



June 2018
Volume 20, Number 6

Federation of State Boards of Physical Therapy (FSBPT®)

In this News Brief:

- Change in the FSBPT Board of Directors
- OK, LA, SC, and WV enter the PT Compact!
- FSBPT-APTA aPTitude® partnership status update
- Final Date to Submit Motions for the 2018 Annual Meeting
- Reminder: NPTE Examination Fee Increase
- Our Gratitude for Volunteers Hard at Work
- Spotlight on Member Resources: 2018 Regulatory Training presentation files are available!
- Board of Directors Report
- In the Regulatory Industry
- In the News
- Board Liaisons to Jurisdictions
- Staff Contact Information

Change in the FSBPT Board of Directors

The FSBPT Board of Directors and staff are pleased to announce that Robin Y. Jenkins (DC) was appointed by the Board to Directors to serve as Director of the FSBPT Board of Directors beginning June 16, 2018.

The FSBPT Board of Directors includes four director positions. Robin has filled the position held by Charles “Chuck” Brown (AZ). Chuck stepped down from his role as Executive Director of the Arizona State Board of Physical Therapy and the FSBPT Board of Directors on June 15, 2018 to begin a new role in the Arizona state government.

The Board of Directors and staff wish Chuck tremendous success in his new role and thank him for his hard work in support of our mission (since 2009!). The Board and staff also look forward to working with Robin in her new role with FSBPT.

You can learn more about Robin in her bio [here](#).

OK, LA, SC, and WV enter the PT Compact!

Oklahoma, Louisiana, South Carolina, and West Virginia became the 18th, 19th, 20th, and 21st state to enter the PT Compact. For the most up to date information on the PT Compact, see ptcompact.org.

FSBPT-APTA aPTitude® partnership status update

In January, FSBPT and APTA [announced a new partnership](#) to make APTA's complete catalog of learning activities available in aPTitude to improve the PT/PTA/student experience in searching for and recording APTA activities. The initial phase of this effort involved importing nearly 350 sessions of APTA's Combined Sections Meeting (CSM) 2018 into aPTitude and verifying about 73,000 PT/PTA/student attendance records for those sessions. This phase is now complete, and both organizations will soon replicate these actions for APTA's NEXT Conference & Exposition 2018 to be held June 27-30.

Contact us at CompetenceStaff@fsbpt.org to learn more about this partnership or to experience how this functionality works for PTs/PTAs/students using aPTitude.

Final Date to Submit Motions for the 2018 Annual Meeting

The deadline for submitting motions to the Resolutions Committee [via email](#) is **9am ET Monday, July 30, 2018**.

For those who are new jurisdictional board members or serving for the first time this year as a Voting Delegate, we encourage you to read the current [Bylaws and Standing Rules](#) to better understand the role of the Resolutions Committee and the motion submission process. You can also direct questions you have about the process to the Resolutions Committee at the email above.

If your board has items that you would like to discuss with other member jurisdictions and the FSBPT Board of Directors, the Leadership Issues Forum meeting, July 14-15, 2018, is an excellent opportunity to have meaningful dialogue and discussion.

Reminder: NPTE Examination Fee Increase

As reported in the September 2017 *News Briefs*, the 2018 examination fee increase for the National Physical Therapy Examination (NPTE®) was deferred until January 1, 2019. Effective January 1, 2019, the fee will be \$485.00.

*thank
you!*

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:

- Exam Development Committee- PTA
 - JAM Law Item Bank Clean Up
-



Spotlight on Member Resources: 2018 Regulatory Training presentation files are available!

The Regulatory Training for Members and Board Staff took place in Alexandria, VA at the beginning of this month. If you were unable to attend or if attended and wish to share the information with your fellow board members and administrators, you can view the 2018 agenda, speaker bios and presentations [here](#).

Board of Directors Report

In May and June, to advance the business of the Federation, the board of directors approved the motions listed.

To appoint the following committee/council liaison effective immediately:

- Compensation Committee- David Relling (elected board member)
- Investment Committee- David Relling (elected board member)
- Audit Committee- David Relling (elected board member)

Rationale: Committee/Council liaisons are appointed as needed.

Fiscal Impact: None.

To become a Network Organization with the National Academy of Medicine Action Collaborative on Well-being and Resilience.

Rationale: This organization promotes networking to support clinical well-being and resilience. The continuing competence literature suggests a link between competence and clinician engagement. The FSBPT Continuing Competence Committee is working on a new model for continuing competence that includes the promotion of clinician and practice wellness and engagement. Since many of the Networking Organizations are employers, it also provides an employer link that the Continuing Competence Committee feels is important to the continuing competence initiative.

Fiscal Impact: None

In the Regulatory Industry

“Physical Therapy Compact Will Issue First Compact Privileges July 9”, Press release issued June 2018

The Physical Therapy Compact Commission issued a release this month announcing that compact privileges will be available for the states of Missouri, North Dakota, and Tennessee starting at 9:00 AM ET on Monday, July 9.

Read the full press release on the News tab [here](#).

In the News

“Review of State Professional and Occupational Licensure Board Requirements and Processes by direction of Governor Tom Wolf; Executive Order 2017-03” by the Pennsylvania Department of State, Bureau of Professional and Occupational Affairs, Released June 11, 2018

View the information [here](#).

Press Release: “Signature HealthCARE to Pay More Than \$30 Million to Resolve False Claims Act Allegations Related to Rehabilitation Therapy”, Published on the United States Department of Justice website June 8, 2018

“Signature HealthCARE, LLC (Signature), a Louisville, Kentucky based company that owns and operates approximately 115 skilled nursing facilities, including 7 in middle Tennessee, has agreed to resolve allegations that it violated the False Claims Act by knowingly submitting false claims to Medicare for rehabilitation therapy services that were not reasonable, necessary and skilled, the Department of Justice announced today. The settlement also resolves allegations that Signature submitted forged pre-admission certifications of patient need for skilled nursing to the state of Tennessee’s Medicaid program. Under the settlement agreements, Signature has agreed to pay more than \$30 million. As part of the resolution, the State of Tennessee will receive a portion of the overall settlement.

“Today’s settlement demonstrates our continuing efforts to protect patients and taxpayer by ensuring that the care provided to beneficiaries of government-funded healthcare programs is dictated by clinical needs, not a provider’s fiscal interests,” said Acting Assistant Attorney General Chad A. Readler for the Justice Department’s Civil Division. ‘Nursing home facilities provide important services to our elderly, and those facilities must uphold the trust placed in them by billing the government only for reasonable and necessary services.’”

Read the full release [here](#).

“Niang v. Carroll Eighth Circuit Upholds Licensing Requirement for African-Style Hair Braiders.” Published in *Harvard Law Review* on June 8, 2018

“Federal courts articulating a rational basis for economic legislation are often like an ice cream package touting the health benefits of calcium — so long as they can identify 1 pro, they will disregard 100 cons. In the words of Justice Stevens, rational basis scrutiny ‘is tantamount to no review at all.’¹ Recently, in *Niang v. Carroll*,² the Eighth Circuit applied rational basis review in upholding the constitutionality of Missouri laws that prohibit braiding hair for pay without a cosmetology license. Despite holding that the licensing scheme was rationally related to the State’s interests in public health and consumer protection,³ the panel expressed some uncertainty articulating what a rational relation demands: ‘If there’s a requirement of some degree of fit, how much is required?’⁴ and ‘where is this line that we need to draw?’⁵ the panel asked during oral argument. While such questions naturally eschew bright-line answers, the Supreme Court has already developed a quantitative-based scrutiny to guide ‘rational basis’ review of litigants’ economic substantive due process rights — in the context of assessing punitive damages.⁶ Adopting a similar framework to review of occupational licensing laws could offer a more meaningful and uniform approach to defining the ‘rational’ in rational basis review.”

Read the full article [here](#).

“License Overload?” By Albert Downs and Iris Hentze, Published in *State Legislatures Magazine*, April 1, 2018

“Nurses and athletic trainers need one, so do barbers and cosmetologists. Even home inspectors need one. An occupational or professional license can require hours of instruction, intense testing and, in some cases, high fees. It’s all worth it, many say, if it protects public health and safety and ensures a minimum level of quality in products and services.

“The number of jobs requiring a license has grown steadily, from about 5 percent of all occupations in the 1950s to more than 25 percent of the American workforce today. The share of licensed workers, however, varies by state, ranging from a low of 12 percent in South Carolina to a high of 33 percent in Iowa.

“Licensing is a state responsibility, and each has developed its own regulations, usually with decision-making authority falling to quasi-governmental boards made up of people overseeing occupations most of them are employed in. Education and training standards vary widely, along with the fees and the limitations on who may apply for a license. (Some states bar those with immigrant status or a criminal history, for example.)

“Michigan requires three years of education and training to become a licensed security guard, for example, while most other states require 11 days or fewer. And while all 50 states license cosmetologists and emergency medical technicians, the education requirements vary greatly. Iowa, Nebraska and South Dakota require cosmetologists to study at least 233 days; Massachusetts and New York double that time. But the length of training time required of entry-level EMTs averages just 33 days nationwide.

“Proponents say licensing is the best tool lawmakers have to protect workers and the public. Populating boards with the people who have the expertise necessary to address the profession’s specific issues is key. ‘Doing so increases the effectiveness of the administrative system that is designed to provide consumers with an assurance of the qualifications of licensees along with a means of enforcement for the benefit of the public,’ says Dale Atkinson, executive director of the Federation of Associations of Regulatory Boards. Supporters also point out that the increase in licensing has enjoyed bipartisan, nationwide support.”

Read the full article [here](#).

“You Need A License For That”, Aired on *wbur.org* on February 25, 2018

“In some states, you need a license not just to be a doctor — but an interior designer, an animal tooth-filer, a hair braider. We’ll talk to a few people who are trying to change the system to make it easier to do work.

“Guests:

Henry Curr, U.S. economics editor at The Economist.

Shoshana Weissmann, policy analyst and digital media specialist at R Street, a conservative think tank.

Rep. Bobby Kaufmann, Republican Iowa state representative.

Nivea Earl, owner of hair care business Twistykinks who sued the state of Arkansas to braid hair without a cosmetology license.”

Listen [here](#).

“Will Licensing Stay on Center Stage in 2018”, by Albert Downs, Published on the *National Conference of State Legislatures* Blog on January 18, 2018

“Last year, the culmination of national momentum on the review and reform of state occupational and professional licensing laws was the inaugural meeting of the 11-state Occupational Licensing Learning Consortium (OLLC).

“For the first time, executive agencies, regulators, and legislators from across the country convened to discuss the current landscape of licensing laws, improve their understanding of where their own laws may create undue barriers to economic opportunity, and begin the development of policy action plans to address these unintended consequences in a comprehensive way.

“The 11 states selected to participate in the OLLC through 2019 are Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, Utah and Wisconsin.

“At the December meeting, diverse presentations from national experts in the field including University of Minnesota researcher Morris Kleiner on the economics of licensing and Council on Licensure, Enforcement and Regulation President Cory Everett on the mechanics of upholding health and safety laws, provided policymakers from all OLLC member states with the context needed to begin their work. Additionally, licensing policy success stories were shared by leaders from non-participant states like Arizona and Vermont.

“Beyond participating in educational sessions, the real work of the OLLC was to begin crafting a specific plan of action to address the challenges of licensing in each respective state.”

Read the full article [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>
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>
Arizona, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah	 <p>Robin Jenkins</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>If you have questions, challenges or ideas, we want to hear from you!</p> <p>FSBPT®: (703) 299-3100 FCCPT®: (703) 684-8406</p> <p>(Call FSBPT unless otherwise noted after name)</p>	
Subject	Point of Contact/Email Address
ADA accommodations	Christine Sousa
aPTitude®	competencestaff@fsbpt.org
Assessment or examination development questions	Lorin Mueller, PhD Susan Layton npte@fsbpt.org
Continuing competence	Jeffrey M. Rosa Heidi Herbst Paakkonen competencestaff@fsbpt.org
Credentials review	Jaime Nolan, FCCPT
ELDD- Exam, Licensure and Disciplinary Database participation	eldd@fsbpt.org
Exam registration processing	Christine Sousa
Foreign educated issues	Mark Lane Leslie Adrian
Immigration	Jamie Nolan, FCCPT
JAM- Jurisprudence Assessment Module	competencestaff@fsbpt.org
Legislation or Model Practice Act	Mark Lane Leslie Adrian
Meeting arrangements	Paul Delaney
NPDB reports/questions	Angela Burnham
oPTion®	competencestaff@fsbpt.org
PTC- Physical Therapy Compact	compact@fsbpt.org
PEAT®- Practice Exam & Assessment Tool	peat@fsbpt.org
ProCert®	competencestaff@fsbpt.org
Reimbursement of expenses Other financial matters	Bill Aronson Linda Michelsen
School reports	schoolreports@fsbpt.org
Score transfer & reporting	Christine Sousa
SCP PET- Supervised Clinical Practice Performance Evaluation Tool	scppet@fsbpt.org
Security issues	Susan Layton security@fsbpt.org
Anything else, including news to share with members	William A. Hatherill Jessica Happel



Sign off:

That's all the news today from the 'Original Orange' Daylily covered 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*