

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 495 Session of
1999

INTRODUCED BY LEH, DeWEESE, BELFANTI, GEIST, CHADWICK,
ARMSTRONG, BAKER, BEBKO-JONES, BOYES, BUNT, CLYMER, M. COHEN,
CORNELL, CORRIGAN, COY, CURRY, DALEY, DeLUCA, DEMPSEY,
EACHUS, FAIRCHILD, FICHTER, FLEAGLE, FLICK, FORCIER, GORDNER,
HABAY, HALUSKA, HANNA, HENNESSEY, HERMAN, HERSHEY, HESS,
HUTCHINSON, JAMES, JOSEPHS, KAISER, KELLER, KENNEY, KREBS,
LAUGHLIN, LAWLESS, MARKOSEK, MARSICO, McCALL, MUNDY, NAILOR,
PESCI, PETRARCA, PRESTON, RAMOS, READSHAW, ROBERTS, ROHRER,
ROONEY, SANTONI, SAYLOR, SCHRODER, SEMMEL, SEYFERT, B. SMITH,
SNYDER, STABACK, STEELMAN, STERN, STRITTMATTER, STURLA,
SURRA, E. Z. TAYLOR, TIGUE, TRAVAGLIO, TRELLO, VAN HORNE,
VANCE, VITALI, WILT, WOJNAROSKI, YEWCIC, ZIMMERMAN, ZUG,
FRANKEL, FREEMAN, FEESE, HARHAI, DAILEY, METCALFE AND COSTA,
FEBRUARY 10, 1999

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 11, 2000

AN ACT

1 Amending the act of October 10, 1975 (P.L.383, No.110), entitled
2 "An act relating to the practice of physical therapy,"
3 FURTHER PROVIDING FOR THE STATE BOARD OF PHYSICAL THERAPY; <—
4 providing for a certificate of authorization to practice
5 physical therapy without the required referral; requiring
6 professional liability insurance coverage and continuing
7 education; and providing penalties.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 9 of the act of October 10, 1975~~ <—
11 ~~(P.L.383, No.110), known as the Physical Therapy Practice Act,~~
12 ~~amended April 4, 1984 (P.L.196, No.41), is amended to read:~~

13 SECTION 1. SECTION 2.1(A) OF THE ACT OF OCTOBER 10, 1975 <—
14 (P.L.383, NO.110), KNOWN AS THE PHYSICAL THERAPY PRACTICE ACT,

1 ADDED DECEMBER 20, 1985 (P.L.500, NO.117), IS AMENDED TO READ:

2 SECTION 2.1. STATE BOARD OF PHYSICAL THERAPY.--(A) THE
3 BOARD SHALL CONSIST OF [NINE] ELEVEN MEMBERS, ALL OF WHOM SHALL
4 BE RESIDENTS OF PENNSYLVANIA. [FIVE] SIX MEMBERS SHALL BE
5 PHYSICAL THERAPISTS LICENSED TO PRACTICE IN THIS COMMONWEALTH,
6 EACH HAVING HAD AT LEAST FIVE YEARS OF EXPERIENCE AS A PHYSICAL
7 THERAPIST, THREE YEARS OF WHICH MUST HAVE IMMEDIATELY PRECEDED
8 THE APPOINTMENT TO THE BOARD. ONE MEMBER SHALL BE A PHYSICAL
9 THERAPIST ASSISTANT CURRENTLY REGISTERED WITH THE BOARD OR AN
10 ATHLETIC TRAINER CURRENTLY CERTIFIED BY THE BOARD[, PROVIDED
11 THAT THE INITIAL APPOINTEE SHALL BE A PHYSICAL THERAPIST
12 ASSISTANT WHO IS CURRENTLY LISTED WITH THE BOARD AND WHO SHALL
13 NOT BE REQUIRED TO BE REGISTERED UNTIL THE PROVISIONS OF SECTION
14 9.1 HAVE BEEN IMPLEMENTED]. TWO MEMBERS SHALL BE REPRESENTATIVES
15 OF THE PUBLIC. ONE MEMBER SHALL BE THE COMMISSIONER OF
16 PROFESSIONAL AND OCCUPATIONAL AFFAIRS. ONE MEMBER SHALL BE THE
17 PHYSICIAN GENERAL OF THE COMMONWEALTH OR HIS DESIGNEE. THE
18 MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR, WITH
19 THE ADVICE AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO
20 THE SENATE.

21 * * *

22 SECTION 2. SECTION 9 OF THE ACT, AMENDED APRIL 4, 1984
23 (P.L.196, NO.41), IS AMENDED TO READ:

24 Section 9. Practice [and Referrals by Physicians.--Any] of
25 Physical Therapy.--(a) Except as provided in subsection (b), no
26 person licensed under this act as a physical therapist shall
27 [not] treat human ailments by physical therapy or otherwise
28 except by the referral of a person licensed as a physician;
29 however, a physical therapist shall be permitted to accept the
30 referral of a dentist or podiatrist licensed, for the treatment

1 of a condition that is within the scope of practice of dentistry
2 or podiatry. Nothing in this act shall be construed as
3 authorization for a physical therapist to practice any branch of
4 the healing arts except as described in this act. Any person
5 violating the provisions of this act shall be guilty of a
6 misdemeanor as described in section 12.

7 (b) Licensees who meet the standards set forth in this
8 subsection may apply to the board for a certificate of
9 authorization to practice physical therapy under this act
10 without the required referral under subsection (a). A
11 certificate of authorization to practice physical therapy
12 without a referral under subsection (a) shall not authorize a
13 physical therapist either to treat a condition in any person
14 which is a nonneurologic, nonmusculo or nonskeletal condition or
15 to treat a person who has an acute cardiac or acute pulmonary
16 condition unless the physical therapist has consulted with the
17 person's licensed physician, dentist or podiatrist regarding the
18 person's condition and the physical therapy treatment plan or
19 has referred the person to a licensed physician, dentist or
20 podiatrist for diagnosis and referral. The certificate of
21 authorization shall be issued only to licensed physical
22 therapists practicing physical therapy. The certificate of
23 authorization shall be displayed by the certificate holder in a
24 manner conspicuous to the public. The renewal of the certificate
25 of authorization shall coincide with the renewal of the license
26 of the licensee. Licensees making application for a certificate
27 of authorization shall present satisfactory evidence to the
28 board of all of the following:

29 (1) That the licensee has:

30 (i) passed an examination for licensure to practice physical

therapy, which examination included testing on the appropriate
evaluative procedures to treat a person without a referral; or
(ii) successfully completed a course approved by the board
on the appropriate evaluative procedures to treat a person
without a referral.

(2) That the licensee has:

(i) practiced physical therapy as a licensed physical
therapist in the delivery of patient care in accordance with
this act on a continuous basis for at least two years
immediately preceding the application for a certificate of
authorization;

(ii) been licensed under subsection (d.1) of section 6 and
has practiced physical therapy in the delivery of patient care
as a licensed physical therapist in a reciprocal state on a
continuous basis for at least two years immediately preceding
the application for a certificate of authorization; or

(iii) provided proof of meeting the standards of clause (i)
or (ii) of this paragraph through the application of any
combination thereof.

(3) That the license of that licensee has been maintained in
good standing.

(4) That the licensee has professional liability insurance
in accordance with the following provisions:

(i) Beginning with the first license renewal period at least
two years after the effective date of this subsection or upon
first making application for a certificate of authorization,
whichever occurs earlier, any licensee applying for and
obtaining a certificate of authorization shall obtain and
maintain, to the satisfaction of the board, professional
liability insurance coverage in the minimum amount of \$200,000

<—

~~per occurrence and \$600,000 annual aggregate.~~ AMOUNTS REQUIRED
TO BE MAINTAINED BY PHYSICIANS PURSUANT TO THE ACT OF OCTOBER
15, 1975 (P.L.390, NO.111), KNOWN AS THE "HEALTH CARE SERVICES
MALPRACTICE ACT." The professional liability insurance coverage
shall remain in effect as long as that licensee has a
certificate of authorization.

(ii) A licensee shall notify the board within 30 days of the
licensee's failure to be covered by the required insurance.
Failure to notify the board shall be actionable under section 11
or 12. Further, the certificate of authorization of that
licensee shall automatically be suspended upon failure to be
covered by the required insurance and shall not be restored
until submission to the board of satisfactory evidence that the
licensee has the required professional liability insurance
coverage.

(iii) The board shall accept from licensees as satisfactory
evidence of insurance coverage under this subsection, any or all
of the following: self-insurance, personally purchased
professional liability insurance, professional liability
insurance coverage provided by the licensee's employer or any
similar type of coverage.

(iv) The board shall adopt, by regulation, standards and
procedures established by the Insurance Commissioner for self-
insurance. In the absence of these standards and procedures, the
board, after consultation with the Insurance Commissioner, shall
establish standards and procedures by regulation for self-
insurance under this subsection.

(c) For each renewal of the certificate of authorization,
the licensee shall complete, within the immediately preceding
two-year period, at least 20 hours of continuing physical

1 therapy education related to keeping the certificate holder
2 apprised of advancements and new developments in the practice of
3 the physical therapy profession. At least ten of the 20 hours
4 shall be in appropriate evaluative procedures to treat a person
5 without a referral. The licensee shall provide the board with
6 evidence of the completion of the continuing education. The
7 requirements for continuing physical therapy education shall not
8 apply until the first renewal of the certificate of
9 authorization at least two years after the effective date of
10 this subsection. No credit shall be given for any course in
11 office management or practice building.

12 (d) A physical therapist practicing physical therapy under
13 this act shall refer patients to a licensed physician or other
14 appropriate health care practitioner in any of the following
15 cases:

16 (1) Cases where symptoms are present for which physical
17 therapy is a contraindication.

18 (2) Cases for which treatment is outside the scope of
19 practice of physical therapy.

20 (3) Cases for which treatment is beyond the education,
21 expertise or experience of the physical therapist.

22 (e) A physical therapist shall not treat a person without a <—
23 referral after 30 days from the date of the first treatment
24 unless the physical therapist has consulted with the person's
25 licensed physician, dentist or podiatrist regarding the person's
26 condition and the physical therapy treatment plan or has
27 referred the person to a licensed physician, dentist or
28 podiatrist for diagnosis and referral. MAY TREAT A PERSON <—
29 WITHOUT A REFERRAL AS PROVIDED FOR IN SUBSECTION (B) FOR UP TO
30 30 DAYS FROM THE DATE OF THE FIRST TREATMENT. A PHYSICAL

1 THERAPIST SHALL NOT TREAT A PERSON BEYOND 30 DAYS FROM THE DATE
2 OF THE FIRST TREATMENT UNLESS HE OR SHE HAS OBTAINED A REFERRAL
3 FROM A LICENSED PHYSICIAN, DENTIST OR PODIATRIST.

4 (f) Nothing in this section shall be construed to require or
5 preclude third-party insurance reimbursement.

6 Section ~~2~~ 3. Section 11(a)(1) of the act, amended December <—
7 20, 1985 (P.L.500, No.117), is amended to read:

8 Section 11. Refusal or Suspension or Revocation of
9 License.--(a) The board shall refuse to issue a license to any
10 person and after notice and hearing in accordance with rules and
11 regulations, may suspend or revoke the license of any person who
12 has:

13 (1) been found to have violated any of the provisions of
14 section 9;

15 * * *

16 Section ~~3~~ 4. This act shall take effect in 60 days. <—