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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1199 Session of  
2007

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INTRODUCED BY THOMAS, STEIL, COHEN, CLYMER, BISHOP, CALTAGIRONE,  
BENNINGHOFF, DALEY, CAPPELLI, DePASQUALE, CAUSER, GEORGE,  
COX, HARHAI, DENLINGER, JAMES, ELLIS, JOSEPHS, GINGRICH,  
KIRKLAND, HARHART, KULA, HENNESSEY, MELIO, HESS, MYERS,  
HUTCHINSON, PALLONE, McILHATTAN, MILNE, SIPTROTH, MOUL,  
YOUNGBLOOD, PICKETT, PYLE, QUIGLEY, RAPP, REED, ROHRER,  
RUBLEY, SCAVELLO, SCHRODER, SONNEY, KILLION, HORNAMAN AND  
HELM, MAY 1, 2007

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SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, JUNE 24, 2008

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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 further providing for definitions, for State Board of  
4 Physical Therapy and its powers and duties, for training and  
5 license required and exceptions, for application for license,  
6 for qualifications for license and examinations, for renewal  
7 of license and for reporting of multiple licensure; providing  
8 for continuing education; further providing for practice of  
9 physical therapy, for physical therapy assistant, education  
10 and examination, scope of duties and registration and for  
11 supportive personnel; repealing provisions relating to  
12 Athletic Trainer Advisory Committee and certification of  
13 athletic trainers and certification renewal, revocation and  
14 suspension; and further providing for refusal or suspension  
15 or revocation of license, for automatic suspension, for  
16 temporary suspension, for subpoenas, reports and surrender of  
17 license, for penalties and injunctive relief and for impaired  
18 professional.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. The definitions of "athletic trainer," "Athletic  
22 Trainer Advisory Committee," "physical therapist assistant" and

"physical therapy" in section 2 of the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, amended April 2, 2002 (P.L.234, No.27), are amended and the section is amended by adding definitions to read:

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

["Athletic trainer" shall mean a person certified by the State Board of Physical Therapy as an athletic trainer after meeting the requirements of this act and rules and regulations promulgated pursuant thereto.

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

\* \* \*

"CERTIFICATE OF AUTHORIZATION" MEANS A CERTIFICATE, APPROVED BY THE BOARD, TO PRACTICE PHYSICAL THERAPY WITHOUT A REFERRAL UNDER SECTION 9(A).

"Certified Registered Nurse Practitioner" means an individual as defined in section 2 of the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

\* \* \*

"Consultation by means of telecommunications" means that a physical therapist renders a professional opinion or advice regarding the practice of physical therapy to another physical therapist or licensed health care provider via telecommunications or computer technology from a distant location, subject to section 4(b.3)(5) and consistent with applicable health information privacy laws. It includes the review or transfer of patient records or related information by

1 means of audio, video or data communication.

2 "Dentist" means an individual as defined in 1 Pa.C.S. § 1991  
3 (relating to definitions).

4 "Direct on-premises supervision" means the physical presence  
5 of a licensed physical therapist in the facility, INCLUDING <—  
6 AFFILIATED BUILDINGS IN IMMEDIATE PROXIMITY, who is immediately  
7 available to exercise supervision, direction and control.

8 ~~"Facility" means the physical premises where physical therapy <—~~  
9 ~~services are being provided and all associated lands and~~  
10 ~~buildings within the immediate proximity.~~

11 \* \* \*

12 "Physical therapist assistant" shall mean [a person] an  
13 individual who has met all the requirements of this act and is  
14 [registered] certified as a physical therapist assistant in  
15 accordance with this act. ANY PERSON OR INDIVIDUAL WHO IS <—  
16 REGISTERED AND IN GOOD STANDING WITH THE BOARD SHALL BE DEEMED  
17 CERTIFIED UNTIL SUCH TIME AS THE BOARD PROMULGATES REGULATIONS  
18 REGARDING CERTIFICATION.

19 ~~"Physical therapy" means [the evaluation and treatment of any <—~~  
20 ~~person by] evaluating, examining and testing individuals with~~  
21 ~~mechanical, physiological and developmental impairments,~~  
22 ~~functional limitations and disabilities or other health related~~  
23 ~~and movement related conditions in order to determine a~~  
24 ~~diagnosis, prognosis and plan of treatment intervention within~~  
25 ~~the scope of this act, and to assess the ongoing effects of~~  
26 ~~intervention. The practice of physical therapy includes the~~  
27 ~~performance of tests and measurements as an aid in diagnosis or~~  
28 ~~evaluation of function and the treatment of the individual~~  
29 ~~through the utilization of the effective properties of physical~~  
30 ~~measures such as mechanical stimulation, heat, cold, light, air,~~

1 ~~water, electricity, sound, massage, [mobilization]~~  
2 ~~mobilization/manual therapy and the use of therapeutic exercises~~  
3 ~~and rehabilitative procedures including training in functional~~  
4 ~~activities, with or without the utilization of assistive~~  
5 ~~devices, for the purpose of limiting or preventing disability~~  
6 ~~and alleviating or correcting any physical or mental~~  
7 ~~conditions[, and the performance of tests and measurements as an~~  
8 ~~aid in diagnosis or evaluation of function]. The practice of~~  
9 ~~physical therapy also includes reducing the risk of injury,~~  
10 ~~impairment, functional limitation and disability as well as~~  
11 ~~engaging in administration, consultation, education and~~  
12 ~~research.~~

13 "PHYSICAL THERAPY" MEANS [THE EVALUATION AND TREATMENT OF ANY <—  
14 PERSON BY THE UTILIZATION OF THE EFFECTIVE PROPERTIES OF  
15 PHYSICAL MEASURES SUCH AS MECHANICAL STIMULATION, HEAT, COLD,  
16 LIGHT, AIR, WATER, ELECTRICITY, SOUND, MASSAGE, MOBILIZATION AND  
17 THE USE OF THERAPEUTIC EXERCISES AND REHABILITATIVE PROCEDURES  
18 INCLUDING TRAINING IN FUNCTIONAL ACTIVITIES, WITH OR WITHOUT  
19 ASSISTIVE DEVICES, FOR THE PURPOSE OF LIMITING OR PREVENTING  
20 DISABILITY AND ALLEVIATING OR CORRECTING ANY PHYSICAL OR MENTAL  
21 CONDITIONS, AND THE PERFORMANCE OF TESTS AND MEASUREMENTS AS AN  
22 AID IN DIAGNOSIS OR EVALUATION OF FUNCTION.] ANY OF THE  
23 FOLLOWING:

24 (1) THE EVALUATION, EXAMINATION AND TESTING OF INDIVIDUALS  
25 WITH MECHANICAL, PHYSIOLOGICAL AND DEVELOPMENTAL IMPAIRMENTS,  
26 FUNCTIONAL LIMITATIONS AND DISABILITIES, OTHER HEALTH-RELATED OR  
27 MOVEMENT-RELATED CONDITIONS, PERFORMED TO DETERMINE A DIAGNOSIS,  
28 PROGNOSIS AND PLAN OF TREATMENT INTERVENTION WITHIN THE SCOPE OF  
29 THIS ACT OR TO ASSESS THE ONGOING EFFECTS OF INTERVENTION.

30 (2) THE PERFORMANCE OF TESTS AND MEASUREMENTS AS AN AID IN

1 DIAGNOSIS OR EVALUATION OF FUNCTION AND THE TREATMENT OF THE  
2 INDIVIDUAL THROUGH THE UTILIZATION OF THE EFFECTIVE PROPERTIES  
3 OF PHYSICAL MEASURES SUCH AS MECHANICAL STIMULATION, HEAT, COLD,  
4 LIGHT, AIR, WATER, ELECTRICITY, SOUND, MASSAGE, MOBILIZATION-  
5 MANUAL THERAPY.

6 (3) THE USE OF THERAPEUTIC EXERCISES AND REHABILITATIVE  
7 PROCEDURES INCLUDING TRAINING IN FUNCTIONAL ACTIVITIES, WITH OR  
8 WITHOUT THE UTILIZATION OF ASSISTIVE DEVICES, FOR THE PURPOSE OF  
9 LIMITING OR PREVENTING DISABILITY AND ALLEVIATING OR CORRECTING  
10 ANY PHYSICAL OR MENTAL CONDITIONS.

11 (4) REDUCING THE RISK OF INJURY, IMPAIRMENT, FUNCTIONAL  
12 LIMITATION AND DISABILITY, INCLUDING THE PROMOTION AND  
13 MAINTENANCE OF FITNESS, HEALTH AND WELLNESS IN POPULATIONS OF  
14 ALL AGES AS WELL AS ENGAGING IN ADMINISTRATION, CONSULTATION,  
15 EDUCATION AND RESEARCH.

16 "PHYSICAL THERAPY INDEPENDENT PRIVATE PRACTICE OUTPATIENT  
17 FACILITY" MEANS A PRACTICE OWNED AND OPERATED BY A LICENSEE  
18 UNDER THIS ACT AND A HEALTH CARE PRACTITIONER, LICENSED BY THIS  
19 COMMONWEALTH, AS PERMITTED BY LAW. THE TERM SHALL NOT INCLUDE A  
20 PRACTICE OWNED OR AFFILIATED WITH A HOSPITAL OR HEALTH CARE  
21 SYSTEM.

22 "Physician assistant" means an individual as defined in the  
23 act of October 5, 1978 (P.L.1109, No.261), known as the  
24 "Osteopathic Medical Practice Act," or the act of December 20,  
25 1985 (P.L.457, No.112), known as the "Medical Practice Act of  
26 1985."

27 "Podiatrist" means an individual licensed under the act of  
28 March 2, 1956 (1955 P.L.1206, No.375), known as the "Podiatry  
29 Practice Act."

30 "UNRESTRICTED LICENSE" MEANS A LICENSE WHICH IS NOT

<—

1 RESTRICTED OR LIMITED BY ORDER OF THE BOARD UNDER ITS  
2 DISCIPLINARY POWER.

3 Section 2. Section 2.1 of the act, amended or added December  
4 20, 1985 (P.L.500, No.117) and February 21, 2002 (P.L.90, No.6),  
5 is amended to read:

6 Section 2.1. State Board of Physical Therapy.--(a) The  
7 board shall consist of [eleven] THIRTEEN members, all of whom <—  
8 shall be residents of Pennsylvania. [Six] SEVEN members shall be <—  
9 physical therapists [licensed] holding an active license to  
10 practice in this Commonwealth, each having had at least five  
11 years of experience as a physical therapist IN THIS <—  
12 COMMONWEALTH, three years of which must have immediately  
13 preceded the appointment to the board. One member shall be a  
14 physical therapist assistant [currently registered] holding an  
15 active certificate with the board [or an athletic trainer  
16 currently certified by the board]. Two members shall be  
17 representatives of the public. One member shall be the  
18 Commissioner of Professional and Occupational Affairs. One  
19 member shall be the Physician General of the Commonwealth or his  
20 designee. ONE MEMBER SHALL BE THE ATTORNEY GENERAL OR A <—  
21 DESIGNEE. The members of the board, OTHER THAN THE ATTORNEY <—  
22 GENERAL, PHYSICIAN GENERAL AND COMMISSIONER, shall be appointed  
23 by the Governor, with the advice and consent of a majority of  
24 the members elected to the Senate. The board shall meet no less  
25 than four times per calendar year.

26 (b) Professional and public members [appointed after the  
27 expiration of the terms of current board members shall serve the  
28 following terms: one physical therapist shall serve one year;  
29 one physical therapist shall serve two years; one physical  
30 therapist and one public member shall serve three years; and two

1 physical therapists, one physical therapist assistant and one  
2 public member shall serve four years. Thereafter, professional  
3 and public members shall serve] of the board shall serve  
4 staggered four-year terms. No member may be eligible for  
5 appointment to serve more than two consecutive terms. A member  
6 may continue to serve for a period not to exceed six months  
7 beyond the expiration of his term, if a successor has yet to be  
8 duly appointed and qualified according to law.

9 (c) The board shall select, from among their number, a  
10 chairman, a vice chairman and a secretary.

11 (d) A majority of the members of the board serving in  
12 accordance with law shall constitute a quorum for purposes of  
13 conducting the business of the board. Except for temporary and  
14 automatic suspensions under sections 11.1 and 11.2, a member may  
15 not be counted as part of a quorum or vote on any issue unless  
16 he or she is physically in attendance at the meeting.

17 (e) Each public and professional member of the board shall  
18 be paid reasonable traveling, hotel and other necessary expenses  
19 and per diem compensation at the rate of \$60 for each day of  
20 actual service while on board business.

21 (f) [A member who fails to attend three consecutive meetings <—  
22 shall forfeit his seat unless the Commissioner of Professional  
23 and Occupational Affairs, upon written request from the member,  
24 finds that the member should be excused from a meeting because  
25 of illness or the death of an immediate family member.] A <—  
26 PROFESSIONAL OR PUBLIC MEMBER WHO FAILS TO ATTEND THREE MEETINGS  
27 IN 18 MONTHS SHALL FORFEIT THE MEMBER'S SEAT UNLESS THE  
28 COMMISSIONER UPON WRITTEN REQUEST FROM THE MEMBER FINDS THAT THE  
29 MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE OF ILLNESS OR  
30 DEATH OF A FAMILY MEMBER.

1 (g) In the event that a member of the board dies or resigns  
2 or otherwise becomes disqualified during the term of office, a  
3 successor shall be appointed in the same way and with the same  
4 qualifications as set forth in subsection (a) and shall hold  
5 office for the unexpired term.

6 [(h) The board is subject to evaluation, review and  
7 termination within the time and in the manner provided in the  
8 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset  
9 Act."]

10 (i) A public member who fails to attend two consecutive  
11 statutorily mandated seminars in accordance with section 813(e)  
12 of the act of April 9, 1929 (P.L.177, No.175), known as "The  
13 Administrative Code of 1929," shall forfeit his or her seat  
14 unless the Commissioner of Professional and Occupational  
15 Affairs, upon written request from the public member, finds that  
16 the public member should be excused from a meeting because of  
17 illness or the death of a family member.

18 Section 3. Section 3 of the act, amended December 20, 1985  
19 (P.L.500, No.117), is amended to read:

20 Section 3. Powers and Duties of Board.--(a) It shall be the  
21 duty of the board to pass upon the qualifications of applicants  
22 for licensure as physical therapists[, registration] and  
23 certification as physical therapist assistants [and  
24 certification as athletic trainers], to conduct examinations, to  
25 issue and renew licenses and certificates of authorization to  
26 physical therapists[, registrations] and certificates to  
27 physical therapist assistants [and certifications to athletic  
28 trainers] who qualify under this act, and in proper cases to  
29 refuse to issue, suspend or revoke the license or certificate of  
30 authorization of any physical therapist[, registration] or



1 certificate of any physical therapist assistant [or  
2 certification of any athletic trainer]. The board may adopt  
3 rules and regulations not inconsistent with law as it may deem  
4 necessary for the performance of its duties and the proper  
5 administration of this law. The board is authorized and  
6 empowered to appoint hearing examiners and to conduct  
7 investigations and hearings upon charges for discipline of a  
8 licensee[, registrant] or certificate holder or for violations  
9 of this act, and to cause, through the office of the Attorney  
10 General, the prosecution and enjoinder of [persons] individuals  
11 violating this act. The board shall maintain a register listing  
12 the name of every living physical therapist licensed to practice  
13 in this State, and every physical therapist assistant duly  
14 [registered] certified pursuant to section 9.1 [and every  
15 athletic trainer certified to practice in this State], such  
16 individual's last known place of [business and last known place  
17 of] residence, and the date and number of the physical  
18 therapist's license [or athletic trainer's ~~certification~~] and <—  
19 ~~the physical therapist assistant's certificate.~~ CERTIFICATION.] <—  
20 AND THE PHYSICAL THERAPIST ASSISTANT'S CERTIFICATE. RESIDENTIAL  
21 INFORMATION SHALL NOT BE CONSIDERED A PUBLIC RECORD UNDER THE  
22 ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE  
23 RIGHT-TO-KNOW LAW.

24 (b) The board shall submit annually to the Department of  
25 State and to the House and Senate Appropriations Committees,  
26 within 15 days of the date on which the Governor has submitted  
27 his budget to the General Assembly, an estimate of the financial  
28 requirements of the board for its administrative, investigative,  
29 legal and miscellaneous expenses.

30 (c) The board shall submit annually a report, to the

1 Professional Licensure Committee of the House of Representatives  
2 and to the Consumer Protection and Professional Licensure  
3 Committee of the Senate, containing a description of the types  
4 of complaints received, status of cases, board action which has  
5 been taken and the length of time from the initial complaint to  
6 final board resolution. The board shall report final adverse  
7 disciplinary action taken against a licensee to a national  
8 disciplinary database recognized by the board as required by  
9 law. The board shall be responsible for processing complaints <—  
10 alleging a violation of the act in accordance with the act of  
11 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
12 Code of 1929."

13 Section 4. Section 4 of the act, amended April 4, 1984 <—  
14 (P.L.196, No.41) and December 20, 1985 (P.L.500, No.117), is  
15 amended to read:

16 Section 4. Training and License Required; Exceptions.--(a)  
17 It shall be unlawful for [any person] an individual to practice  
18 or hold himself out as being able to practice physical therapy  
19 in this State in any manner whatsoever unless such [person]  
20 individual has met the educational requirements and is licensed  
21 in accordance with the provisions of this act. The board shall  
22 determine standards, by regulations, regarding qualifications  
23 necessary for the performance of such tests or treatment forms  
24 as the board shall determine require additional training or  
25 education beyond the educational requirements set forth by this  
26 act, as such relates to the practice of physical therapy in  
27 accordance with law. Nothing in this act, however, shall  
28 prohibit [any person] an individual trained and licensed or  
29 certified to practice or to act within the scope of his license  
30 or certification in this State under any other law, from

1 engaging in the licensed or certified practice for which he is  
2 trained.

3 [(b) This act shall not prohibit students who are enrolled  
4 in schools of physical therapy approved by the board, from  
5 performing acts of physical therapy as is incidental to their  
6 course of study; nor shall it prevent any student in any  
7 educational program in the healing arts approved or accredited  
8 under the laws of Pennsylvania in carrying out prescribed  
9 courses of study. Nothing in this act shall apply to any person  
10 employed by an agency, bureau, or division of the Federal  
11 Government while in the discharge of official duties, however,  
12 if such individual engages in the practice of physical therapy  
13 outside the scope of official duty, such individual must meet  
14 the educational requirements and be licensed as herein provided.  
15 The provisions of this act are not intended to limit the  
16 activities of persons legitimately engaged in the nontherapeutic  
17 administration of baths, massage, and normal exercise.]

18 (b.1) It shall be a violation of this act for [any person]  
19 an individual or business entity to utilize in connection with a  
20 business name or activity the words "physical therapy,"  
21 "physical therapist," "physiotherapy," "physiotherapist" or  
22 similar words and their related abbreviations which imply  
23 directly or indirectly that physical therapy services are being  
24 provided, including the billing of physical therapy services,  
25 unless such services are provided by a licensed physical  
26 therapist in accordance with this act: Provided, however, That  
27 nothing in this section shall limit a physician's authority to  
28 practice medicine or to bill for such practice nor limit a  
29 chiropractor's authority to practice chiropractic or to bill for  
30 such practice.

(b.2) Nothing in this act shall limit a physician's authority to practice medicine or to delegate the performance of a medical service to a certified physical therapist assistant who is under the supervision of a licensed physical therapist, if the medical service is within the education and training for the physical therapist assistant and provided that the licensed physical therapist provides the initial evaluation for the physical therapy.

~~(b.3) This act shall not prohibit the following activities by the following individuals:~~

(B.3) THE FOLLOWING SHALL APPLY:

(1) A student who is enrolled in a board-approved school of physical therapy from performing acts of physical therapy as is MAY PERFORM ACTS OF PHYSICAL THERAPY incidental to the student's course of study.

(2) An individual engaged MAY ENGAGE in the nontreatment-specific administration of baths, massage and exercise.

(3) A physical therapist who is licensed without restriction in-a HOLDING AN UNRESTRICTED LICENSE IN ANOTHER jurisdiction of the United States or credentialed in another country, if that individual by contract or employment is providing physical therapy to individuals affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in this Commonwealth, MAY PERFORM PHYSICAL THERAPY for no more than 60 days within a consecutive 12-month period.

(4) A physical therapist who is licensed without restriction in-a HOLDING AN UNRESTRICTED LICENSE IN ANOTHER jurisdiction of the United States and who enters OR CREDENTIALLED IN ANOTHER COUNTRY MAY ENTER this Commonwealth to provide physical therapy

1 during a declared local, State or national disaster or <—  
2 emergency. This exemption applies for no more than 60 days  
3 within a consecutive 12-month period following the declaration  
4 of the emergency. In order to be eligible for this exemption,  
5 the physical therapist shall notify the board of their intent to  
6 practice.

7 (5) A physical therapist who holds an active UNRESTRICTED <—  
8 license in another jurisdiction of the United States if that <—  
9 individual is providing consultation for no fee MAY PROVIDE <—  
10 CONSULTATION by means of telecommunication WHERE THERE IS NO FEE <—  
11 PAID FOR THE CONSULTATION.

12 (6) An individual employed by an agency, bureau or division  
13 of the Federal Government while in the discharge of WHO IS <—  
14 DISCHARGING official duties is not subject to this act. However,  
15 if the individual engages in the practice of physical therapy  
16 outside the scope of official duty DUTIES, the individual must <—  
17 meet the educational requirements and be licensed or certified  
18 as provided in this act.

19 (c) The practice of physical therapy shall not include the  
20 practice of chiropractic as defined by the act of [August 10,  
21 1951 (P.L.1182, No.264), known as the "Chiropractic Registration  
22 Act of 1951."] December 16, 1986 (P.L.1646, No.188), known as  
23 the "Chiropractic Practice Act."

24 ~~(d) A physical therapist assistant who is certified or~~ <—  
25 ~~licensed in a jurisdiction of the United States and is assisting~~  
26 ~~a physical therapist engaged specifically in activities related~~  
27 ~~to subsection (b.3)(3) and (4) is exempt from the requirement of~~  
28 ~~certification under this act for no more than 60 days within a~~  
29 ~~consecutive 12 month period.~~

30 (D) A PHYSICAL THERAPIST ASSISTANT IS EXEMPT FROM THE <—

1 REQUIREMENT OF CERTIFICATION UNDER THIS ACT FOR NO MORE THAN 60  
2 DAYS WITHIN A CONSECUTIVE 12-MONTH PERIOD IF THE PHYSICAL  
3 THERAPIST ASSISTANT IS CERTIFIED OR LICENSED IN A JURISDICTION  
4 OF THE UNITED STATES OR CREDENTIALLED IN ANOTHER COUNTRY AND IS  
5 ASSISTING A PHYSICAL THERAPIST ENGAGED SPECIFICALLY IN  
6 ACTIVITIES RELATED TO SUBSECTION (B.3)(3) AND (4).

7 (E) NOTWITHSTANDING SUBSECTION (D), A PHYSICAL THERAPIST  
8 ASSISTANT PROVIDING PHYSICAL THERAPY ACTS AND SERVICES AND THE  
9 PHYSICAL THERAPIST SUPERVISING SUCH PHYSICAL THERAPIST ASSISTANT  
10 SHALL BE SUBJECT TO THE SUPERVISION REQUIREMENTS OF THIS ACT.

11 Section 5. Section 5 of the act, amended April 4, 1984  
12 (P.L.196, No.41), is amended to read:

13 Section 5. Application for License.--Unless entitled to  
14 licensure without examination under the provisions of section 6,  
15 [a person] an individual who desires and applies to be licensed  
16 as a physical therapist shall apply to the board [in writing, on  
17 forms] on a form furnished by the board, and such application  
18 [blanks] shall embody evidence satisfactory to the board of the  
19 applicant's possessing the qualifications preliminary to  
20 examination required by this act. At the time of forwarding such  
21 application to the board, an applicant for licensure as a  
22 physical therapist shall pay a fee as set by regulation.

23 Section 6. Sections 6, 7 and 7.1 of the act, amended or  
24 added December 20, 1985 (P.L.500, No.117), are amended to read: <—

25 Section 6. Qualifications for License; Examinations; Failure  
26 of Examinations; Licensure Without Examination; Issuing of  
27 License; Foreign Applicants for Licensure; Temporary License;  
28 Perjury.--(a) To be eligible for licensure as a physical  
29 therapist, an applicant must be at least 20 years of age unless  
30 otherwise determined by the board in its discretion, be of good

1 moral character, not be addicted to the habitual use of alcohol  
2 or narcotics or other habit-forming drugs, and be a graduate of  
3 a school offering an educational program in physical therapy as  
4 adopted by the board, which program has been approved for the  
5 education and training of physical therapists by the appropriate  
6 nationally recognized accrediting agency. [By the time of  
7 completion of] An applicant completing the professional study of  
8 physical therapy[, a physical therapist] after 2002 must hold a  
9 minimum of a master's degree from a regionally accredited  
10 institution of higher education. An applicant completing the  
11 professional study of physical therapy between January 1967 and  
12 2002 must hold a minimum of a baccalaureate degree from a  
13 regionally accredited institution of higher education. In the  
14 case of those applicants who have completed requirements prior  
15 to the first day of January, 1967, but who may not technically  
16 or totally fulfill the above requirements, the board at its  
17 discretion and by the majority vote of all members present may  
18 accept evidence of satisfactory equivalence. The board shall not  
19 issue a license to an applicant who has been convicted of a  
20 felony under the act of April 14, 1972 (P.L.233, No.64), known  
21 as "The Controlled Substance, Drug, Device and Cosmetic Act," or  
22 of an offense under the laws of another jurisdiction which, if  
23 committed in this Commonwealth, would be a felony under "The  
24 Controlled Substance, Drug, Device and Cosmetic Act," unless:  
25 (1) at least ten years have elapsed from the date of  
26 conviction;  
27 (2) the applicant satisfactorily demonstrates to the board  
28 that he has made significant progress in personal rehabilitation  
29 since the conviction such that licensure of the applicant should  
30 not be expected to create a substantial risk of harm to the

1 health and safety of patients or the public or a substantial  
2 risk of further criminal violations; and

3 (3) the applicant otherwise satisfies the qualifications  
4 contained in or authorized by this act.

5 As used in this subsection the term "convicted" includes a  
6 judgment, an admission of guilt or a plea of nolo contendere.

7 (b) An applicant for licensure must pass [a written] an  
8 examination approved by the board which shall test the  
9 applicant's knowledge of the basic and clinical sciences as they  
10 relate to physical therapy theory and physical therapy  
11 procedures and such other subjects as the board may deem  
12 necessary to test the applicant's fitness to practice physical  
13 therapy. No license shall be granted unless an applicant has  
14 attained passing scores established by the testing agency and  
15 published prior to the administration of the examination. The  
16 examination shall be held [within the Commonwealth of  
17 Pennsylvania twice a year] at such time and place as the board  
18 shall determine.

19 (c) In case of failure at the first examination, the  
20 applicant for licensure shall have, after the expiration of [six  
21 months] 60 days and within [two years] one year from the first  
22 failure, the privilege of a second examination. The board may  
23 adopt regulations governing the eligibility of applicants who  
24 have failed to pass two examinations in order to be admitted to  
25 subsequent examinations. An applicant may take the examination  
26 no more than three times in a consecutive 12-month period.

27 (d.1) The board may grant licenses and [registrations]  
28 certifications without further examination to individuals from  
29 another state, territory or the District of Columbia if the  
30 following conditions exist:



(1) Licensing or [registration] certification standards in the other state, territory or the District of Columbia are substantially the same as those of this act.

(2) Similar privileges are accorded [persons] individuals licensed or [registered] certified in this Commonwealth.

(3) The applicant holds a valid license [or registration], registration or certification issued by the other state, territory or the District of Columbia.

(4) The applicant complies with the rules and regulations of the board.

(e) The board shall issue a license to a physical therapist who successfully establishes his eligibility under the terms of this act and [any person] an individual who holds a license pursuant to this section may use the words physical therapist or licensed physical therapist and he [may] shall use the letters [LPT] PT in connection with his name or place of business to denote his licensure hereunder. A licensed physical therapist may include designations for physical therapy degrees, including MPT and DPT when a master's or doctor's of physical therapy degree has been earned from a regionally accredited institution of higher education, academic degrees, specialist certification and other credentials after the letters PT.

(f) [Foreign trained physical therapists who desire and apply to be licensed as a physical therapist by the board shall, before examination, furnish proof as to age, moral character, and no addiction to the use of alcohol or narcotics or other habit-forming drugs, and shall present proof indicating the completion of educational requirements substantially equal to those in subsection (a). In addition thereto] At the board's discretion, the foreign trained applicant must complete[, at the

1 board's discretion,] up to one year of supervised clinical  
2 experience as prescribed by the board prior to taking the  
3 examination for licensure.

4 (g) Upon the submission of [a written application, on forms  
5 provided by it] an application as provided by the board, the  
6 board shall issue a temporary license to an applicant for  
7 licensure who has met all of the requirements of subsection (a)  
8 and who is eligible to take the examination provided for in  
9 subsection (b). The board shall issue only one temporary license  
10 to an applicant, and such temporary license shall expire upon  
11 failure of the first examination or six months after the date of  
12 issue, whichever first occurs. Issuance by the board of a  
13 temporary license shall permit the applicant to practice  
14 physical therapy only while under the direct on-premises  
15 supervision of a licensed physical therapist with at least two  
16 years of experience. Upon expiration, the temporary license  
17 shall be promptly returned by the applicant to the board.

18 (h) Any applicant who knowingly or willfully makes a false  
19 statement of fact in any application shall be subject to  
20 prosecution for perjury.

21 (i) An applicant for licensure who has been educated outside  
22 of the United States shall:

23 (1) Complete the application process, including payment of  
24 fees.

25 (2) Provide proof of holding an unrestricted license in the  
26 country where the applicant was educated.

27 (3) Provide satisfactory evidence that the applicant's  
28 education is substantially equivalent to the education of  
29 physical therapists educated in an accredited entry-level  
30 program as determined by the board. Graduation outside the

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United States from a professional education program accredited by the same accrediting agency that the board approves for programs within the United States constitutes evidence of substantial equivalency. In all other instances, "substantially equivalent" means that an applicant for licensure educated outside the United States shall have:

(i) Graduated from a physical therapist education program that prepares the applicant to engage without restriction in the practice of physical therapy.

(ii) Provided written proof that the applicant's school of physical therapy is recognized by its own ministry of education.

(iii) Undergone a credentials evaluation as directed by the board that determines that the candidate has met uniform criteria for education requirements as further established by this rule.

(iv) Completed any additional education as required by the board.

(4) Comply with all State, Federal and administrative laws and regulations related to the application for and maintenance of licensure.

(5) Pass the examination approved by the board.

(6) Meet the requirements established by board regulations if applicable.

~~(k)~~ (J) Each licensee and certificate holder shall display a copy of the licensee's license or certificate holder's certificate in a location accessible to public view and produce a copy immediately upon request. <—

Section 7. Renewal of License.--Each license issued under the provisions of this act shall be renewed biennially. On or before November 1 of each renewal year, the board shall mail an

1 application for renewal of license to each [person] individual  
2 to whom a license was issued or renewed during the current  
3 licensing period, which application shall be mailed to the most  
4 recent address of said [person] individual as it appears on the  
5 records of the board. Such [person] individual shall complete  
6 the renewal application and [return] submit it to the board with  
7 a renewal fee before December 31 of the year in which said  
8 application was received. Upon receipt of any such application  
9 and fee, the board shall verify the accuracy of such application  
10 and issue to the applicant a certificate of renewal of license  
11 for the next licensing period as described above. The renewal  
12 fee for each licensing period shall be set by regulation.

13 Section 7.1. Reporting of Multiple Licensure.--Any licensed  
14 physical therapist or [registered] certified physical therapist  
15 assistant of this Commonwealth who is also licensed to practice  
16 physical therapy or [registered] certified as a physical  
17 therapist assistant in any other state, territory or country  
18 shall report this information to the board on the biennial  
19 registration application. Any disciplinary action taken in such  
20 other jurisdiction shall be reported to the board on the  
21 biennial registration application, or within [90] 30 days of  
22 final disposition, whichever occurs sooner. Multiple licensure  
23 or [registration] certification shall be noted by the board on  
24 the physical therapist or physical therapist assistant's record,  
25 and such state, territory or country shall be notified by the  
26 board of any disciplinary actions taken against said physical  
27 therapist or physical therapist assistant in this Commonwealth.

28 Section 7. The act is amended by adding a section to read:

29 Section 7.2. Continuing Education.--For each license  
30 renewal, a licensee shall complete within the immediately

preceding two-year period at least 30 hours of continuing physical therapy education as approved by the board. The licensee shall provide the board with evidence of the completion of the continuing education. A physical therapist who has met the continuing education requirements for a certificate of authorization set forth in section 9(c)(1) shall be deemed to have met the continuing education requirement for license renewal. No credit shall be given for any course in office management or practice building.

Section 8. Section 9 of the act, amended February 21, 2002 (P.L.90, No.6), is amended to read:

Section 9. Practice of Physical Therapy.--(a) Except as provided in subsection (b), no [person] individual licensed under this act as a physical therapist shall treat human ailments by physical therapy or otherwise except by the referral of [a person] an individual licensed as a physician, a licensed physician assistant practicing pursuant to a written agreement with a physician, or a certified registered nurse practitioner practicing pursuant to a collaborative agreement with a physician; however, a physical therapist shall be permitted to accept the referral of a licensed dentist or podiatrist [licensed], for the treatment of a condition that is within the scope of practice of dentistry or podiatry. Nothing in this act shall be construed as authorization for a physical therapist to practice any branch of the healing arts except as described in this act. [Any person] ~~An individual~~ violating the provisions of this act shall be guilty of a misdemeanor as described in section 12.] For purposes of this section, relating to referrals, a licensed physician, dentist or podiatrist means an individual holding an active license in this Commonwealth, the

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1 District of Columbia or any other state or United States  
2 territory.

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

26 (1) That the licensee has:

27 (i) passed an examination for licensure to practice physical  
28 therapy, which examination included testing on the appropriate  
29 evaluative procedures to treat [a person] an individual without  
30 a referral; or

(ii) passed an examination for licensure to practice physical therapy prior to 1990 and successfully completed a course approved by the board on the appropriate evaluative procedures to treat [a person] an individual 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 section 6(d.1) 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 amounts required to be maintained by physicians pursuant to the act of October 15,

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1 1975 (P.L.390, No.111), known as the "Health Care Services  
2 Malpractice Act." The professional liability insurance coverage  
3 shall remain in effect as long as that licensee has a  
4 certificate of authorization.] ~~A licensee with a certificate of~~ <—  
5 ~~authorization under this act practicing in this Commonwealth~~  
6 ~~shall maintain a level of professional liability insurance~~  
7 ~~coverage as required for a nonparticipating health care provider~~  
8 ~~under the act of March 20, 2002 (P.L.154, No.13), known as the~~  
9 ~~"Medical Care Availability and Reduction of Error (Meare) Act,"~~  
10 ~~but shall not be eligible to participate in the Medical Care~~  
11 ~~Availability and Reduction of Error (Meare) Fund.~~

12 ~~(i.1) The board shall accept from a licensee with a~~  
13 ~~certificate of authorization as satisfactory evidence of~~  
14 ~~insurance coverage any of the following:~~

- 15 ~~(A) Self insurance.~~  
16 ~~(B) Personally purchased liability insurance.~~  
17 ~~(C) Professional liability insurance coverage provided by~~  
18 ~~the licensee's employer.~~  
19 ~~(D) Similar insurance coverage acceptable to the board.~~

20 ~~(i.2) A licensee with a certificate of authorization under~~  
21 ~~this act need not be separately insured if the licensee's~~  
22 ~~employer is a health care provider as defined by the "Medical~~  
23 ~~Care Availability and Reduction of Error (Meare) Act" that~~  
24 ~~maintains insurance as required by Meare; or whose employer is~~  
25 ~~not a health care provider as defined by the "Medical Care~~  
26 ~~Availability and Reduction of Error (Meare) Act," but who~~  
27 ~~maintains insurance at the level required of a nonparticipating~~  
28 ~~health care provider under the "Medical Care Availability and~~  
29 ~~Reduction of Error (Meare) Act."~~

30 (ii) A licensee shall notify the board within {30}10 days <—



1 of the licensee's failure to be covered by the required  
2 insurance. Failure to notify the board shall be actionable under  
3 section 11 or 12. Further, the certificate of authorization of  
4 that licensee shall automatically be suspended upon failure to  
5 be covered by the required insurance and shall not be restored  
6 until submission to the board of satisfactory evidence that the  
7 licensee has the required professional liability insurance  
8 coverage.

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

15 (III.1) A LICENSEE UNDER THIS ACT PRACTICING IN THIS <—  
16 COMMONWEALTH SHALL MAINTAIN A LEVEL OF PROFESSIONAL LIABILITY  
17 INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000 PER  
18 OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN INSURANCE  
19 COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO DISCIPLINARY  
20 PROCEEDINGS. THE BOARD SHALL ACCEPT AS SATISFACTORY EVIDENCE OF  
21 INSURANCE COVERAGE ANY OF THE FOLLOWING:

22 (A) SELF-INSURANCE;

23 (B) PERSONALLY PURCHASED LIABILITY INSURANCE; OR

24 (C) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED BY  
25 THE PHYSICAL THERAPIST'S EMPLOYER OR SIMILAR INSURANCE COVERAGE  
26 ACCEPTABLE TO THE BOARD.

27 (III.2) A LICENSE APPLICANT SHALL PROVIDE PROOF THAT THE  
28 APPLICANT HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE IN  
29 ACCORDANCE WITH SUBPARAGRAPH (III.1). IT IS SUFFICIENT IF THE  
30 APPLICANT FILES WITH THE APPLICATION A COPY OF A LETTER FROM THE

1 APPLICANT'S PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING  
2 THAT THE APPLICANT WILL BE COVERED AGAINST PROFESSIONAL  
3 LIABILITY IN THE REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF  
4 THE APPLICANT'S LICENSE TO PRACTICE PHYSICAL THERAPY IN THIS  
5 COMMONWEALTH.

6 (III.3) UPON ISSUANCE OF A LICENSE, A LICENSEE HAS 30 DAYS  
7 TO SUBMIT TO THE BOARD THE CERTIFICATE OF INSURANCE OR A COPY OF  
8 THE POLICY DECLARATION PAGE.

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

15 (c) (1) For each renewal of the certificate of  
16 authorization, the licensee shall complete within the  
17 immediately preceding two-year period at least [20] 30 hours of  
18 continuing physical therapy education related to keeping the  
19 certificate holder apprised of advancements and new developments  
20 in the practice of the physical therapy profession. At least ten  
21 of the [20] 30 hours shall be in appropriate evaluative  
22 procedures to treat [a person] an individual without a referral.  
23 No credit shall be given for any course in office management or  
24 practice building. The licensee shall provide the board with  
25 evidence of the completion of the continuing education.

26 (2) Continuing education programs and program providers  
27 under this subsection shall be approved by the board in  
28 accordance with standards and criteria established by the board  
29 by regulation. The regulation shall include any fees necessary  
30 to implement this provision and provide for waiver of the

1 continuing education requirement due to illness or hardship in  
2 any licensing renewal period.

3 [(3) The requirements for continuing physical therapy  
4 education shall not apply until the first renewal of the  
5 certificate of authorization at least two years after the  
6 effective date of this subsection. No credit shall be given for  
7 any course in office management or practice building.]

8 (d) A physical therapist practicing physical therapy under  
9 this act shall refer patients to a licensed physician or other  
10 appropriate health care practitioner in any of the following  
11 cases:

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

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

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

18 (e) A physical therapist may treat [a person] an individual  
19 without a referral as provided for in subsection (b) for up to  
20 30 days from the date of the first treatment. A physical  
21 therapist shall not treat [a person] an individual beyond 30  
22 days from the date of the first treatment unless he or she has  
23 obtained a referral from a licensed physician[, dentist or  
24 podiatrist.]; a licensed physician assistant practicing pursuant  
25 to a written agreement with a physician; a certified registered  
26 nurse practitioner practicing pursuant to a collaborative  
27 agreement with a physician; or a licensed dentist or licensed  
28 podiatrist, for the treatment of a condition that is within the  
29 scope of practice of dentistry or podiatry. The date of the  
30 first treatment for purposes of this subsection is the date the

1 [person] individual is treated by any physical therapist  
2 treating without a referral.

3 (f) Nothing in this section shall be construed to require or  
4 preclude third-party insurance reimbursement. Nothing herein  
5 shall preclude an insurer or other third-party payor from  
6 requiring that a physical therapist obtain a referral from a  
7 licensed physician[, dentist or podiatrist or]; a licensed  
8 physician assistant practicing pursuant to a written agreement  
9 with a physician; a certified registered nurse practitioner  
10 practicing pursuant to a collaborative agreement with a  
11 physician; or a licensed dentist or licensed podiatrist, for the  
12 treatment of a condition that is within the scope of practice of  
13 dentistry or podiatry; or that a physical therapist file an  
14 evaluation and treatment plan with the insurer or third-party  
15 payor as a precondition of reimbursement.

16 Section 9. Sections 9.1 and 9.2 of the act, added December  
17 20, 1985 (P.L.500, No.117), are amended to read:

18 Section 9.1. Physical Therapist Assistant; Education and  
19 Examination; Scope of Duties; [Registration] Certification.--(a)  
20 To be eligible [to register with] for certification by the board  
21 as a physical therapist assistant, an applicant must be at least  
22 [20] 18 years of age unless otherwise determined by the board,  
23 be of good moral character, not be addicted to the habitual use  
24 of alcohol or narcotics or other habit-forming drugs, be a  
25 graduate of a physical therapist assistant program adopted by  
26 the board, which program has been approved for the education and  
27 training for physical therapist assistants by the appropriate  
28 nationally recognized accrediting agency and be successful in  
29 passing an examination [adopted] APPROVED by the board, subject <—  
30 to rules and regulations established by the board and

1 administered in accordance with section 812.1 of the act of  
2 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
3 Code of 1929." APPLICANTS ELIGIBLE TO REGISTER WITH THE BOARD  
4 SHALL BE DEEMED ELIGIBLE FOR CERTIFICATION BY THE BOARD UNTIL  
5 SUCH TIME AS THE BOARD PROMULGATES ANY REGULATION REGARDING  
6 CERTIFICATION. No applicant shall be [registered] certified  
7 unless he has attained passing scores established by the  
8 [testing agency] board and published prior to the administration  
9 of the examination.

10 (a.1) Upon the submission of an application, as provided by  
11 the board, the board shall issue a temporary certificate to an  
12 applicant for certification who has met all of the requirements  
13 of subsection (a) and who is eligible to take the examination  
14 provided for in subsection (a). The board shall issue only one  
15 temporary certificate to an applicant, and the temporary  
16 certificate shall expire upon failure of the first examination  
17 or six months after the date of issue, whichever first occurs.  
18 Issuance by the board of a temporary certificate shall permit  
19 the applicant to provide physical therapy acts and services only  
20 while under the direct on-premises supervision of a licensed  
21 physical therapist. Upon expiration, the temporary certificate  
22 shall be promptly returned by the applicant to the board.

23 (b) In case of failure of the first examination, the  
24 applicant for [registration] certification shall have, after the  
25 expiration of [six months] 60 days and within [two years] one  
26 year from the first failure, the privilege of a second  
27 examination. The board may adopt regulations governing the  
28 eligibility of applicants who have failed to pass two  
29 examinations in order to be admitted to subsequent examinations.

30 (c) A physical therapist assistant while assisting a

1 licensed physical therapist in the practice of physical therapy  
2 shall only perform patient-related physical therapy acts and  
3 services that are assigned or delegated by and under the [direct  
4 on-premises] supervision of a licensed physical therapist. Such  
5 acts and services of a physical therapist assistant shall not  
6 include evaluation, testing, interpretation, planning or  
7 modification of patient programs. For purposes of this section  
8 the term ["direct on-premises supervision" shall mean the  
9 physical presence of a licensed physical therapist on the  
10 premises who is immediately available to exercise supervision,  
11 direction and control.] "supervision" means as follows:

12 (1) In all practice settings, the performance of selected  
13 acts and services by the physical therapist assistant shall be:

14 (i) The responsibility of the licensed physical therapist at  
15 all times.

16 ~~(ii) Consistent with safe and legal physical therapy~~ <—  
17 ~~practice.~~

18 ~~(iii) Predicated (II) BASED on the following factors:~~ <—

19 (A) Complexity and acuity of the patient's needs.

20 (B) Proximity and accessibility of the licensed physical  
21 therapist to the certified physical therapist assistant.

22 (C) Supervision available in the event of an emergency or  
23 critical event.

24 (D) Type of PRACTICE setting in which the service is <—  
25 provided.

26 ~~(2) In all practice settings and relating to physical~~ <—  
27 ~~therapy intervention, the initial patient contact shall be made~~  
28 ~~by a licensed physical therapist for evaluation of the patient~~  
29 ~~and establishment of a plan of care.~~

30 (3) Supervision requirements of a physical therapist

1 assistant shall be dependent upon the practice setting in which  
2 the care is delivered:

3 (i) When care is delivered to an individual in an acute care  
4 hospital, acute inpatient rehabilitation center, long-term acute  
5 care hospital facility setting or as otherwise required by  
6 FEDERAL OR STATE law or regulation, the physical therapist <—  
7 assistant shall be under the direct on-premises supervision of a  
8 licensed physical therapist.

9 (ii) When care is provided to an individual in a preschool,  
10 primary school, secondary school or other similar educational  
11 setting, a licensed physical therapist shall make an onsite  
12 visit and examine the patient at least every four patient visits  
13 or every 30 days, whichever shall occur first.

14 (iii) When care is provided to a patient in an A PHYSICAL <—  
15 THERAPY independent private practice outpatient facility, a  
16 licensed physical therapist shall provide direct on-premises  
17 supervision of a physical therapist assistant for at least 50%  
18 of the hours worked by the physical therapist assistant during  
19 the ~~workweek~~ CALENDAR WEEK unless otherwise required by FEDERAL <—  
20 law, and the physical therapist shall be immediately available  
21 by telecommunication if not providing direct on-premises  
22 supervision.

23 (iv) For any home health care, facility or practice setting  
24 not specified in subparagraph (i), (ii) or (iii), a licensed  
25 physical therapist shall make an onsite visit and actively  
26 participate in the treatment of the patient at least every seven  
27 patient visits or every 14 days, whichever shall ~~occur first.~~ <—

28 ~~The board shall review and make recommendations relating to the~~  
29 ~~requirements~~ OCCUR FIRST. THE BOARD SHALL REVIEW AND MAKE <—  
30 RECOMMENDATIONS TO THE CONSUMER PROTECTION AND PROFESSIONAL

LICENSURE COMMITTEE OF THE SENATE AND TO THE PROFESSIONAL  
LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES RELATING TO  
THE IMPLEMENTATION of this paragraph three years following the  
effective date of this paragraph.

(4) In all practice settings, a physical therapist assistant  
shall be under the direct on-premises supervision of a licensed  
physical therapist until the physical therapist assistant  
submits for approval evidence satisfactory to the board of:

(i) at least 2,000 hours of experience providing patient-  
related acts and services verified by a supervising licensed  
physical therapist; or

(ii) employment as a physical therapist assistant for at  
least three of the five years immediately preceding the  
effective date of this paragraph.

(5) Upon compliance with paragraph (4), a physical therapist  
assistant may only provide physical therapy acts and services  
when the licensed physical therapist is available and accessible  
in person or by telecommunication to the physical therapist  
assistant during all working hours of the physical therapist  
assistant and is present within a 100-mile radius of the  
treatment location. A physical therapist assistant shall consult  
with the supervising physical therapist in the event of a change  
in the patient's condition which may require the assessment of a  
licensed physical therapist.

(6) A licensed physical therapist shall not supervise more  
than three physical therapist assistants at any time.

(7) In the event of a change of the supervising licensed  
physical therapist, the subsequent supervisor shall assume  
responsibility for the ongoing supervision of any certified  
physical therapist assistant providing physical therapy acts and



1 services and shall become the supervising physical therapist.

2 (d) Only [a person] an individual who has been properly  
3 [registered] certified as a physical therapist assistant with  
4 the board, pursuant to the provisions of this section and rules  
5 and regulations promulgated by the board thereto, shall assist a  
6 licensed physical therapist in the practice of physical therapy  
7 as a physical therapist assistant and use the title "physical  
8 therapist [assistant." ] assistant" and the abbreviation "PTA."

9 UNTIL SUCH TIME AS THE BOARD PROMULGATES RULES AND REGULATIONS, <—  
10 AN INDIVIDUAL WHO IS PROPERLY REGISTERED WITH THE BOARD SHALL BE  
11 DEEMED CERTIFIED FOR THE PURPOSES OF THIS SECTION.

12 [(e) The qualifications provision of this section shall not  
13 apply and an applicant shall be registered without examination  
14 if the applicant has submitted an application for registration  
15 accompanied by an application fee as specified by the board  
16 within two years after the effective date of this amendatory act  
17 and is a resident of Pennsylvania or has practiced in this  
18 Commonwealth for a two-year period; and

19 (1) on the effective date of this amendatory act, is a  
20 graduate of a physical therapist assistant program acceptable to  
21 the board and has engaged in physical therapist assistant  
22 practice acceptable to the board for two years; and

23 (2) on the effective date of this amendatory act, is listed  
24 with the board as a physical therapist assistant.]

25 (f) The board shall issue, renew, revoke or suspend the  
26 [registration] certification of physical therapist assistants  
27 pursuant to rules and regulations promulgated by the board. All  
28 actions of the board shall be taken subject to the right of  
29 notice, hearing and adjudication and the right of appeal  
30 therefrom in accordance with Title 2 of the Pennsylvania

1 Consolidated Statutes (relating to administrative law and  
2 procedure).

3 (g) Unless ordered to do so by a court, the board shall not  
4 reinstate the [registration of a person] certification of an  
5 individual to practice as a physical therapist assistant which  
6 has been revoked, and such [person] individual shall be required  
7 to apply for [registration] certification after a five-year  
8 period in accordance with the provisions of this section,  
9 including the examination requirement, if he desires to practice  
10 at any time after such revocation.

11 (h) A physical therapist assistant may not authorize the  
12 discharge of a patient from physical therapy services.

13 (i) In an emergency situation, SUCH AS SERIOUS ILLNESS OR <—  
14 DEATH OF A FAMILY MEMBER, which causes the unanticipated absence  
15 of the supervising physical therapist for not more than two days  
16 per month, a certified physical therapist assistant may continue  
17 to render services to only those patients for which the  
18 certified physical therapist assistant has previously  
19 participated in the intervention for established plans of care  
20 not to exceed the regularly scheduled operational hours of the  
21 particular day or days the supervising physical therapist is  
22 absent. Every effort shall be made by the licensed physical  
23 therapist or certified physical therapist assistant to obtain  
24 supervision in the care described in this subsection. A licensee  
25 utilizing this section shall MAINTAIN A WRITTEN RECORD NOTING <—  
26 THE DATE AND THE EMERGENCY, WHICH SHALL BE AVAILABLE FOR BOARD  
27 REVIEW, AND SHALL submit a report to the board biennially  
28 setting forth each day absent under this paragraph and the  
29 reason for such absence. A licensed physical therapist may  
30 utilize this emergency provision no more than ten days per

1 calendar year.

2 (j) For each certificate renewal, a certificate holder shall  
3 complete within the immediately preceding two-year period at  
4 least 30 hours of continuing physical therapy education as  
5 approved by the board in accordance with standards and criteria  
6 established by the board by regulation. The certificate holder  
7 shall provide the board with evidence of the completion of the  
8 continuing education. THE CURRENT RULES AND REGULATIONS SHALL <—  
9 REMAIN IN EFFECT UNTIL SUCH TIME AS THE BOARD ESTABLISHES BY  
10 REGULATIONS, STANDARDS AND CRITERIA RELATING TO CONTINUING  
11 PHYSICAL THERAPY EDUCATION FOR CERTIFIED PHYSICAL THERAPIST  
12 ASSISTANTS AND PHYSICAL THERAPISTS.

13 Section 9.2. Supportive Personnel.--Nothing in this act [or  
14 the act of October 10, 1975 (P.L.383, No.110), known as the  
15 "Physical Therapy Practice Act,"] shall prohibit a licensed  
16 physical therapist from assigning or delegating various  
17 activities to other [persons] individuals who may, from time to  
18 time, aid and assist a licensed physical therapist or certified  
19 physical therapist assistant in the provision of physical  
20 therapy services; provided that such activities are performed  
21 under the direct on-premises supervision of a licensed physical  
22 therapist or certified physical therapist assistant and the  
23 level of such activities do not require formal education or  
24 training in the practice of physical therapy, the skill and  
25 knowledge of a licensed physical therapist and the skill and  
26 knowledge of a properly [registered] certified physical  
27 therapist assistant.

28 Section 10. Section 10.1 of the act, added April 4, 1984  
29 (P.L.196, No.41), is repealed:

30 [Section 10.1. Athletic Trainer Advisory Committee

1 Created.--There is hereby created an advisory committee to be  
2 known as the Athletic Trainer Advisory Committee which shall be  
3 appointed by and serve at the pleasure of the board for the  
4 purpose of carrying out the provisions of this act as it relates  
5 to athletic trainers. The Athletic Trainer Advisory Committee  
6 shall assist the board in the certification, renewal, revocation  
7 or suspension of athletic trainers in accordance with this act  
8 and rules and regulations and as the board deems appropriate.  
9 The Athletic Trainer Advisory Committee shall consist of no more  
10 than three members who shall be certified athletic trainers and  
11 who shall receive reimbursement for actual traveling expenses  
12 related to their service to the board and a per diem to be fixed  
13 from time to time by the Governor's Executive Board but not less  
14 than \$35 per day. Advisory committee members may be selected by  
15 the board from a list of qualified athletic trainers provided by  
16 the Pennsylvania Athletic Trainers Society. Members of the  
17 advisory committee shall serve for three years except that the  
18 initial committee membership shall be appointed to serve for  
19 staggered terms of one, two and three years respectively.]

20 Section 11. Section 10.2 of the act, ~~amended or~~ added April <—  
21 4, 1984 (P.L.196, No.41) and December 20, 1985 (P.L.500,  
22 No.117), is ~~repealed~~ AMENDED TO READ: <—

23 †Section 10.2. [Certification of Athletic Trainers; <—  
24 Certification Renewal, Revocation or Suspension.--(a) The board  
25 shall have the power to adopt rules and regulations governing  
26 the certification of athletic trainers. Such rules and  
27 regulations shall establish standards necessary to Commonwealth  
28 certification in the following categories:

29 (1) Approved educational program standards.

30 (2) Education degree requirements for certification.

1 (3) Practical training experience requirements for  
2 certification.

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

6 Regulations promulgated pursuant to this section shall be  
7 formulated with the advice and consultation of the Athletic  
8 Trainer Advisory Committee.

9 (b) The board shall issue certification certificates to  
10 individuals seeking certification as athletic trainers after its  
11 review of a proper certification application presented on forms  
12 prescribed by the board which evidences the satisfaction of the  
13 standards promulgated by rules in accordance with the provisions  
14 in subsection (a) and further upon payment of an appropriate fee  
15 to be set by the board after consultation with the commissioner.

16 (c) The board shall renew, revoke or suspend the  
17 certification of athletic trainers pursuant to rules and  
18 regulations formulated in consultation with the Athletic Trainer  
19 Advisory Committee. All actions of the board shall be taken  
20 subject to the right of notice, hearing and adjudication and the  
21 right of appeal therefrom in accordance with Title 2 of the  
22 Pennsylvania Consolidated Statutes (relating to administrative  
23 law and procedure).

24 (d) Unless ordered to do so by a court, the board shall not  
25 reinstate the certificate of a person to practice as an athletic  
26 trainer which has been revoked, and such person shall be  
27 required to apply for a certificate after a five-year period in  
28 accordance with this section, if he desires to practice at any  
29 time after such revocation.] ADMINISTRATIVE PROCEDURE.--THE

30 BOARD SHALL CONDUCT ALL DISCIPLINARY PROCEEDINGS UNDER THIS ACT

<—

1 IN ACCORDANCE WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND  
2 PROCEDURE).

3 Section 12. Section 11 of the act, amended December 20, 1985  
4 (P.L.500, No.117) and February 21, 2002 (P.L.90, No.6), is  
5 amended to read:

6 Section 11. Refusal or Suspension or Revocation of License  
7 or Certificate.--(a) [The] Except as otherwise provided in this  
8 act, the board shall refuse to issue a license or certificate to  
9 [any person] an individual and after notice and hearing in  
10 accordance with rules and regulations, may suspend or revoke the  
11 license or certificate of [any person] an individual who has:

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

14 (2) attempted to or obtained licensure or certification by  
15 fraud or misrepresentation;

16 (2.1) attempted to engage in conduct that subverts or  
17 undermines the integrity of the examination or the examination  
18 process;

19 (3) committed repeated occasions of negligence or  
20 incompetence in the practice of physical therapy;

21 (4) been convicted of a felony or a crime of moral turpitude  
22 in a Federal court or in the courts of this Commonwealth or any  
23 other state, territory or country. Conviction, as used in this  
24 paragraph, shall include a finding or verdict of guilt, an  
25 admission of guilt or a plea of nolo contendere;

26 (5) habitually indulged in the use of narcotics or other  
27 habit-forming drugs, or excessively indulged in the use of  
28 alcoholic liquors;

29 (6) been found guilty of unprofessional conduct.

30 Unprofessional conduct shall include any departure from or the

1 failure to conform to the minimal standards of acceptable and  
2 prevailing physical therapy practice, including the recognized  
3 standards of ethics of the physical therapy profession, in which  
4 proceeding actual injury to a patient need not be established;

5 (7) treated or undertaken to treat human ailments otherwise  
6 than by physical therapy as defined in this act;

7 (8) had his license or certificate to practice physical  
8 therapy revoked or suspended or having other disciplinary action  
9 taken, or his application for a license or certificate refused,  
10 revoked or suspended by the proper licensing or certifying  
11 authority of another state, territory or country; [and]

12 (9) made misleading, deceptive, untrue or fraudulent  
13 representations in violation of this act or otherwise in the  
14 practice of the profession[.];

15 (10) in the case of a licensed physical therapist who failed  
16 to supervise physical therapist assistants or supportive  
17 personnel in accordance with this act or board regulation; or

18 (11) knowingly aiding, assisting, procuring or advising any  
19 unlicensed individual to practice a profession contrary to this  
20 act or regulations of the board.

21 [(b) All actions of the board shall be taken subject to the <—  
22 right of notice, hearing and adjudication and the right of  
23 appeal therefrom in accordance with Title 2 of the Pennsylvania  
24 Consolidated Statutes (relating to administrative law and  
25 procedure).] <—

26 (c) Unless ordered to do so by a court, the board shall not  
27 reinstate the license of [a person to practice as a physical  
28 therapist] an individual to practice as a physical therapist or  
29 the certificate of an individual certified to practice as a  
30 physical therapist assistant which has been revoked, and such

1 [person] individual shall be required to apply for a license or  
2 certificate after a five-year period in accordance with section  
3 6, if he desires to practice at any time after such revocation.

4 Section 13. Sections 11.1, 11.2 and 11.3 of the act, added  
5 December 20, 1985 (P.L.500, No.117), are amended to read:

6 Section 11.1. Automatic Suspension.--A license[,  
7 registration] or certificate issued under this act shall  
8 automatically be suspended upon the legal commitment of a  
9 licensee[, registrant] or certificate holder to an institution  
10 because of mental incompetency from any cause upon filing with  
11 the board a certified copy of such commitment; conviction of a  
12 felony under the act of April 14, 1972 (P.L.233, No.64), known  
13 as "The Controlled Substance, Drug, Device and Cosmetic Act"; or  
14 conviction of an offense under the laws of another jurisdiction  
15 which, if committed in Pennsylvania, would be a felony under  
16 "The Controlled Substance, Drug, Device and Cosmetic Act." As  
17 used in this section the term "conviction" shall include a  
18 judgment, an admission of guilty or a plea of nolo contendere.  
19 Automatic suspension under this section shall not be stayed  
20 pending any appeal of a conviction. Restoration of such  
21 license[, registration] or certificate shall be made as provided  
22 in this act for revocation or suspension of such license[,  
23 registrant] or certificate holder.

24 Section 11.2. Temporary Suspension.--The board shall  
25 temporarily suspend a license[, registration] or certificate  
26 under circumstances as determined by the board to be an  
27 immediate and clear danger to the public health or safety. The  
28 board shall issue an order to that effect without a hearing, but  
29 upon due notice, to the licensee[, registrant] or certificate  
30 holder concerned at his last known address, which shall include



1 a written statement of all allegations against the licensee[,  
2 registrant] or certificate holder. The provisions of section  
3 11(c) shall not apply to temporary suspension. The board shall  
4 thereupon commence formal action to suspend, revoke or restrict  
5 the license[, registration] or certificate of the [person]  
6 individual concerned as otherwise provided for in this act. All  
7 actions shall be taken promptly and without delay. Within 30  
8 days following the issuance of an order temporarily suspending a  
9 license[, registration] or certificate, the board shall conduct,  
10 or cause to be conducted, a preliminary hearing to determine  
11 that there is a prima facie case supporting the suspension. The  
12 licensee[, registrant] or certificate holder whose license[,  
13 registration] or certificate has been temporarily suspended may  
14 be present at the preliminary hearing and may be represented by  
15 counsel, cross-examine witnesses, inspect physical evidence,  
16 call witnesses, offer evidence and testimony and make a record  
17 of the proceedings. If it is determined that there is not a  
18 prima facie case, the suspended license[, registration] or  
19 certificate shall be immediately restored. The temporary  
20 suspension shall remain in effect until vacated by the board,  
21 but in no event longer than 180 days.

22 Section 11.3. Subpoenas; Examinations; Reports; Surrender of  
23 License.--(a) The board shall have the authority to issue  
24 subpoenas, upon application of an attorney responsible for  
25 representing the Commonwealth in disciplinary matters before the  
26 board, for the purpose of investigating alleged violations of  
27 the disciplinary provisions administered by the board. The board  
28 shall have the power to subpoena witnesses, to administer oaths,  
29 to examine witnesses and to take testimony or compel the  
30 production of books, records, papers and documents as it may

1 deem necessary or proper in and pertinent to any proceeding,  
2 investigation or hearing held by it. Patient records may not be  
3 subpoenaed without consent of the patient or without order of a  
4 court of competent jurisdiction on a showing that the records  
5 are reasonably necessary for the conduct of the investigation.  
6 The court may impose such limitations on the scope of the  
7 subpoena as are necessary to prevent unnecessary intrusion into  
8 patient confidential information. The board is authorized to  
9 apply to Commonwealth Court to enforce its subpoenas.

10 (b) An attorney responsible for representing the  
11 Commonwealth in disciplinary matters before the board shall  
12 notify the board immediately upon receiving notification of an  
13 alleged violation of this act. The board shall maintain current  
14 records of all reports of alleged violations and periodically  
15 review the records for the purpose of determining that each  
16 alleged violation has been resolved in a timely manner.

17 (c) The board shall require [a person] an individual whose  
18 license[, ] or certificate [or registration] has been suspended  
19 or revoked to return the license[, ] or certificate [or  
20 registration] in such manner as the board directs. [A person] An  
21 individual who fails to do so commits a misdemeanor of the third  
22 degree.

23 (d) The board, upon probable cause, has authority to compel  
24 a licensee or certificate holder to submit to a mental or  
25 physical examination by a physician approved by the board.  
26 Failure of a licensee or certificate holder to submit to an  
27 examination when directed by the board, unless the failure is  
28 due to circumstances beyond the licensee's or certificate  
29 holder's control, shall constitute an admission of the  
30 allegations against the licensee or certificate holder,

1 consequent upon which a default and final order may be entered  
2 without the taking of testimony or presentation of evidence.

3 (e) A licensee or certificate holder affected shall, at  
4 reasonable intervals as determined by the board, be afforded an  
5 opportunity to demonstrate that the licensee or certificate  
6 holder can resume competent practice with reasonable skill and  
7 safety.

8 Section 14. Section 12 of the act, amended OR ADDED April 4, <—  
9 1984 (P.L.196, No.41) and December 20, 1985 (P.L.500, No.117),  
10 is amended to read:

11 Section 12. Penalties; Injunctive Relief.--(a) [Any person]  
12 An individual who violates any provision of this act shall be  
13 guilty of a misdemeanor, as herein set forth, and upon  
14 conviction thereof shall be punished by a fine of not less than  
15 [\$100] \$500 nor more than [\$500] \$1,000 or by imprisonment for  
16 not less than 30 days nor more than 90 days, or by both such  
17 fine and imprisonment; and on each additional offense shall be  
18 subject to a fine of not less than \$1,000 and imprisonment of  
19 not less than six months nor more than one year, at the  
20 discretion of the court.

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

28 (c) In addition to any other civil remedy or criminal  
29 penalty provided for in this act, the board, by a vote of the  
30 majority of the maximum number of the authorized membership of

1 the board as provided by this act or by a vote of the majority  
2 of the qualified and confirmed membership or a minimum of four  
3 members, whichever is greater, may levy a civil penalty of up to  
4 \$1,000 on any current licensee or [registrant] certificate  
5 holder who violates any provisions of this act or on [any  
6 person] an individual who practices physical therapy without  
7 being properly licensed to do so under this act or who practices  
8 as a physical therapist assistant without being properly  
9 [registered] certified to do so under this act. [The board shall <—  
10 levy this penalty only after affording the accused party the  
11 opportunity for a hearing, as provided in Title 2 of the  
12 Pennsylvania Consolidated Statutes (relating to administrative  
13 law and procedure).] <—

14 (d) All fines and civil penalties imposed in accordance with  
15 this section shall be paid into the Professional Licensure  
16 Augmentation Account.

17 Section 15. Section 13 of the act, added December 20, 1985  
18 (P.L.500, No.117), is amended to read:

19 Section 13. Impaired Professional.--(a) The board, with the  
20 approval of the Commissioner of Professional and Occupational  
21 Affairs, shall appoint and fix the compensation of a  
22 professional consultant who is a licensee of the board, or such  
23 other professional as the board may determine, with education  
24 and experience in the identification, treatment and  
25 rehabilitation of [persons] individuals with physical or mental  
26 impairments. Such consultant shall be accountable to the board  
27 and shall act as a liaison between the board and treatment  
28 programs, such as alcohol and drug treatment programs licensed  
29 by the Department of Health, psychological counseling and  
30 impaired professional support groups, which are approved by the

1 board and which provide services to licensees or certificate  
2 holders under this act.

3 (b) The board may defer and ultimately dismiss any of the  
4 types of corrective action set forth in this act for an impaired  
5 professional so long as the professional is progressing  
6 satisfactorily in an approved treatment program, provided that  
7 the provisions of this subsection shall not apply to a  
8 professional convicted of a felonious act prohibited by the act  
9 of April 14, 1972 (P.L.233, No.64), known as "The Controlled  
10 Substance, Drug, Device and Cosmetic Act," or convicted of a  
11 felony relating to a controlled substance in a court of law of  
12 the United States or any other state, territory or country. An  
13 approved program provider shall, upon request, disclose to the  
14 consultant such information in its possession regarding an  
15 impaired professional in treatment which the program provider is  
16 not prohibited from disclosing by an act of this Commonwealth,  
17 another state or the United States. Such requirement of  
18 disclosure by an approved program provider shall apply in the  
19 case of impaired professionals who enter an agreement in  
20 accordance with this section, impaired professionals who are the  
21 subject of a board investigation or disciplinary proceeding and  
22 impaired professionals who voluntarily enter a treatment program  
23 other than under the provisions of this section but who fail to  
24 complete the program successfully or to adhere to an after-care  
25 plan developed by the program provider.

26 (c) An impaired professional who enrolls in an approved  
27 treatment program shall enter into an agreement with the board  
28 under which the professional's license or certificate shall be  
29 suspended or revoked, but enforcement of that suspension or  
30 revocation may be stayed for the length of time the professional

1 remains in the program and makes satisfactory progress, complies  
2 with the terms of the agreement and adheres to any limitations  
3 on his practice imposed by the board to protect the public.

4 Failure to enter into such an agreement shall disqualify the  
5 professional from the impaired professional program and shall  
6 activate an immediate investigation and disciplinary proceeding  
7 by the board.

8 (d) If, in the opinion of the consultant after consultation  
9 with the provider, an impaired professional who is enrolled in  
10 an approved treatment program has not progressed satisfactorily,  
11 the consultant shall disclose to the board all information in  
12 his possession regarding said professional, and the board shall  
13 institute proceedings to determine if the stay of the  
14 enforcement of the suspension or revocation of the impaired  
15 professional's license or certificate shall be vacated.

16 (e) An approved program provider who makes a disclosure  
17 pursuant to this section shall not be subject to civil liability  
18 for such disclosure or its consequences.

19 (f) Any hospital or health care facility, peer or colleague  
20 who has substantial evidence that a professional has an active  
21 addictive disease for which the professional is not receiving  
22 treatment, is diverting a controlled substance or is mentally or  
23 physically incompetent to carry out the duties of his or her  
24 license or certification shall make or cause to be made a report  
25 to the board: Provided, That [any person] an individual or  
26 facility who acts in a treatment capacity to an impaired  
27 physical therapist in an approved treatment program is exempt  
28 from the mandatory reporting requirements of this subsection.

29 [Any person or facility who reports pursuant to this section in  
30 good faith and without malice shall be immune from any civil or

1 criminal liability arising from such report. Failure to provide  
2 such report within a reasonable time from receipt of knowledge  
3 of impairment shall subject the person or facility to a fine not  
4 to exceed \$1,000. The board shall levy this penalty only after  
5 affording the accused party the opportunity for a hearing, as  
6 provided in Title 2 of the Pennsylvania Consolidated Statutes  
7 (relating to administrative law and procedure).]

8 (g) An individual or facility who reports pursuant to this  
9 section in good faith and without malice shall be immune from  
10 any civil or criminal liability arising from such report.  
11 Failure to provide a report within a reasonable time from  
12 receipt of knowledge of impairment shall subject the individual  
13 or facility to a fine not to exceed \$1,000. The board shall levy  
14 this penalty only after affording the accused party the  
15 opportunity for a hearing as provided in Title 2 of the  
16 Pennsylvania Consolidated Statutes (relating to administrative  
17 law and procedure).

18 Section 16. The State Board of Physical Therapy shall  
19 promulgate regulations to implement the amendment or addition of  
20 sections 2, 2.1, 3, 4, 5, 6, 7, 7.1, 7.2, 9, ~~9.1, 9.2~~, 9.1(A), <—  
21 (A.1), (B), (D), (E), (F), (G) AND (J), 11, 11.1, 11.2, 11.3, 12  
22 and 13 of the act within 18 months of the effective date of this  
23 section. UNTIL SUCH TIME AS THE BOARD PROMULGATES RULES AND <—  
24 REGULATIONS REGARDING ISSUE, RENEWAL, REVOCATION OR SUSPENSION  
25 OF PHYSICAL THERAPIST ASSISTANTS, THE CURRENT RULES AND  
26 REGULATIONS SHALL REMAIN IN EFFECT.

27 Section 17. This act shall take effect in ~~60~~ 90 days. <—