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No. _____

Legislative Reference Bureau

AN ACT

Amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for powers and duties of board, for training and license required and exceptions, for qualifications for license, examinations, failure of examinations, licensure without examination, issuing of license, foreign applicants for licensure, temporary license and perjury, for continuing education, for practice of physical therapist assistant, education and examination, scope of duties and certification.

INTRODUCED _____ **20** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____ **20** _____

Reported _____ **20** _____

As Committed-Amended

Recommendation

By Hon. _____

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 powers and duties of
4 board, for training and license required and exceptions, for
5 qualifications for license, examinations, failure of
6 examinations, licensure without examination, issuing of
7 license, foreign applicants for licensure, temporary license
8 and perjury, for continuing education, for practice of
9 physical therapy and for physical therapist assistant,
10 education and examination, scope of duties and certification.

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

13 Section 1. The definition of "certificate of authorization"
14 in section 2 of the act of October 10, 1975 (P.L.383, No.110),
15 known as the Physical Therapy Practice Act, 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 * * *

20 ["Certificate of authorization" means a certificate, approved
21 by the board, to practice physical therapy without a referral

1 under section 9(a).]

2 * * *

3 Section 2. Sections 3(a), 4(a), 6(a), 7.2, 9(b), (c) and (e)
4 and 9.1(a) of the act are amended to read:

5 Section 3. Powers and Duties of Board.--(a) It shall be the
6 duty of the board to pass upon the qualifications of applicants
7 for licensure as physical therapists and certification as
8 physical therapist assistants, to conduct examinations, to issue
9 and renew licenses [and certificates of authorization] to
10 physical therapists and certificates to physical therapist
11 assistants who qualify under this act, and in proper cases to
12 refuse to issue, suspend or revoke the license [or certificate
13 of authorization] of any physical therapist or certificate of
14 any physical therapist assistant. The board may adopt rules and
15 regulations not inconsistent with law as it may deem necessary
16 for the performance of its duties and the proper administration
17 of this law. The board is authorized and empowered to appoint
18 hearing examiners and to conduct investigations and hearings
19 upon charges for discipline of a licensee or certificate holder
20 or for violations of this act and to cause, through the office
21 of the Attorney General, the prosecution and enjoinder of
22 individuals violating this act. The board shall maintain a
23 register listing the name of every living physical therapist
24 licensed to practice in this State, and every physical therapist
25 assistant duly certified pursuant to section 9.1, such
26 individual's last known place of residence, and the date and
27 number of the physical therapist's license and the physical
28 therapist assistant's certificate. Residential information shall
29 not be considered a public record under the act of June 21, 1957
30 (P.L.390, No.212), referred to as the Right-to-Know Law.

1 * * *

2 Section 4. Training and License Required; Exceptions.--(a)

3 It shall be unlawful for an individual to practice or hold
4 ~~[himself]~~ oneself out as being able to practice physical therapy
5 in this State in any manner whatsoever unless such individual
6 has met the educational requirements and is licensed in
7 accordance with the provisions of this act. The board shall
8 determine standards, by regulations, regarding qualifications
9 necessary for the performance of such tests or treatment forms
10 as the board shall determine require additional training or
11 education beyond the educational requirements set forth by this
12 act, as such relates to the practice of physical therapy in
13 accordance with law. Nothing in this act, however, shall
14 prohibit an individual trained and licensed or certified to
15 practice or to act within the scope of his license or
16 certification in this State under any other law, from engaging
17 in the licensed or certified practice for which ~~[he]~~ the
18 individual is trained.

19 * * *

20 Section 6. Qualifications for License; Examinations; Failure

21 of Examinations; Licensure Without Examination; Issuing of
22 License; Foreign Applicants for Licensure; Temporary License;
23 Perjury.--(a) To be eligible for licensure as a physical
24 therapist, an applicant must be at least 20 years of age unless
25 otherwise determined by the board in its discretion, be of good
26 moral character, not be addicted to the habitual use of alcohol
27 or narcotics or other habit-forming drugs, and be a graduate of
28 a school offering an educational program in physical therapy as
29 adopted by the board, which program has been approved for the
30 education and training of physical therapists by the appropriate

1 nationally recognized accrediting agency. In assessing the moral
2 character of an applicant with a criminal conviction, the board
3 shall conduct an individualized assessment in accordance with 63
4 Pa.C.S. § 3113 (relating to consideration of criminal
5 convictions). An applicant completing the professional study of
6 physical therapy after 2002 must hold a minimum of a master's
7 degree from a regionally accredited institution of higher
8 education. An applicant completing the professional study of
9 physical therapy between January 1967 and 2002 must hold a
10 minimum of a baccalaureate degree from a regionally accredited
11 institution of higher education. In the case of those applicants
12 who have completed requirements prior to the first day of
13 January, 1967, but who may not technically or totally fulfill
14 the above requirements, the board at its discretion and by the
15 majority vote of all members present may accept evidence of
16 satisfactory equivalence. The board shall not issue a license to
17 an applicant who has been convicted of a felony under the act of
18 April 14, 1972 (P.L.233, No.64), known as "The Controlled
19 Substance, Drug, Device and Cosmetic Act," or of an offense
20 under the laws of another jurisdiction which, if committed in
21 this Commonwealth, would be a felony under "The Controlled
22 Substance, Drug, Device and Cosmetic Act," unless:

23 (1) at least ten years have elapsed from the date of
24 conviction;

25 (2) the applicant satisfactorily demonstrates to the board
26 that he has made significant progress in personal rehabilitation
27 since the conviction such that licensure of the applicant should
28 not be expected to create a substantial risk of harm to the
29 health and safety of patients or the public or a substantial
30 risk of further criminal violations; and

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

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

5 * * *

6 Section 7.2. Continuing Education.--For each license
7 renewal, a licensee shall complete within the immediately
8 preceding two-year period at least 30 hours of continuing
9 physical therapy education as approved by the board. The
10 licensee shall provide the board with evidence of the completion
11 of the continuing education. [A physical therapist who has met
12 the continuing education requirements for a certificate of
13 authorization set forth in section 9(c)(1) shall be deemed to
14 have met the continuing education requirement for license
15 renewal. No credit shall be given for any course in office
16 management or practice building.]

17 Section 9. Practice of Physical Therapy.--* * *

18 (b) Licensees who meet the standards set forth in this
19 subsection may [apply to the board for a certificate of
20 authorization to] practice physical therapy under this act
21 without the required referral under subsection (a). [A
22 certificate of authorization to] To practice physical therapy
23 without a referral under subsection (a) shall not authorize a
24 physical therapist either to treat a condition in an individual
25 which is a nonneurologic, nonmuscular or nonskeletal condition
26 or to treat an individual who has an acute cardiac or acute
27 pulmonary condition unless the physical therapist has consulted
28 with the individual's licensed physician, dentist or podiatrist
29 regarding the individual's condition and the physical therapy
30 treatment plan or has referred the individual to a licensed

1 physician, dentist or podiatrist for diagnosis and referral.
2 [The certificate of authorization shall be issued only to
3 licensed physical therapists practicing physical therapy. The
4 certificate of authorization shall be displayed by the
5 certificate holder in a manner conspicuous to the public. The
6 renewal of the certificate of authorization shall coincide with
7 the renewal of the license of the licensee. Licensees making
8 application for a certificate of authorization] To practice
9 physical therapy under this subsection, a licensee shall present
10 satisfactory evidence to the board of all of the following:

11 (1) That the licensee has [█
12 (i)] passed an examination for licensure to practice
13 physical therapy, which examination included testing on the
14 appropriate evaluative procedures to treat an individual without
15 a referral. [; or

16 (ii) passed an examination for licensure to practice
17 physical therapy prior to 1990 and successfully completed a
18 course approved by the board on the appropriate evaluative
19 procedures to treat an individual without a referral.

20 (2) That the licensee has:

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

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

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

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

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

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

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

23 (iii.1) A licensee under this act, practicing in this
24 Commonwealth, shall maintain a level of professional liability
25 insurance coverage in the minimum amount of \$1,000,000 per
26 occurrence or claims made. Failure to maintain insurance
27 coverage as required shall subject the licensee to disciplinary
28 proceedings. The board shall accept as satisfactory evidence of
29 insurance coverage any of the following:

30 (A) self-insurance;

1 (B) personally purchased liability insurance; or

2 (C) professional liability insurance coverage provided by
3 the physical therapist's employer or similar insurance coverage
4 acceptable to the board.

5 (iii.2) A license applicant shall provide proof that the
6 applicant has obtained professional liability insurance in
7 accordance with subparagraph (iii.1). It is sufficient if the
8 applicant files with the application a copy of a letter from the
9 applicant's professional liability insurance carrier indicating
10 that the applicant will be covered against professional
11 liability in the required amounts effective upon the issuance of
12 the applicant's license to practice physical therapy in this
13 Commonwealth.

14 (iii.3) Upon issuance of a license, a licensee has 30 days
15 to submit to the board the certificate of insurance or a copy of
16 the policy declaration page.

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

23 [(c) (1) For each renewal of the certificate of
24 authorization, the licensee shall complete within the
25 immediately preceding two-year period at least 30 hours of
26 continuing physical therapy education related to keeping the
27 certificate holder apprised of advancements and new developments
28 in the practice of the physical therapy profession. At least ten
29 of the 30 hours shall be in appropriate evaluative procedures to
30 treat an individual without a referral. No credit shall be given

1 for any course in office management or practice building. The
2 licensee shall provide the board with evidence of the completion
3 of the continuing education.

4 (2) Continuing education programs and program providers
5 under this subsection shall be approved by the board in
6 accordance with standards and criteria established by the board
7 by regulation. The regulation shall include any fees necessary
8 to implement this provision and provide for waiver of the
9 continuing education requirement due to illness or hardship in
10 any licensing renewal period.]

11 * * *

12 (e) A physical therapist may treat an individual without a
13 referral as provided for in subsection (b) for up to [30] 60
14 days from the date of the first treatment. A physical therapist
15 shall not treat an individual beyond [30] 60 days from the date
16 of the first treatment unless he or she has obtained a referral
17 from a licensed physician; a licensed physician assistant
18 practicing pursuant to a written agreement with a physician; a
19 certified registered nurse practitioner practicing pursuant to a
20 collaborative agreement with a physician; or a licensed dentist
21 or licensed podiatrist, for the treatment of a condition that is
22 within the scope of practice of dentistry or podiatry. The date
23 of the first treatment for purposes of this subsection is the
24 date the individual is treated by any physical therapist
25 treating without a referral.

26 * * *

27 Section 9.1. Physical Therapist Assistant; Education and
28 Examination; Scope of Duties; Certification.--(a) To be
29 eligible for certification by the board as a physical therapist
30 assistant, an applicant must be at least 18 years of age unless

1 otherwise determined by the board, be of good moral character,
2 not be addicted to the habitual use of alcohol or narcotics or
3 other habit-forming drugs, be a graduate of a physical therapist
4 assistant program adopted by the board, which program has been
5 approved for the education and training for physical therapist
6 assistants by the appropriate nationally recognized accrediting
7 agency and be successful in passing an examination approved by
8 the board, subject to rules and regulations established by the
9 board and administered in accordance with section 812.1 of the
10 act of April 9, 1929 (P.L.177, No.175), known as "The
11 Administrative Code of 1929." In assessing the moral character
12 of an applicant with a criminal conviction, the board shall
13 conduct an individualized assessment in accordance with 63
14 Pa.C.S. § 3113 (relating to consideration of criminal
15 convictions). Applicants eligible to register with the board
16 shall be deemed eligible for certification by the board until
17 such time as the board promulgates any regulation regarding
18 certification. No applicant shall be certified unless [he] the
19 applicant has attained passing scores established by the board
20 and published prior to the administration of the examination.

21 * * *

22 Section 3. This act shall take effect in 60 days.