Ethics and Legislation Committee
Annual Report

Committee Members:
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Since the last Delegate Assembly meeting, the Ethics and Legislation Committee met twice to work on the following objectives under the FSBPT Goals noted below.

Provide consultation, technical assistance, and training regarding practice act changes, implementing the Model Practice Act and other legislative issues

The committee continues to explore and promote proactive approaches to physical therapy regulation, practice assessment, and measures to improve quality assurance. The Ethics & Legislation Committee began the preliminary work on the 5th Edition of the Model Practice Act. Researching, discussing, and preparing for the next edition, each section was reviewed for dated or unclear language and committee members have broken into smaller working groups to research and make recommendations for changes. The committee will also discuss language permitting proactive measures during the MPA 5th edition review.

Three jurisdictions (Michigan, South Dakota and Wyoming) have contacted the Federation this year to discuss potential language for new rules and regulations.

Monitor and research the regulatory implications of current physical therapy issues

Signing a contract with CQ Trend Track in January, the Federation began to independently track legislation in the jurisdictions regarding physical therapy. Key issues being followed include practice act changes, referral for financial gain, and changes to physical therapy regulatory boards. Other topics that are followed which may be of interest to our members include healthcare reform, changes to other professions’ practice acts, medical malpractice, and immunity for healthcare workers responding to disasters.

The tracking has been used to identify trends in legislation, monitor changes to practice acts, and alert jurisdictions to any potential problems with legislation as written. This year, over 2,500 pieces of healthcare-related legislation were introduced in the states. A few themes ran across multiple jurisdictions; a significant number of bills were brought forward regarding prosthetic and orthotic coverage, coverage of services for patients with autism spectrum disorders, and clarification of the responsibilities and liabilities of healthcare workers in times of natural disaster or emergency.

There were several notable pieces of legislation with regard to physical therapy. Bills were submitted to modify practice acts, remove limitations to direct access, continue PT Board existence (sunset laws), prohibit inappropriate referral relationships, update terminology from continuing education to continuing competence, clarify requirements for the foreign educated, allow for practice on animals, and regulate physical therapist assistants.
The service has proved valuable and informative. The tracking has been used to identify trends in legislation, monitor changes to practice acts, and alert jurisdictions to any potential problems with legislation as written. Early in the legislative calendar, the Ethics and Legislation Committee was able to identify that both Utah and Michigan were considering PTA licensure. Following the progress and passage of the bills allowed the Federation to prepare for the increase in volume for the NPTE in these states. The tracking has also been used to proactively monitor legislative changes in jurisdictions for which the Federation administers and maintains jurisprudence exams.

**Update and make available reference lists of remediation resources for discipline, ethics, repeat exam failures, foreign educated physical therapists, etc., for jurisdictions and/or candidates**

Responding to the FSBPT 2008 Delegate Assembly motion: *That the Federation explore the development of an ethics/ethical decision-making course available for remediation to boards or other groups that have identified physical therapists or physical therapist assistants needing development of this aspect of professional behavior; an ethics remediation program is being developed with the Center for Personalized Education for Physicians (CPEP). The course will be used by jurisdiction licensing boards for remediation of PTs and PTAs who have been sanctioned for ethical violations. The Federation began working with CPEP early in 2009 to develop the physical therapy specific course. The pilot offering of the new program, ProBE-PT, is scheduled for December 11-13, 2009 in New Brunswick, New Jersey. This pilot offering will be conducted if sufficient participants are referred to make the program feasible.*

The committee continued to develop and update the PowerPoint presentations for use by licensing boards regarding the NPTE and licensing/regulation for use by licensing boards with students. The presentations now include objectives and pre and post tests.

**Continue to identify issues that put the public at risk and common causes for disciplinary actions**

The committee reviewed and discussed the feasibility of a non-punitive peer review/peer counseling remediation program for physical therapy similar to that of the nursing and dental professions. The program would be proactive in nature, designed to identify the potential for a significant offense to occur, and remediate prior to the offense actually occurring.

The Disciplinary Categories Task Force has completed its initial document standardizing definitions of HIPDB Basis for Action Categories. An informational webinar about the document and how to best utilize it will be offered in the future to interested jurisdictions.

Respectfully submitted,
Kathleen Barnes, Chair