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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**  
**No. 525**      Session of  
1983

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INTRODUCED BY JUBELIRER, ZEMPRELLI, HAGER, HOPPER, FISHER,  
MOORE, O'PAKE, STAPLETON, HANKINS, STAUFFER, CORMAN, STREET,  
PECORA, KRATZER, ROSS, LINCOLN, EARLY, STOUT, LEWIS, KELLEY,  
WILT, MELLOW, SCANLON, WILLIAMS, HELFRICK, HESS AND MUSTO,  
MARCH 22, 1983

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 20, 1984

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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 providing for the certification of athletic trainers by the  
4 State Board of Physical Therapy Examiners; creating an  
5 Athletic Trainer Advisory Committee; authorizing the setting  
6 of educational standards, certification standards and fees,  
7 for the renewal, revocation and suspension of certifications;  
8 further providing standards for the practice of physical  
9 therapy; making an appropriation; and providing penalties for  
10 violations of the act.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of October 10, 1975  
14 (P.L.383, No.110), known as the Physical Therapy Practice Act,  
15 is amended to read:

16 Section 2. Definitions.--The following definitions shall  
17 apply, when used in this act, unless otherwise expressed  
18 therein:

19 "Athletic trainer" shall mean a person certified by the State

1 Board of Physical Therapy Examiners as an athletic trainer after  
2 meeting the requirements of this act and rules and regulations  
3 promulgated pursuant thereto.

4 "Athletic Trainer Advisory Committee" shall mean the  
5 committee created by section 10.1 of this act to advise the  
6 board.

7 "Board" means the State Board of Physical Therapy Examiners  
8 established in accordance with the act of April 9, 1929  
9 (P.L.177, No.175), known as "The Administrative Code of 1929."

10 "Commissioner" shall mean the Commissioner of the Bureau of  
11 Professional and Occupational Affairs.

12 "Healing arts" shall mean the science and skill of diagnosis  
13 and treatment in any manner whatsoever of disease or any ailment  
14 of the human body.

15 "Physical therapist" shall mean a person who [practices  
16 physical therapy in some or all respects as defined in "physical  
17 therapy", subject to section 9 and] has met all the requirements  
18 [as stated in] of this act and is licensed to practice physical  
19 therapy in accordance with this act.

20 "Physical therapy" means the evaluation ~~[and], screening or~~ <—  
21 treatment of any person by the utilization of the effective  
22 properties of physical measures such as mechanical stimulation,  
23 heat, cold, light, air, water, electricity, sound, massage,  
24 mobilization and the use of therapeutic exercises and  
25 rehabilitative procedures including training in functional  
26 activities, with or without assistive devices, for the purpose  
27 of limiting or preventing disability and alleviating or  
28 correcting any physical or mental conditions, and the  
29 performance of tests and measurements as an aid in diagnosis or  
30 evaluation of function.

1 "Physician" means a person [who has received formal and  
2 recognized training in the art and science of medicine and is  
3 qualified to seek or has acquired an unlimited license to  
4 practice medicine and surgery as provided by law] as defined in  
5 1 Pa.C.S. § 1991 (relating to definitions).

6 Section 2. Section 3 of the act is amended to read:

7 Section 3. Powers and Duties of Board.--(A) The board shall <—  
8 elect annually from its membership a chairman and a vice-  
9 chairman and shall select a secretary who need not be a member  
10 of the board. It shall be the duty of the board to pass upon the  
11 qualifications of applicants for licensure as physical  
12 therapists and certification as athletic trainers, to conduct  
13 examinations, to issue and renew licenses to physical therapists  
14 and certifications to athletic trainers who qualify under this  
15 act, and in proper cases to suspend or revoke the license of any  
16 physical therapist or certification of any athletic trainer. The  
17 board may adopt rules and regulations not inconsistent with law  
18 as it may deem necessary for the performance of its duties and  
19 the proper administration of this law. The board is authorized  
20 and empowered to appoint hearing examiners and to conduct  
21 investigations and hearings upon charges for discipline of a  
22 licensee or certificate holder or for violations of this act,  
23 and to cause, through the office of the Attorney General, the  
24 prosecution and enjoinder of persons violating this act. The  
25 board shall maintain a register listing the name of every living  
26 physical therapist licensed to practice in this State, [his]  
27 every physical therapist assistant and every athletic trainer  
28 certified to practice in this State, such individual's last  
29 known place of business and last known place of residence, and  
30 the date and number of [his] the physical therapist's license or

1 athletic trainer's certification.

2 (B) THE BOARD SHALL SUBMIT ANNUALLY TO THE DEPARTMENT OF <—  
3 STATE AND TO THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES,  
4 WITHIN 15 DAYS OF THE DATE ON WHICH THE GOVERNOR HAS SUBMITTED  
5 HIS BUDGET TO THE GENERAL ASSEMBLY, AN ESTIMATE OF THE FINANCIAL  
6 REQUIREMENTS OF THE BOARD FOR ITS ADMINISTRATIVE, INVESTIGATIVE,  
7 LEGAL AND MISCELLANEOUS EXPENSES.

8 Section 3. ~~Section 4 of the act is~~ SECTIONS 4 AND 5 OF THE <—  
9 ACT ARE amended to read:

10 Section 4. Training and License Required; Exceptions.--(a)  
11 [From and after one year from the effective date of this act,  
12 it] It shall be unlawful for any person to practice or hold  
13 himself out as being able to practice physical therapy in this  
14 State [unless he is trained and] in any manner whatsoever unless  
15 such person has met the educational requirements and is licensed  
16 in accordance with the provisions of this act. Nothing in this  
17 act, however, shall prohibit any person trained and licensed [to  
18 practice in this State under any other law, from engaging in the  
19 practice for which he is trained and licensed.] or certified to  
20 practice or to act within the scope of his certification in this  
21 State under any other law, from engaging in the licensed or  
22 certified practice for which he is trained.

23 (b) This act shall not prohibit students who are enrolled in  
24 schools of physical therapy approved by the board, from  
25 performing acts of physical therapy as is incidental to their  
26 course of study; nor shall it prevent any student in any  
27 educational program in the healing arts approved or accredited  
28 under the laws of Pennsylvania in carrying out prescribed  
29 courses of study. Nothing in this act shall apply to any person  
30 employed by an agency, bureau, or division of the Federal

1 Government while in the discharge of official duties, however,  
2 if such individual engages in the practice of physical therapy  
3 outside the scope of official duty, [he must be trained and]  
4 such individual must meet the educational requirements and be  
5 licensed as herein provided. The provisions of this act are not  
6 intended to limit the activities of persons legitimately engaged  
7 in the nontherapeutic administration of baths, massage, and  
8 normal exercise.

9 (b.1) It shall be a violation of this act for any person or  
10 business entity to utilize in connection with a business name or  
11 activity the words "physical therapy," "physical therapist,"  
12 "physiotherapy," "physiotherapist" or similar words and their  
13 related abbreviations which imply directly or indirectly that  
14 physical therapy services are being provided including the  
15 billing of physical therapy services unless such services are  
16 provided by a licensed physical therapist in accordance with  
17 this act: Provided, however, That nothing in this section shall  
18 limit a physician's authority to practice medicine or to bill  
19 for such practice nor limit a chiropractor's authority to  
20 practice chiropractic or to bill for such practice.

21 (c) The practice of physical therapy shall not include the  
22 practice of chiropractic as defined by the act of August 10,  
23 1951 (P.L.1182, No.264), known as the "Chiropractic Registration  
24 Act of 1951."

25 SECTION 5. APPLICATION FOR LICENSE.--UNLESS ENTITLED TO  
26 LICENSURE WITHOUT EXAMINATION UNDER THE PROVISIONS OF SECTION 6,  
27 A PERSON WHO DESIRES AND APPLIES TO BE LICENSED AS A PHYSICAL  
28 THERAPIST SHALL APPLY TO THE BOARD IN WRITING, ON FORMS  
29 FURNISHED BY THE BOARD, AND SUCH APPLICATION BLANKS SHALL EMBODY  
30 EVIDENCE SATISFACTORY TO THE BOARD OF THE APPLICANT'S POSSESSING

<—

1 THE QUALIFICATIONS PRELIMINARY TO EXAMINATION REQUIRED BY THIS  
2 ACT. AT THE TIME OF FORWARDING SUCH APPLICATION TO THE BOARD, AN  
3 APPLICANT FOR LICENSURE AS A PHYSICAL THERAPIST SHALL PAY A FEE  
4 [OF \$50, WHICH SHALL NOT BE REFUNDABLE] AS SET BY REGULATION.

5 Section 4. Section 6(a), (d), (g) and (h) of the act are  
6 amended to read:

7 Section 6. Qualifications for License; Examinations; Failure  
8 of Examinations; Licensure Without Examination; Issuing of  
9 License; Foreign Applicants for Licensure; Temporary License;  
10 Perjury.--(a) To be eligible for licensure as a physical  
11 therapist, an applicant must be at least 20 years of age unless  
12 otherwise determined by the board in its discretion, be of good  
13 moral character, not be addicted to the habitual use of alcohol  
14 or narcotics or other habit-forming drugs, and [have an  
15 education of not less than 60 semester hours of college credits  
16 or the equivalent thereof including courses in biological,  
17 physical and social studies at an accredited college or  
18 university and has attended an accredited physical therapy  
19 course of not less than 12 months, in a school of physical  
20 therapy established in a fully accredited medical school,  
21 hospital, college or university which course has provided  
22 curricula and training, the requirements of which shall be  
23 approved from time to time by the board with advice and  
24 consultation with recognized national accrediting agencies and  
25 professional organizations including the American Physical  
26 Therapy Association] has graduated from a school offering an  
27 educational program in physical therapy as adopted by the board  
28 which program has been approved for the education and training  
29 of physical therapists by the appropriate nationally recognized  
30 accrediting agency. By the time of completion of the

1 professional study of physical therapy, a physical therapist  
2 must hold a minimum of a baccalaureate degree from a regionally  
3 accredited institution of higher education. In the case of those  
4 applicants who have completed requirements prior to the first  
5 day of January, 1967, but who may not technically or totally  
6 fulfill the above requirements, the board at its discretion and  
7 by the majority vote of all members present may accept evidence  
8 of satisfactory equivalence.

9 \* \* \*

10 (d) On payment to the board of [a fee of \$15 for applicants  
11 subject to paragraph (1) of this subsection and \$75 for  
12 applicants subject to paragraph (2) of this subsection,] ~~the~~ <—  
13 ~~appropriate fee established pursuant to the act of July 1, 1978~~  
14 ~~(P.L.700, No.124), known as the "Bureau of Professional and~~  
15 ~~Occupational Affairs Fee Act" or such higher fee established by~~  
16 ~~the board from time to time after consultation with the~~  
17 ~~Commissioner~~ A FEE AS SET BY REGULATION and on submission of a <—  
18 written application on forms provided by the board, the board  
19 shall issue a license without examination to[:

20 (1) A person filing said application within one year from  
21 the effective date of this act who presents evidence  
22 satisfactory to the board that he meets the qualifications set  
23 forth in subsection (a) and that he has a valid license to  
24 practice physical therapy in the Commonwealth of Pennsylvania on  
25 the effective date of this act.

26 (2) A] any person who is a licensed or otherwise registered  
27 as a physical therapist by another state or territory of the  
28 United States of America, or the District of Columbia[, if] and  
29 whose license or registration is valid and in good standing; and  
30 further that the requirements for license or registration, as

1 the case may be, in such state, territory, or district were [at  
2 the date of his license or registration by such state,] or are  
3 substantially equal to the requirements set forth in this act:  
4 Provided, That such person has not taken and failed, one or more  
5 times, the examination referred to in subsection (b), in which  
6 case, the issuance of a license under this paragraph shall be at  
7 the discretion of the board.

8 \* \* \*

9 (g) [On payment to the board of a fee of \$25, and the  
10 submission of a written application on forms provided by it, the  
11 board, in its discretion, shall issue without examination a  
12 temporary license to practice physical therapy in this State for  
13 a period not to exceed one year to any person who meets the  
14 qualifications set forth in clause (2) of subsection (d) of this  
15 section upon submission by such person of evidence satisfactory  
16 to the board and verified by oath that he is in this State on a  
17 temporary basis to assist in a case of medical emergency or to  
18 engage in a special physical therapy project. A temporary  
19 license, as described above, may be renewed for one additional  
20 year at the board's discretion, and upon expiration must be  
21 surrendered to the board.

22 (h)] Upon the submission of a written application on forms  
23 provided by it, the board shall also issue a temporary license  
24 to a person who has applied for a license under the provisions  
25 of subsection (a) and who is, in the judgment of the board,  
26 eligible to take the examination provided for in subsection (b).  
27 Such temporary license shall be available to an applicant with  
28 respect to his application for a license under subsection (a),  
29 but the applicant may only use the temporary license while under  
30 the direct supervision of a licensed physical therapist. Such



1 temporary license shall expire upon the failure of the first  
2 examination and upon expiration the license must be surrendered  
3 to the board except that the board may reissue such temporary  
4 license in its discretion and in accordance with rules and  
5 regulations to be established.

6 (h) The granting or issuing of any temporary license or  
7 permit relating to the practice of physical therapy in the  
8 Commonwealth for any reason other than as set forth in  
9 subsection (g), shall be within the sole discretion of the board  
10 subject to rules and regulations established by the board.

11 \* \* \*

12 Section 5. Sections 7, 8 and 9 of the act are amended to  
13 read:

14 SECTION 7. RENEWAL OF LICENSE.--(A) EACH LICENSE ISSUED <—  
15 UNDER THE PROVISIONS OF THIS ACT SHALL BE RENEWED BIENNIALY,  
16 EXCEPT AS PROVIDED IN SUBSECTION (B). ON OR BEFORE NOVEMBER 1 OF  
17 EACH RENEWAL YEAR, THE BOARD SHALL MAIL AN APPLICATION FOR  
18 RENEWAL OF LICENSE TO EACH PERSON TO WHOM A LICENSE WAS ISSUED  
19 OR RENEWED DURING THE CURRENT LICENSING PERIOD, WHICH  
20 APPLICATION SHALL BE MAILED TO THE MOST RECENT ADDRESS OF SAID  
21 PERSON AS IT APPEARS ON THE RECORDS OF THE BOARD. SUCH PERSON  
22 SHALL COMPLETE THE RENEWAL APPLICATION AND RETURN IT TO THE  
23 BOARD WITH A RENEWAL FEE BEFORE DECEMBER 31 OF THE YEAR IN WHICH  
24 SAID APPLICATION WAS RECEIVED. UPON RECEIPT OF ANY SUCH  
25 APPLICATION AND FEE, THE BOARD SHALL VERIFY THE ACCURACY OF SUCH  
26 APPLICATION AND ISSUE TO THE APPLICANT A CERTIFICATE OF RENEWAL  
27 OF LICENSE FOR THE NEXT LICENSING PERIOD AS DESCRIBED ABOVE. THE  
28 RENEWAL FEE [SHALL BE \$10] FOR EACH LICENSING PERIOD [AS  
29 DESCRIBED IN THIS SUBSECTION] SHALL BE SET BY REGULATION.

30 (B) IF ANY PERSON SHALL NOT SO RENEW HIS OR HER LICENSE SUCH

1 LICENSE SHALL AUTOMATICALLY EXPIRE. A LICENSE WHICH HAS THUS  
2 EXPIRED MAY, WITHIN THREE YEARS OF ITS EXPIRATION DATE, BE  
3 RENEWED ON THE PAYMENT TO THE BOARD OF THE FEE FOR EACH  
4 LICENSING PERIOD OR PART THEREOF, PRO-RATA, DURING WHICH THE  
5 LICENSE WAS INEFFECTIVE AND THE PAYMENT OF A RESTORATION FEE [OF  
6 \$5] SET BY REGULATION. AFTER SAID THREE YEARS PERIOD SUCH  
7 LICENSE SHALL BE RENEWED ONLY BY COMPLYING WITH THE PROVISIONS  
8 IN SUBSECTIONS (A) AND (B) OF SECTION 6 RELATING TO OBTAINING AN  
9 ORIGINAL LICENSE.

10 Section 8. Fees and Fines for Board.--(A) All fees and <—  
11 fines collected under the provisions of this act shall be paid  
12 into the [State Treasury for the use of the Commonwealth]  
13 Professional Licensure Augmentation Account established pursuant  
14 to and for use in accordance with the act of July 1, 1978  
15 (P.L.700, No.124), known as the "Bureau of Professional and  
16 Occupational Affairs Fee Act." <—  
17 ~~Nothing contained in this~~  
18 ~~amendment is intended to alter the fees authorized and set~~  
19 ~~pursuant to said act except that the board may from time to time~~  
20 ~~adopt higher fees where it determines after consultation with~~  
21 ~~the commissioner more revenue is needed to effectively~~  
22 ~~administer the provisions of this act.~~

23 (B) ALL FEES REQUIRED UNDER THE PROVISIONS OF THIS ACT SHALL <—  
24 BE FIXED BY THE BOARD, BY REGULATION, AND SHALL BE SUBJECT TO  
25 REVIEW IN ACCORDANCE WITH THE ACT OF JUNE 25, 1982 (P.L.633,  
26 NO.181), KNOWN AS THE "REGULATORY REVIEW ACT." IF THE REVENUES  
27 GENERATED BY FEES, FINES AND CIVIL PENALTIES IMPOSED IN  
28 ACCORDANCE WITH THE PROVISIONS OF THIS ACT ARE NOT SUFFICIENT TO  
29 MATCH EXPENDITURES OVER A TWO-YEAR PERIOD, THE BOARD SHALL  
30 INCREASE THOSE FEES BY REGULATION, SUBJECT TO REVIEW IN  
ACCORDANCE WITH THE "REGULATORY REVIEW ACT," SUCH THAT THE

1 PROJECTED REVENUES WILL MEET OR EXCEED PROJECTED EXPENDITURES.

2 (C) IF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
3 DETERMINES THAT THE FEES ESTABLISHED BY THE BOARD ARE INADEQUATE  
4 TO MEET THE MINIMUM ENFORCEMENT EFFORTS REQUIRED, THEN THE  
5 BUREAU, AFTER CONSULTATION WITH THE BOARD, SHALL INCREASE THE  
6 FEES BY REGULATION, SUBJECT TO REVIEW IN ACCORDANCE WITH THE  
7 "REGULATORY REVIEW ACT," SUCH THAT ADEQUATE REVENUES ARE RAISED  
8 TO MEET THE REQUIRED ENFORCEMENT EFFORT.

9 Section 9. Practice and Referrals by Physicians.--Any person  
10 licensed under this act as a physical therapist shall not treat  
11 human ailments by physical therapy or otherwise except by the  
12 referral of a person licensed [in this State] as a physician;  
13 however, a physical therapist shall be permitted to accept the  
14 referral of a dentist or podiatrist licensed [in this State],  
15 for the treatment of a condition that is within the scope of  
16 practice of dentistry or podiatry. Nothing in this act shall be  
17 construed as authorization for a physical therapist to practice  
18 any branch of the healing arts except as described in this act.  
19 Any person violating the provisions of this act shall be guilty  
20 of a misdemeanor as described in section 12.

21 Section 6. The act is amended by adding sections to read:

22 Section 10.1. Athletic Trainer Advisory Committee Created.--  
23 There is hereby created an advisory committee to be known as the  
24 Athletic Trainer Advisory Committee which shall be appointed by  
25 and serve at the pleasure of the board for the purpose of  
26 carrying out the provisions of this act as it relates to  
27 athletic trainers. The Athletic Trainer Advisory Committee shall  
28 assist the board in the certification, renewal, revocation or  
29 suspension of athletic trainers in accordance with this act and  
30 rules and regulations and as the board deems appropriate. The

1 Athletic Trainer Advisory Committee shall consist of no more  
2 than three members who shall be certified athletic trainers and  
3 who shall receive reimbursement for actual traveling expenses  
4 related to their service to the board and a per diem to be fixed  
5 from time to time by the Governor's Executive Board but not less  
6 than \$35 per day. Advisory committee members may be selected by  
7 the board from a list of qualified athletic trainers provided by  
8 the Pennsylvania Athletic Trainers Society. Members of the  
9 advisory committee shall serve for three years except that the  
10 initial committee membership shall be appointed to serve for  
11 staggered terms of one, two and three years respectively.

12 Section 10.2. Certification of Athletic Trainers;  
13 Certification Renewal, Revocation or Suspension.--(a) The board  
14 shall have the power to adopt rules and regulations governing  
15 the certification of athletic trainers. Such rules and  
16 regulations shall establish standards necessary to Commonwealth  
17 certification in the following categories:

18 (1) Approved educational program standards.

19 (2) Education degree requirements for certification.

20 (3) Practical training experience requirements for  
21 certification.

22 (4) Other requirements necessary for the proper, ethical and  
23 professional training of persons applying for certification  
24 which are deemed appropriate by the board.

25 Regulations promulgated pursuant to this section shall be  
26 formulated with the advice and consultation of the Athletic  
27 Trainer Advisory Committee.

28 (b) The board shall issue certification certificates to  
29 individuals seeking certification as athletic trainers after its  
30 review of a proper certification application presented on forms

1 prescribed by the board which evidences the satisfaction of the  
2 standards promulgated by rules in accordance with the provisions  
3 in subsection (a) and further upon payment of an appropriate fee  
4 to be set by the board after consultation with the commissioner.

5 (c) The board shall renew, revoke or suspend the  
6 certification of athletic trainers pursuant to rules and  
7 regulations formulated in consultation with the Athletic Trainer  
8 Advisory Committee. All actions of the board shall be taken  
9 subject to the right of notice, hearing and adjudication and the  
10 right of appeal therefrom in accordance with Title 2 of the  
11 Pennsylvania Consolidated Statutes (relating to administrative  
12 law and procedure).

13 Section 7. Section 11(a)(1) of the act is amended to read:

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

19 (1) [practiced physical therapy other than upon the referral  
20 of a physician or as set forth in section 9] been found to have  
21 violated section 9;

22 \* \* \*

23 Section 8. Section 12(b) of the act is amended to read:

24 Section 12. Penalties; Injunctive Relief.--\* \* \*

25 (b) The board may, in the name of the people of the  
26 Commonwealth of Pennsylvania, through the Attorney General's  
27 Office, apply for injunctive relief in any court of competent  
28 jurisdiction to enjoin any person from committing any act in  
29 violation of this act. Such injunction proceedings shall be in  
30 addition to, and not in lieu of, all penalties and other

1 remedies in this act.

2 Section 9. There is hereby appropriated from the  
3 Professional Licensure Augmentation Account within the General  
4 Fund to the Bureau of Professional and Occupational Affairs, in  
5 the Department of State, for the establishment and operations of  
6 the State Board of Physical Therapy Examiners pursuant to this  
7 act, the sum of \$10,000, or as much thereof as may be necessary.

8 SECTION 10. ALL FEES FIXED BY THE ACT OF OCTOBER 10, 1975 <—  
9 (P.L.383, NO.110), KNOWN AS THE PHYSICAL THERAPY PRACTICE ACT,  
10 OR FIXED PURSUANT TO THE ACT OF JULY 1, 1978 (P.L.700, NO.124),  
11 KNOWN AS THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS FEE  
12 ACT, SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL CHANGED BY  
13 THE BOARD IN ACCORDANCE WITH THIS ACT.

14 Section ~~10~~ 11. This act shall take effect three calendar <—  
15 months from the date of its enactment.