

## Covert-ByBee, Claire

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**From:** Becker, Betsy J <betsyj.becker@unmc.edu>  
**Sent:** Tuesday, June 16, 2020 8:00 PM  
**To:** Covert-ByBee, Claire  
**Subject:** Re: Occupational Board Reform Act Survey Request

Hello Claire:

Thanks for your patience in my response! Below are my answers to questions 15 and 16.

**15. A statement from your point of view about the effectiveness of the regulations overseen by the Board;**

Physical Therapy is a highly specialized profession which requires knowledgeable regulators. The Profession requires licensees to acquire specialized training, knowledge, qualification and skills. Physical therapists (PT) and physical therapist assistants (PTA) are guided by ethical codes. PTs and PTAs have a practice act to guide conduct and delineate State of Nebraska requirements.<sup>1</sup>

Regulating providers of physical therapy is necessary. PTs and PTAs offer a hands-on service that frequently requires touching patients who may be partially disrobed in ways that are uncommon to social norms but appropriate in a clinical context. The PT or PTA may be alone when providing physical therapy services. Physical therapy services may be provided to populations that are easily comprised or exploited (e.g. elderly, children, persons with physical, mental, and developmental disabilities, and the incarcerated).<sup>1</sup>

The advantages of a strong State -based regulatory system include a less cumbersome and more nimble entity than only Federal regulation. State politicians and Board members are more accessible than federal counterparts to hear and respond to concerns of constituents. Also, keeping power with the State provides a check on federal power.<sup>2</sup> It has been reported that the public, to whom the state is entrusted to protect, is more able to be heard in a state system.<sup>1</sup>

**16. What the harm may be if the occupation is no longer licensed, certified, or regulated;**

“The majority of what PTs and PTAs do is not dangerous, however the potential to inflict physical, emotional, or financial harm exists. Unfortunately, incidents such as billing fraud, theft, sexual misconduct, and substance abuse have been reported to physical therapy licensing boards and individuals have been denied licensure or had licenses revoked. Without regulation, these individuals would have been free to continue to offer services to the public. Physical Therapy care is highly specialized knowledge and most consumers are just not knowledgeable enough to make a determination of someone’s qualifications; hence the State does so by licensure.”<sup>3</sup>

**Sources:**

1. Federation of State Boards of Physical Therapy/Members/Resources & Topic Papers. *Defending State Based Regulation Talking Points*. Accessed 6/16/2020.
2. William T. Bianco and David T. Canon, “Federalism,” American Politics Today, 2nd ed., <http://www.wwnorton.com/college/polisci/americanpolitics-today2/full/ch/03/outline.aspx>.
3. Federation of State Boards of Physical Therapy/Members/Resources & Topic Papers. *The Case for State-Based Regulation*. Accessed 6/16/20.

Kindly,  
Betsy

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