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Federation of State Boards of Physical Therapy

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Does your board have an outreach program?

Does your board or state have a program that reaches out to the public or your licensees? If so, we'd like to invite you to present at the Federation's annual meeting in Columbus November 3-5, 2016!

To be considered, please send communications@fsbpt.org a one- to two-paragraph discussion of your program. Be sure to focus on how it supports your mission to protect the consumers of physical therapy (or healthcare) services. Presentations are limited to one hour.

The deadline for submission is May 15, 2016.

If your submission is accepted for presentation to the annual meeting, we will fund two people from your board or state to attend the entire annual meeting.

2016 Slate



The Nominating Committee is pleased to announce the following slate for Delegate Assembly elections in Columbus, Ohio on Saturday, November 5. The annual meeting begins Thursday, November 3. We will let you know when candidate statements are posted to the website.

President	Vice President
 Nancy Kirsch New Jersey	 David Relling North Dakota

Director (vacated by David Relling)

 Ron Barbato Kentucky	 John Greany Wisconsin	 Kay Tasso Florida
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FSBPT Nominating Committee

 Robert Friberg Texas	 Danny Landry Louisiana
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Sincerely,
FSBPT Nominating Committee
Phillip Palmer, Georgia, Chair, Ray Bilecky, Ohio, Tom Ryan, Wisconsin

Annual meeting credentialing continues

Who will FSBPT fund to the 2016 annual meeting in Columbus, Ohio?

- Your Voting Delegate
- Your Primary Alternate Delegate
- Your Board Administrator (Board administrators can be voting and alternate delegates.)

Directions for credentialing delegates and administrators for the 2016 annual meeting were emailed to the Council of Board Administrators in March. Administrators if you need a copy, contact communications@fsbpt.org.

Deadline for credentialing - June 17, 2016

So far, delegates from **California, Florida, Idaho, Minnesota, North Carolina, Oklahoma, South Carolina** and **Wisconsin** have been credentialed! (Thank you!)

It is imperative that administrators finish the credentialing process by June 17, 2016 to ensure that your representatives can attend LIF. Late submissions will be accepted if your board does not meet until after the deadline.

LIF: Leadership Issues Forum – July 30-31, 2016

The *Voting Delegate* and *Board Administrator* will automatically receive travel authorizations to the Leadership Issues Forum in Alexandria, Virginia.

Texas board aces its sunset review

Congratulations, Texas Board of Physical Therapy Examiners on the positive results of your sunset review! FSBPT provided documentation to the Texas board to assist them in responding to the sunset review. We would be pleased to assist other boards facing sunset reviews.

Texas Sunset Advisory Commission Project Manager, Erick Fajardo reports, “The Executive Council of Physical Therapy and Occupational Therapy Examiners is an agency that seems to fly under the radar. This agency responsible for regulating physical and occupational therapy has not only escaped Sunset review for 23 years, but significantly, the regulations it oversees have escaped the fate of most other allied health professions in Texas.

“However, one reason the executive council has flown under the radar is that it has been a stable, well-run agency, with an experienced, capable staff. The oversight structure, with separate boards for physical therapy and occupational therapy and an executive council made up of members of the two

boards and chaired by a member of the public, may be a bit unwieldy, but provides a synergy that benefits the regulations.”

[Read the Executive Summary.](#)

Texas sunset advisory commission recommends Physical Therapy Licensure Compact (PTLC)

The Texas Sunset Advisory Commission’s report on the Texas Board of Physical Therapy Examiners included the following recommendation.

“Issue 2: The Physical and Occupational Therapy Statutes Unnecessarily Impede Increasingly Mobile Workforces.

“Physical and occupational therapy practitioners are among the health professionals whose numbers are insufficient to meet present and future needs in Texas.

“While agencies generally do not overtly address shortages of practitioners, their policies and processes can have a significant impact on the ability of people to enter a profession.

“Licensing agencies must ensure that policies and processes for licensing only relate to the ability to do the work safely and do not impose unnecessary barriers to entry.

“Standard national approaches for considering education, prior experience, and examination in licensing physical or occupational therapists mean that all practitioners effectively have the same basic qualifications wherever they practice.

“Common licensure requirements among the states provide the opportunity to consider interstate licensure compacts, such as one proposed for physical therapy to facilitate the movement of qualified licensees to and from Texas.

“Key Recommendations:

- Adopt the Physical Therapy Licensure Compact.
- Provide clear statutory authority for licensure by endorsement.”

[Read the Executive Summary.](#)

Tennessee Physical Therapy Licensure Compact (PTLC) a reality

Great news - the *Tennessee* PTLC bill was signed into law on April 14, 2016, making Tennessee the second state to pass the PTLC. Many states have been contacting us about moving forward with a PTLC bill in 2017. With two states passing the PTLC bill (*Oregon* and *Tennessee*), we are optimistic that we will meet the threshold of 10 states to create the Compact Commission in 2017.

Excellence in Regulation Award

Don't miss this chance to shine a light on all the great regulatory work your jurisdiction is doing to protect the public!

The Federation's **Excellence in Regulation Award** will recognize jurisdictions that have made significant accomplishments towards increasing public protection for consumers of physical therapy services.

Below are the areas used in deciding who will receive this award at the Federation's annual meeting November 3-5, 2016 in Columbus, Ohio.

Definitely include any accomplishments that have increased your ability to serve and protect the consumers of physical therapy services, even if they do not neatly fit in one of these areas.

Submit your [Excellence in Regulation Award Nomination Form](#) to communications@fsbpt.org by **Friday, July 1, 2016**.

1. Rules were passed that substantially protect the public.
2. Legislation was passed that was based on the FSBPT Model Practice Act for Physical Therapy and the licensing authority was a key component in getting it passed.
3. The FSBPT Continuing Competence Model was adopted.
4. Maintained 5 stars in the Exam, Licensure and Disciplinary Database (ELDD) for three years in a row.
5. Increased the number of ELDD stars by three or more in one year.
6. First jurisdiction to adopt the Physical Therapy Licensure Compact.
7. Engaged the public in a meaningful way or provided meaningful resources directed to the public.
8. Conducted research on a topic related to public protection.
9. Incorporated measures to increase the effectiveness and/or efficiency of the licensing board.

Alternate approval...coming soon to a jurisdiction near you

The idea of an alternate approval process for the NPTE was first discussed last year based on a request by many jurisdictions. Alternate approval means that FSBPT would approve candidates to sit for the NPTE instead of jurisdictions approving candidates. Licensure decisions would still be made by the jurisdiction after receiving NPTE scores from FSBPT. This process is optional; jurisdictions have to opt in to participate. We're calling it "FSBPT Approval." Four jurisdictions have already expressed interest in FSBPT Approval.

We will start transitioning interested jurisdictions to FSBPT Approval starting December 2016. If your jurisdiction is interested, email communications@fsbpt.org. The earlier you let us know, the sooner we will be able to make the switch!

Loophole carved out for Dade Medical College in Florida is closed

On April 1, 2016, Michael Vasquez reported in the Miami Herald, “Dade Medical College was once so powerful that it could get a law changed — and it did.

“Three years ago, Florida lawmakers created a loophole that allowed the politically connected for-profit college to offer unaccredited degrees in the field of physical therapy assistant. The degrees were a bad deal for students, and physical therapy practitioners were horrified.

“Nowadays, Dade Medical is out of business, and the Legislature apparently has some concerns about for-profit college abuses. So lawmakers this session reversed course.

“And the Dade Medical loophole is no more.”

[View article.](#)

What you don't know about your doctor could hurt you

In a ConsumerReports article published March 29, 2016, Rachel Rabkin Peachman writes, “Thousands of doctors across the U.S. are on medical probation for reasons including drug abuse, sexual misconduct, and making careless—sometimes deadly—mistakes. But they're still out there practicing. And good luck figuring out who they are.

“The state medical board's report on Leonard Kurian, an obstetrician-gynecologist in Southern California, tells in stark clinical detail what it says happened to several patients in his care. And it's not easy to read.

“The report describes the time Kurian surgically removed the wrong ovary from a 37-year-old woman, a mistake the patient only learned about weeks later when, still in pain, she went for more tests. The good ovary was missing, and the cystic one was still inside her.”

[View article.](#)

Weak oversight lets dangerous nurses work in New York

Daniela Porat, Rosalind Adams and Jessica Huseman published the following article on ProPublica, April 7, 2016: “Thomas Maino knew he was going to die. Suffering from serious ailments, the 93-year-old veteran had rejected invasive treatments and asked only that he be made comfortable after he was admitted to a Syracuse nursing home in November 2008.

“But on a snowy Saturday morning the following January, his moans could be heard down the hallway.

“Over the next eight hours, coworkers reported to the nurse in charge of Maino’s unit that he needed pain medication. That nurse, Maura Quinn, gave him only Tylenol and never alerted the doctor. Other nurses told her Maino was in agony, but she ignored them, even when his moaning turned to yelling, seven staffers at the home later testified in depositions taken during an investigation by the state Attorney General’s office.

“‘Oh great, now people are going to tell me how to do my freaking job,’” Quinn said when a nurse from a nearby wing left a note for her about Maino, according to one deposition.

“Maino died that evening.

“After an administrator reported the incident to New York nursing home regulators, Quinn was fired and, in December 2010, convicted of a misdemeanor for providing Maino with inadequate care. The state Attorney General’s office reported Quinn to the Office of the Professions, the agency that licenses and disciplines nurses, when she was sentenced two months later.

“But it would take another three years for the Office of the Professions to suspend her from nursing. By then, the agency had learned that Quinn lied on her initial licensing application, failing to disclose a 1988 conviction for drug possession, and that she was convicted in 2012 of driving without a license — both grounds for more disciplinary action. The agency finally suspended Quinn’s nursing license for three months in May 2014.”

[View article.](#)

Alternative Approaches for Complying with US Supreme Court decision in NC dental board v. FTC

CLEAR and CAC are jointly hosting two webinars for licensing boards on this important topic.

The first will explain the Supreme Court decision and explore three ways states might change licensing board composition so that the board is not controlled by active market participants (May 13, 2016 12:00 - 1:30 PM Eastern).

The second will discuss four ways states could create or empower a supervisory authority with the ability to meet the four standards set forth by the Supreme Court (May 18, 12:00 - 1:30 PM Eastern).

[View more information and/or register.](#)

Don’t fire until you see the whites of their eye doctors

On April 6, 2016, Darius Tahir posted on Politico’s Morning eHealth, “The war over eyes continues. ...[S]tartup Opternative, which wants to provide eye exams and contact lens prescriptions from the

convenience of your phone — ... is facing trouble with state regulators, among others. Subsequently optometrists complained to FDA about Opternative's service; and now it's an official three-front war."

[Read more](#) (scroll down to find the article).

Our volunteers hard at work

This month, FSBPT hosted the following groups:

EDC-PT Committee

James Creps

Lisa Dannemiller

Manuel Domenech

Frank Glenn

Sheri Hale

Chad Lairamore

Sara Maher

Vicki Mercer

Robert Nithman

Martha Somers

EDC-PTA Committee

Morris Beato

Betsy Becker

Zach Frank

Larry Kopelman

Karma Lapacek

Joanne Rice

Kristin Schroeder

Jason Shaw

Dawn Smathers

Heather Van Grootheest

Krista Wolfe

Ethics and Legislation Committee

Jean Bickal

Jane Julian

Joni Kalis

Larry Ohman

David Reed

Lana Svien

Natalie Harms, Board Liaison

Texas Jurisprudence Assessment Module (JAM) Item Writers Workshop

Jeanne Cook

Robert Frampton

Robert Friberg

Karen Gordon

Nicole Lavoie

Ruth Maher

Debra McDowell

Joan Morse

Susan Roehrig

William Staples

Stephanie Thurmond

Shannon Turner

Overseas SAT compromised

On March 28, 2016, Courtney Kueppers wrote the following article in The Chronicle of Higher Education. “Security-related problems with the SAT in Asia have been announced since 2013, but the problems are more widespread than previously known, Reuters reports.

“In a review of internal documents of the College Board, which owns the admissions test, Reuters found an additional eight incidents since 2013 when the examinations were administered overseas even after their contents had been compromised online. Reuters says the College Board has delayed test scores six times in Asia since 2014.

“‘Four of the exams had been compromised by an unnamed Chinese website,’ the news service reports. ‘Even so, College Board officials confirmed that some portions of those tainted tests were later administered overseas.’ ”

[View article.](#)

Spotlight on member resources: oPTion

In February’s News Brief, we told you about [oPTion](#), the Federation’s newest continuing competence tool.

oPTion is a self-assessment tool created by the FSBPT to allow physical therapists to compare their knowledge, skills, and abilities to current entry-level general physical therapy practice. It is also an opportunity to review PT fundamentals. **oPTion** is available online and on demand from your personal computer.

oPTion uses scenarios and multiple-choice questions that emphasize clinical application of knowledge necessary for safe, effective practice. Each scenario is followed by three to five multiple-choice questions, for a total of 100 questions.

Currently, 11 member boards have confirmed that completion of [oPTion](#) would meet the continuing competence requirements in the state.

If your board wants to join **Alabama, Arizona, Connecticut, Kansas, Missouri, New Hampshire, North Carolina, North Dakota, Oregon, Utah, and Wyoming**, please send an email to CompetenceStaff@fsbpt.org so we can add your state to the list of licensing authorities offering credit.

[Learn more.](#)

Cheating in the News: Husband and wife owners of Chicago physical therapy company indicted in schemes to defraud Medicare and force labor

The US Department of Justice published the following article on Monday, April 11, 2016: “A Chicago couple was charged in an indictment with a scheme to use their health care business to defraud Medicare out of millions of dollars, while also conspiring to employ a woman against her will.

“Richard Tinimbang, 38, and his wife, Maribel Tinimbang, 40, both of Chicago, were charged with participating in a \$45 million fraud scheme involving three Lincolnwood, Illinois, based home health care companies owned by Richard Tinimbang’s mother, Josephine Tinimbang. The companies allegedly paid bribes and kickbacks to obtain Medicare beneficiaries, ignored doctors who refused to certify beneficiaries as being in need of home health care and falsified medical records to make patients appear sicker than they actually were.”

[View article.](#)

Board of Directors Report

Here is the motion from the April 2016 board of directors meeting.






Effective May 2, 2016, suspend the Illinois and New York membership pending payment of their 2016 membership dues (motion adopted unanimously).




Rationale: Required per Bylaws.


Fiscal Impact: TBD

Board Liaisons to Jurisdictions

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

 <p style="text-align: center;">Jurisdictions</p>	<p style="text-align: center;">Your Board Liaisons</p>
<p>Arizona, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah</p>	<p style="text-align: center;">Charles Brown</p> 
<p>Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Ohio, South Carolina</p>	<p style="text-align: center;">Tom Caldwell</p> 
<p>Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	<p style="text-align: center;">Maggie Donohue</p> 
<p>Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Tennessee</p>	<p style="text-align: center;">Natalie Harms</p> 
<p>Alaska, California, Hawaii, Oregon, Puerto Rico, Virgin Islands, Washington</p>	<p style="text-align: center;">Jim Heider</p>

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

	<p>Staff Contact Information Who Should I Contact?</p>
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<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	Jeffrey M. Rosa Heidi Herbst Paakkonen Competence Staff
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
Physical Therapy Licensure Compact (PTLC)	compact@fsbpt.org
Practice Review Tool (PRT)	practicereview@fsbpt.org
PT and PTA Practice Exam & Assessment Tool (PEAT)	peat@fsbpt.org
Reimbursement of expenses; other financial matters	Bill Aronson Linda Michelsen
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 dogwood-lined 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