STATE OF WISCONSIN
PHYSICAL THERAPY EXAMINING BOARD

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| IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE PHYSICAL THERAPY EXAMINING BOARD | : | PROPOSED ORDER OF THE PHYSICALTHERAPY EXAMINING BOARD ADOPTING RULES (CLEARINGHOUSE RULE ) |

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PROPOSED ORDER

An order of the Physical Therapy Examining Board to create ch. PT 10 relating to authority of physical therapists to order x-rays.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 448.56 (7) (a), Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 448.56 (7) (a) (intro.), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides examining boards "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 448.56 (7) (a) (intro.), Stats., provides "[a] physical therapist may order X−rays to be performed by qualified persons only if the physical therapist satisfies one of the following qualifications, as further specified by the examining board by rule …"

**Related statute or rule:**

None.

**Plain language analysis:**

As required by 2015 Wisconsin Act 375, the proposed rules specify the qualifications a physical therapist is required to satisfy to order X-rays.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

The following rules governing the practice of physical therapy in Illinois, Iowa, Michigan, and Minnesota do not explicitly authorize or prohibit the ordering of X-rays by physical therapists:

**Illinois**: 68 Ill. Adm. Code 1340

**Iowa**: 645 IAC 200 to 203

**Michigan**: Mich Admin Code, R 338.7101 to R 338.7150

**Minnesota:** Minnesota Rules, Chapter 5601

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of 2015 Wisconsin Act 375 and obtaining input and feedback from the Physical Therapy Examining Board.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**
The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business**:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person**:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission**:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:30 a.m. on February 8, 2017, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Chapter PT 10 is created to read:

## Chapter PT 10

## ORDERING X-RAYS

**PT 10.01 Authority and purpose.** The rules in this chapter are adopted by the board pursuant to the authority delegated by ss. 15.08 (5) (b) and 448.56 (7) (a), Stats., and specify the qualifications a physical therapist must satisfy to order x-rays.

**PT 10.02 Qualifications.** A physical therapist may order x-rays to be performed by qualified persons if the physical therapist satisfies one of the following qualifications:

**(1)** The physical therapist holds an entry level clinical doctorate or transitional clinical doctoral degree in physical therapy from a college or university that has a physical therapy program accredited by the Commission on Accreditation in Physical Therapy Education or a successor organization recognized by the board.

**(2)** The physical therapist has been issued a specialty certification from the American Board of Physical Therapy Specialties or other national organization recognized by the board. The clinical practice hours leading to the specialty certification shall include training in the practice of ordering x-rays.

**(3)** The physical therapist has completed a residency or fellowship certified by the American Board of Physical Therapy Residency and Fellowship Education or other national organization recognized by the board. The residency or fellowship shall include training in the practice of ordering x-rays.

**(4)** The physical therapist has completed a formal x-ray ordering training program meeting all of the following criteria:

(a) The program constitutes an organized program of learning which contributes directly to the professional competency of a licensee to order x-rays.

(b) The program pertains to subject matters which integrally relate to the practice of ordering x-rays.

(c) The program is conducted by individuals who have specialized education, training, or experience by reason of which the individuals should be considered qualified concerning the practice of ordering x-rays. This shall include demonstrated physician involvement in the development or presentation of the program.

(d) The program fulfills pre−established goals and objectives.

(e) The program provides proof of attendance by licensees.

(f) The program includes a final examination or other assessment of a licensees' competency to order x-rays.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
PT 10

3. Subject
Authority of physical therapists to order x-rays

4. Fund Sources Affected
☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected
20.165(1)(g)

6. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget
☐ Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☐ Specific Businesses/Sectors
☐ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☒ No

9. Policy Problem Addressed by the Rule
Current rules of the Physical Therapy Examining Board address the practice of physical therapy in Wisconsin. As required by 2015 Wisconsin Act 375, the proposed rules specify the qualifications a physical therapist is required to satisfy to order X-rays.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit to implementing the rule is providing clarity and updated practice standards. If the rule is not implemented, it will continue to reference outdated practice standards.

14. Long Range Implications of Implementing the Rule
The long range implication of implementing the rule is clarity and updated practice standards.

15. Compare With Approaches Being Used by Federal Government
None

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# ADMINISTRATIVE RULES
## Fiscal Estimate & Economic Impact Analysis

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

The following rules governing the practice of physical therapy in Illinois, Iowa, Michigan, and Minnesota do not explicitly authorize or prohibit the ordering of X-rays by physical therapists:

**Illinois**: 68 Ill. Adm. Code 1340

**Iowa**: 645 IAC 200 to 203

**Michigan**: Mich Admin Code, R 338.7101 to R 338.7150

**Minnesota:** Minnesota Rules, Chapter 5601

| 17. Contact Name | 18. Contact Phone Number |
|---|---|
| Dale Kleven | (608) 261-4472 |

This document can be made available in alternate formats to individuals with disabilities upon request.