



*February 2017*  
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### **Federation of State Boards of Physical Therapy**

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### **Montana Becomes First State to Enact PT Licensure Compact in 2017!**

#### **PTLC Legislation Updates + Correction**

On February 21<sup>st</sup>, Montana became the first state to join the Physical Therapy Licensure Compact (PTLC) in 2017 with Governor Bullock's signature. The 2017 legislative session has been very busy for PTLC legislation. A PTLC bill has been introduced in ten states to-date. The bills have been received in the initial committees with overwhelming positive votes to move them to full chamber votes. Many PT Board members, with testimonies at these committee hearings, have been instrumental in the success of the bills.

Washington, North Dakota, Mississippi, and New Hampshire have passed the bill in one chamber. Additionally, Colorado, Kentucky, New Jersey, North Carolina, and Utah have introduced bills this session. There is still time this year in many state legislative calendars to introduce new legislation.

**Correction to the January 2017 News Briefs:** Texas is also actively pursuing PTLC in 2017 in their Sunset language.

For the most current information on the PTLC, go to [www.fsbpt.org/compact](http://www.fsbpt.org/compact).

## Updated Regulatory Resources

### Model Practice Act 6th Edition – now on the website

The Model Practice Act (MPA) was updated by the Ethics and Legislation Committee in late 2016. The Board of Directors approved the suggested edits and the sixth edition has been published on the FSBPT website at <https://www.fsbpt.org/FreeResources/RegulatoryResources/ModelPracticeAct.aspx>.

The sixth edition:

- Adds three additional duties of the Board-- have the power to do background checks, reporting to an ELDD, and collecting workforce data
- Adds background checks for all PT/PTA applicants
- Adds a section to allow for evaluation of a US military trained PTA
- Reconciles MPA with other FSBPT resource document recommendations

### Dry Needling Resource Paper- 6th Edition available

The sixth edition of the FSBPT Dry Needling Resource Paper is now available in the “[Resource and Topic Papers](#)” section of the Members Area of the FSBPT website. If you have trouble logging in, click “Forgot your username or password?”. Your username and password will be emailed to you.

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## Three Topics for Your Next Board Meeting

### Email Your Interest in Attending- 2017 Regulatory Training for Members and Board Staff

June 9-11, 2017 | Alexandria, Virginia

Reach out to us **before April 9, 2017** if you want to attend! This training provides an in-depth understanding of your role as a regulatory board member or staff person in protecting the consumers of physical therapy services. We also provide an overview of the services FSBPT provides to you, our members.

**Attendees:** All board members and board staff (administrators, licensing specialists and attorneys) are eligible to participate.

**Cost:** The cost of the training is covered by FSBPT.

**Registration:** To reserve a spot, email [communications@fsbpt.org](mailto:communications@fsbpt.org).

**Special Notes:** Seating is limited; priority is given to first timers. If you have previously attended or if there are many individuals from your state who are interested, we may put you on a waiting list. Please contact us **before April 9, 2017** to indicate your interest.

The training receives *rave reviews* every year! View the 2016 agenda and presentations at <https://members.fsbpt.org/Members/MeetingsEvents.aspx>.

## Call for Presentation Proposals for the 2017 Annual Meeting

We are accepting presentation proposals for the 2017 annual meeting!

Before **9am ET Friday, April 14, 2017**, [email](#) us your proposal in a Word document. Please include:

1. Title
2. Course description
3. Course objectives
4. Tentative outline of time and content (*Note: Programs are limited to one-hour sessions.*)

5. Biographical information for each speaker, including degrees/credentials, institution, city, and state.

If your proposal is chosen, two presenters will be funded to attend the annual meeting in New Mexico November 2-4, 2017. If you have a topic of interest but your board is not prepared to speak, please share the topic with us via email. We welcome ideas!

### **2017 Excellence in Regulation Award: Nomination Process is Open**

The Excellence in Regulation Award recognizes jurisdictions that have made significant accomplishments towards increasing public protection for consumers of physical therapy services in a number of areas. To nominate a jurisdiction, including your own, submit a [Nomination Form](#) to [communications@fsbpt.org](mailto:communications@fsbpt.org) by **9am ET Friday, June 30, 2017**. The winning jurisdiction(s) will be recognized at the Annual Meeting in Santa Ana Pueblo, NM in November.

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### **INPTRA and WCPT announce a formal collaboration**

The International Network of Physiotherapy Regulatory Authorities (INPTRA) and the World Confederation for Physical Therapy (WCPT) are pleased to announce a formal collaboration. A recently executed Memorandum of Understanding lays the foundation for the two organizations to share information in biannual meetings and coordinate efforts on projects of mutual interest.

The partnership between these two established organizations recognizes that:

- the evolution of physical therapy is dependent on having appropriate levels of professional regulation;
- the advancement of the profession should always be balanced against protection of the public;
- greater understanding of best practice regulation will support the development of the physical therapy profession internationally; and,
- the physical therapy profession works in a globalized world and facilitating greater workforce mobility is a key to delivering better health outcomes.

Forthcoming projects include:

- INPTRA will lead efforts to develop and disseminate a “white paper” related to the global practice and regulation of providing telehealth physical therapy rehabilitation services; and,
- WCPT will be including INPTRA’s perspective in work being developed on the physical therapy assistant workforce and advanced physical therapy practice.

Both organizations look forward to working together and with the global community of physical therapists and regulators in new ways. Future project updates will appear in newsletters and on websites.

Learn more about INPTRA at [www.inptra.org](http://www.inptra.org). Learn more about WCPT at [www.wcpt.org](http://www.wcpt.org).

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### **North Carolina PT Scope of Practice Case**

A recent North Carolina case, involving an ongoing scope of practice matter, is worthy of attention of physical therapy licensing boards. In a January 30, 2017 [Order](#) addressing three motions, a federal lower court judge in the case of *Elizabeth Henry, et. al. v. North Carolina Acupuncture Licensing Board, et. al.*,

Case No. 1:15CV831 (M.D.N.C.) ruled that the actions of the Acupuncture Licensing Board were anticompetitive when they sent cease-and-desist letters in 2013 to two physical therapists demanding that they stop providing dry needling services.

The letters demanded that the physical therapists immediately stop providing dry needling services, stated that by billing for dry needling they could be subject to penalties by the North Carolina Department of Insurance, and stated that practicing acupuncture without a license is a Class 1 misdemeanor. Members of the Acupuncture Licensing Board also sent a fundraising email to every acupuncturist in the state with the desire to “stop dry needling”.

While this Order does not decide the final outcome of this case, the Court made it clear that even if anticompetitive actions fail to eliminate the competition, a cause of action remains.

In 2015, the Acupuncture Licensing Board filed a state court case seeking a declaration that dry needling is the unlawful practice of acupuncture, an injunction requiring the North Carolina Physical Therapy Board to advise its licensees that dry needling is not within the scope of the practice of physical therapy, and permission to send cease-and-desist letters to physical therapists who practice dry needling. That case is ongoing.



#### **Our Gratitude for Volunteers Hard at Work**

This month, we thank the generous volunteer members of these groups for their support of our mission with work on-site:

- Ethics and Legislation Committee  
Tina Baum  
Jean Bickal  
Larry Ohman  
David Reed  
Lana Svien  
Judd Warren



#### **Spotlight on Member Resources: The status of the PTLC is available on the website!**

To stay up-to-date on the status of the Physical Therapy Licensure Compact, you can check [www.fsbpt.org/compact](http://www.fsbpt.org/compact). See which states have enacted the legislation, have legislation awaiting signature, or have legislation that has been introduced or passed one chamber.

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#### **Board of Directors Report**

This month, to advance the business of the Federation, the board of directors approved the motion listed.

That the 2<sup>nd</sup> edition of the Physical Therapist Assistant Coursework Tool (PTA CWT 2) be adopted with the credit recommendations to become effective February 15, 2017.

*Rationale:* Beginning in 2017, US physical therapy assistant programs will be graduating their first classes that have been taught under the new CAPTE accreditation standards. In order for graduates of non-CAPTE PTA programs to be determined to be substantially equivalent, a new Coursework Tool has been developed to reflect these new standards. The tool has undergone validity and reliability studies.

*Fiscal Impact:* None.

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## **In the News**

### **Institute for Justice press release: “Victory for Arizona Animal Massage Practitioners,” by Shira Rawlinson, February 7, 2017**

“Arizona became a little bit freer when the Arizona State Veterinary Medical Examining Board agreed to stop enforcing the state’s veterinary laws against animal massage practitioners. The laws made it illegal for anyone except licensed veterinarians to provide animal massage. This change was in direct response to a March 2014 lawsuit filed by three animal massage practitioners—Celeste Kelly, Grace Granatelli and Stacey Kollman—and the Institute for Justice. Judge David Udall signed the agreement that prohibits the Board from requiring animal massage practitioners to obtain a veterinary license or to work under a veterinarian’s supervision.” Read the full release [here](#).

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**Board Liaisons to Jurisdictions**

Members of the board of directors serve as liaisons to multiple jurisdictions. Current liaison relationships are listed here for your reference.

Jurisdictions	Board Liaison
Delaware, District of Columbia, Indiana, Kentucky, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia	 Ron Barbato
Arizona, Colorado, Oklahoma, Nevada, New Mexico, Texas, Utah	 Charles Brown
Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina	 Tom Caldwell
Illinois, Iowa, Kansas, Michigan, Missouri, Nebraska, Wisconsin	 Natalie Harms
Alaska, California, Hawaii, Oregon, Puerto Rico, Virgin Islands, Washington	 Jim Heider
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Vermont	 Nancy Kirsch
Idaho, Minnesota, Montana, North Dakota, South Dakota, Wyoming	 David Relling

## Staff Contact Information

<b>If you have questions, challenges or ideas, we want to hear from you!</b> <b>FSBPT: (703) 299-3100   FCCPT: (703) 684-8406</b> (Call FSBPT unless otherwise noted after name)	
<b>Subject</b>	<b>Point of Contact/Email Address</b>
ADA accommodations	Shana Smith
aPTitude	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Assessment or examination development questions	Lorin Mueller, PhD Susan Layton
Continuing competence	Jeffrey M. Rosa Heidi Herbst Paakkonen <a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Credentials review	Jaime Nolan, FCCPT Kathleen Luedtke-Hoffmann, PT, PhD, FCCPT
ELDD- Exam, Licensure and Disciplinary Database 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
JAM- Jurisprudence Assessment Module	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Legislation or Model Practice Act	Mark Lane Leslie Adrian
Meeting arrangements	Paul Delaney
NPDB reports/questions	Angela Burnham
oPTion	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
PTLC- Physical Therapy Licensure Compact	<a href="mailto:compact@fsbpt.org">compact@fsbpt.org</a>
PEAT- Practice Exam & Assessment Tool	<a href="mailto:peat@fsbpt.org">peat@fsbpt.org</a>
ProCert	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Reimbursement of expenses Other financial matters	Bill Aronson Linda Michelsen
School reports	<a href="mailto:schoolreports@fsbpt.org">schoolreports@fsbpt.org</a>
Score transfer & reporting	Christine Sousa
SCP PET- Supervised Clinical Practice Performance Evaluation Tool	<a href="mailto:scppet@fsbpt.org">scppet@fsbpt.org</a>
Security issues	Susan Layton
Anything else, including news to share with members	William A. Hatherill Jessica Happel



**Sign off:**

**That's all the news today from the dawning daffodil 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***