolReports@fsbpt.org">SchoolReports@fsbpt.org</a>
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 passionate pansy and viola 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*

