



January 2018  
Volume 20, Number 1

## Federation of State Boards of Physical Therapy

In this News Brief:

- New Jersey becomes the first State to join the Compact in 2018
- Four Topics for Your Board
  - Want to better understand your role as a regulator? Reserve your spot for the 2018 Regulatory Training for Members and Board Staff
  - It's time to elect your 2018 delegates and funded administrator
  - Call for Presentation Proposals and Ideas for the 2018 Annual Meeting
  - 2018 Excellence in Regulation Award: Nomination Process is Open
- Winter 2017 *Federation Forum* published the end of December
- Our Gratitude for Volunteers Hard at Work
- Spotlight on Member Resources: 7th Edition of the *Dry Needling Resource Paper* is available online!
- Board of Directors Report
- In the News
- Board Liaisons to Jurisdictions
- Staff Contact Information

---

### New Jersey becomes the first State to join the Compact in 2018

Governor Christie, on his last day in office, January 15, 2018, signed the PT Compact into law. New Jersey is the fifteenth state to pass the PT Compact into law.

For the most up to date information on the PT Compact, see [ptcompact.org](http://ptcompact.org).

---

### Four Topics for Your Board

#### 1 -- Want to better understand your role as a regulator? Reserve your spot for the 2018 Regulatory Training for Members and Board Staff

Reach out to us **before April 1, 2018** if you want to attend. Space is limited and seats fill quickly! This training is free for member boards.

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. Read our Frequently Asked Questions about Regulatory Training [Registration](#) and [Travel](#) for more information. Highlights appear below.

- Date:** June 8-10, 2018  
**Location:** Alexandria, Virginia  
**Attendees:** All board members and board staff (administrators, licensing specialists and attorneys) are eligible to participate.  
**Cost:** The cost of travel, hotel and meals is covered by FSBPT.  
**Registration:** To reserve a spot, email [communications@fsbpt.org](mailto:communications@fsbpt.org). Requests must be received **before April 1, 2018** for consideration.  
**Special Notes:** Seating is limited; priority is given to first timers. If you have previously attended or if there are more than 2 individuals from your state who are interested, we will put you on a waiting list. Please contact us as soon as possible to indicate your interest.

---

## **2 -- It's time to elect your 2018 delegates and funded administrator**

Member board chairs and administrators, add elections to your next board meeting agenda! We will need your delegates and funded administrator credentialed **by May 1, 2018** to plan for the Leadership Issues Forum (LIF) in July.

Credentialing is open and administrators have received information to complete the process. Administrators who have questions about the process can learn more [here](#).

*Are you new to the Leadership Issues Forum and Annual Meeting journey? Are you unsure why you need to hold elections?*

The [bylaws](#) require that those who serve as delegates or funded administrators at the Delegate Assembly be elected by their respective boards.

We ask boards to elect one person to serve in each of these roles (if feasible):

- Voting delegate- casts the jurisdiction's vote in the Delegate Assembly for motions and elections
- Funded alternate delegate- serves as the voting delegate should the elected voting delegate not be able to attend
- Funded Administrator- can serve as the voting delegate for jurisdictions that do not elect delegates

In 2018,

- FSBPT will fund the voting delegate and funded administrator to attend the Leadership Issue Forum July 14-15 in Alexandria, Virginia, and
- FSBPT will fund the voting delegate, the funded alternate delegate and the funded administrator to attend the Annual Meeting October 25-27 in Reston, VA

*Want to learn more?*

Review our Leadership Issues Forum and Annual Meeting FAQs on our Members [Events Page](#).

----

### **3 -- Call for Presentation Proposals and Ideas for the 2018 Annual Meeting**

We are accepting presentation ideas and proposals for the 2018 Annual Meeting!

Before **9am ET Wednesday, March 14, 2018**, [email](#) us your proposal in a Word document. Please include:

- Title
- Course description
- Course objectives
- Tentative outline of time and content (*Note: Programs are limited to one-hour sessions.*)
- 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 Reston, Virginia October 25-27, 2018.

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!

---

### **4 -- 2018 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 1, 2018**. The winning jurisdiction(s) will be recognized at the Annual Meeting in Reston, VA in October.

---

### **Winter 2017 Federation Forum published the end of December**

Were you away for the holiday season? Did you miss our announcement?

You can still view the articles on our website:

- **President's Perspective**  
Nancy R. Kirsch, PT, DPT, PhD, FAPTA
- **Administrative Staff Corner**  
Charles Brown, Executive Director, Arizona State Board of Physical Therapy; Director on the FSBPT Board of Directors.
- **Legal Notes: Teladoc Antitrust Litigation Reaches the End of the Road**  
Jennifer Ancona Semko, Baker McKenzie LLP
- **Challenges to Your Board's Performance? Self-Assessments can Help**  
This article is based on a presentation by Maryann Alexander, PhD, RN, FAAN, Chief Officer, Nursing Regulation, National Council of State Boards of Nursing, and Aaron Young, PhD,

Assistant Vice President, Research and Data Integration, Federation of State Medical Boards, at the 2017 FSBPT Annual Meeting.

- **Due Process and the Digital Age: Using Technology in Board Work**

This article is based on a presentation by Nicole M. Schuster, Deputy Attorney General, Office of the Indiana Attorney General, at the 2017 FSBPT Annual Meeting.

- **Medications: Defining the Role and Responsibility of Physical Therapy Practice**

This article is based on a presentation by Matt Janes, PT, DPT, MHS, OCS, CSCS, Division AVP, Therapy Practice and Quality, Kindred at Home, and Diana Kornetti, PT, MA, HCS-D, President, Home Health Section of the American Physical Therapy Association, at the 2017 FSBPT Annual Meeting.

- **PT Outcomes Registry and Continuing Competence**

This article is based on a presentation by Heather Smith, PT, MPH, Director of Quality, American Physical Therapy Association, at the 2017 FSBPT Annual Meeting.

- **Regulations, Rulings, Resources and Revisions: News You Can Use!**

This article is based on a presentation by Leslie Adrian, PT, DPT, MPA, Director of Professional Standards, Federation of State Boards of Physical Therapy, at the 2017 FSBPT Annual Meeting.

- **Risk-Based Regulation: What We Were Doing all Along and What We'll Do Differently in the Future**

This article is based on a presentation by Dianne Millette, PT, MHSC, Registrar and CEO, College of Physical Therapists of British Columbia and Shenda Tanchak, LLB, Registrar and CEO, College of Physiotherapists of Ontario, at the 2017 FSBPT Annual Meeting.

- **Tackling Telehealth**

This article is based on a presentation by Leslie Adrian, PT, DPT, MPA, Director of Professional Standards, Federation of State Boards of Physical Therapy; Linda Grief, Executive Officer, Montana Board of Physical Therapy Examiners; James D. Heider, Executive Director, Oregon Physical Therapist Licensing Board; Scott Majors, Executive Director, Kentucky Board of Physical Therapy; Chrisandra Osborne, PT, PDT, Board Member, Washington Board of Physical Therapy; and Connie Petz, Licensing Examiner, Alaska Board of Physical Therapy and Occupational Therapy at the 2017 FSBPT Annual Meeting.

- **Tales From the Other Side: Why Rules Rule. Representation of Individual Physical Therapists Before Licensing Boards from the Perspective of a Private Practice Attorney**

This article is based on a presentation by Diana Godwin, Attorney at Law, at the 2017 FSBPT Annual Meeting.

To read all articles, click [here](#).

---



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

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

- Item Writing Task Force



### **Spotlight on Member Resources: 7th Edition of the *FSBPT Resource Paper Regarding Dry Needling* is available online!**

Revised in December 2017, FSBPT encourages review of the information in this [resource paper](#) in order to determine whether dry needling is within the scope of practice for a physical therapist for the jurisdiction in question. The information presented in this paper will provide some background and evidence on which the state licensing authority may wish to base its decision regarding scope of practice.

Review our other resources and papers [here](#).

---

### **Board of Directors Report**

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

To appoint Charles Brown as Board Liaison to the Board Assessment Task Force effective immediately.

*Rationale:* Each year, committee/council liaisons are appointed or reappointed.

*Fiscal Impact:* None.

---

### **In the News**

#### **Arizona became the first state to introduce the Interstate Compact for the Temporary Licensure of Professionals with Senate Bill 1184.**

Read the bill introduced by Senator Kavanagh this year [here](#).

#### **Press Release- “Scripps Health to Pay \$1.5 Million to Settle Claims for Services Rendered by Unauthorized Physical Therapists”, on The United States Department of Justice website, January 19, 2018**

“Scripps Health (Scripps), a health care system based in San Diego, California, has agreed to pay \$1.5 million to resolve allegations that it violated the False Claims Act by charging federal health care programs for physical therapy services that were rendered by therapists who did not have billing privileges for these programs and were not supervised by an authorized provider, the Justice Department announced today.

“Federal health care programs require that services are rendered by authorized providers or under the appropriate supervision of an enrolled physician,’ said Acting Assistant Attorney General for the Justice Department’s Civil Division Chad A. Readler. ‘These requirements help protect patients from unscrupulous or unqualified medical professionals. The Department of Justice will continue to ensure that those who knowingly violate these requirements face appropriate consequences.’

“Medicare and TRICARE limit billing privileges to enrolled providers. Services from unenrolled providers can be billed as ‘incident to’ the services of an enrolled physician, but only if the physician provided direct supervision. The United States alleged that Scripps billed Medicare and TRICARE for physical therapy services provided by therapists without billing privileges and without the appropriate supervision by a physician.

“This settlement illustrates the United States Attorney’s Office’s continued commitment to protecting the integrity of the Medicare and TRICARE programs,’ said U.S. Attorney Adam L. Braverman. ‘Unlawfully obtained payment from taxpayer-funded programs harms the entire health care system. We will hold accountable all providers who defraud these programs.’”

Read the full release [here](#).

**“Need a license to do your job? That may be excessive”, by Morris M. Kleiner, Published in the *Star Tribune* on January 17, 2018**

“Occupational licensure, a legal process that establishes qualifications to practice a trade or profession for pay, has become one of the most significant labor market regulations in the United States.

“While only about 5 percent of the workforce needed a license to work in the 1950s, it is now required for about 25 percent of American workers. As a regulatory scheme, occupational licensing dwarfs both the minimum wage and unionization in terms of its coverage of the American workforce.

“When many people think of occupational licensing, they think of doctors, lawyers, dentists. There are important arguments that many professions require licensing due to health and safety concerns. But today licensing can extend to jobs such as being a florist, upholsterer or interior designer. The practical impact of extending licensing to such professions is to decrease the number of people in those jobs — because before people can work, they must get costly training, pass tests and pay licensing fees.”

Read the full article [here](#).

**Letter to Senator Laura Ebke (NE) from the United States Federal Trade Commission website on January 17, 2018 re: Nebraska LB299, the Occupational Board Reform Act**

[Click to read](#) the FTC’s response to Senator Ebke’s request for input on Nebraska LB299, the Occupational Board Reform Act.

**“Make It Easier to Work Without a License”, by Alexander Acosta and Dennis Daugaard, Published in *The Wall Street Journal* on January 9, 2018**

“These pages often address the problem of excessive occupational licensing. Working together, we hope to take one major step toward reform.

“Each state decides how best to protect the health and safety of its citizens, and professional licensure plays an important role. No one wants to be operated on by an unlicensed doctor or share the road with an unlicensed truck driver. But too often, overly burdensome licensure requirements weaken competition without benefiting the public. In 1950, only 1 in 20 jobs required an occupational license. By the latest count, more than 1,100 separate occupations require a license in at least one state. More than 1 in 4 Americans need a license to work.

“Excessive licensing raises the cost of entry—often prohibitively—for certain careers, locking many Americans out of good jobs. Uneven educational requirements, steep fees and long approval periods foreclose economic opportunity for those who need it most.

“Excessive licensing creates barriers to job mobility. Americans don’t leave their skills behind when they move to a new state—but often they face the burden of obtaining new licenses. Hit especially hard are military spouses, who often must relocate as often as every two to three years. That shouldn’t mean losing their ability to make a living.”

Read the full article [here](#).

**Licensure Compact Memo to South Dakota Professional Associations, Member and Staff, issued by Kelsey Smith & Ellie Bailey, Office of the Governor on January 4, 2018**

In early January, the Office of the Governor in South Dakota issued a memo outlining the background and introduction, purpose, and questions and comments about its work on and draft legislation for “a compact which offers temporary, 18-month license for individuals.”

Read the full memo [here](#).

**“Upping the Entry Degree”, by Ashley A. Smith, Published on the *Inside Higher Ed* website on January 2, 2018**

“Community colleges across the country are examining possible new requirements for occupational therapy assistants to get more education, which could result in the elimination of occupational therapy programs on their campuses.

“In August, the Accreditation Council for Occupational Therapy Education mandated an increase in entry-level degree requirements for the profession by 2027. For occupational therapists that means an increase in the degree requirement from a master's degree to a doctorate. For occupational therapy assistants, the standard will move from an associate degree to a bachelor’s degree.

“The move would mean community colleges with occupational therapy assistant programs will have to offer four-year degrees or find other alternatives to satisfy the requirement. However, the critical response from some colleges subsequently led the accreditation council to temporarily suspend the mandate in order to hold forums and gather more input on possible effects of the changes.”

Read the full article [here](#).

**Voices for Liberty Fireside Chat, December 14, 2017, Published on the United States Federal Trade Commission’s website**

“On December 14, 2017, the Economic Liberty Task Force hosted four individuals, including three military spouses, for a ‘fireside chat’ with Acting Chairman Ohlhausen. Our purpose was to give a voice

to the millions of American workers and consumers – especially military families – whose lives and livelihoods are impacted by unnecessary occupational licensing requirements. Burdensome licensing regulations affect workers throughout the economy and across the nation, and they hit military spouses particularly hard when service members relocate from state to state.

“We have compiled a set of videos featuring these four Americans, whose stories go to the heart of how occupational licensing can dramatically impact economic liberty and the ability to earn a living. Thanks to our guests for coming to FTC headquarters to share their experiences:

- Nivea Thornton, a natural hair braider;
- Kim Lopez, an educator and military spouse;
- Sean O’Driscoll, an emergency medical technician and military spouse; and
- Jackie Clark, a graphic designer (who formerly worked as an esthetician and massage therapist) and military spouse.”

View the videos [here](#).



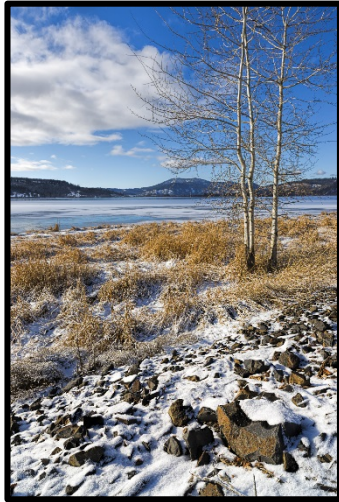
**Board Liaisons to Jurisdictions**

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

## Staff Contact Information

<p style="text-align: center;"><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)</p>	
<b>Subject</b>	<b>Point of Contact/Email Address</b>
ADA accommodations	Christine Sousa
aPTitude	<a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Assessment or examination development questions	Lorin Mueller, PhD Susan Layton <a href="mailto:npte@fsbpt.org">npte@fsbpt.org</a>
Continuing competence	Jeffrey M. Rosa Heidi Herbst Paakkonen <a href="mailto:competencestaff@fsbpt.org">competencestaff@fsbpt.org</a>
Credentials review	Jaime Nolan, FCCPT Susan K. Lindeblad, 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 Susan K. Lindeblad, PT, PhD, FCCPT
Immigration	Susan K. Lindeblad, 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>
PTC- Physical Therapy 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 <a href="mailto:security@fsbpt.org">security@fsbpt.org</a>
Anything else, including news to share with members	William A. Hatherill Jessica Happel



**Sign off:**

That's all the news today from the cold barren 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*