

AMENDMENTS TO SENATE BILL NO. 485

Sponsor: SENATOR SCAVELLO

Printer's No. 514

1 Amend Bill, page 1, lines 1 through 6, by striking out all of
2 said lines and inserting

3 Amending the act of October 10, 1975 (P.L.383, No.110), entitled
4 "An act relating to the practice of physical therapy,"
5 further providing for definitions, for training and license
6 required and exceptions, for qualifications for license,
7 examinations, failure of examinations, licensure without
8 examination, issuing of license, foreign applicants for
9 licensure, temporary license and perjury and for physical
10 therapist assistant, education and examination, scope of
11 duties and certification.

12 Amend Bill, page 1, lines 9 through 19; pages 2 through 10,
13 lines 1 through 30; page 11, lines 1 through 22; by striking out
14 all of said lines on said pages and inserting

15 Section 1. The definition of "physical therapy" in section 2
16 of the act of October 10, 1975 (P.L.383, No.110), known as the
17 Physical Therapy Practice Act, is amended and the section is
18 amended by adding a definition to read:

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

22 * * *

23 "Dry needling" means an advanced needling skill or technique
24 to treat myofascial pain and neuromusculoskeletal systems
25 through the use of a single use, single insertion sterile
26 filiform needle that is inserted into the skin or underlying
27 tissues. The term is also known as intramuscular therapy. The
28 term includes the application of theory-based only Western
29 medical concepts requiring the examination, diagnosis and
30 treatment of specific anatomic entities selected according to
31 physical signs. The term does not include any of the following:

32 (1) The practice or teaching or application of acupuncture
33 under the act of February 14, 1986 (P.L.2, No.2), known as the
34 Acupuncture Licensure Act.

35 (2) The stimulation of auricular points or utilization of

1 meridian-based distal points.

2 * * *

3 "Physical therapy" means any of the following:

4 (1) The evaluation, examination and testing of individuals
5 with mechanical, physiological and developmental impairments,
6 functional limitations and disabilities, other health-related or
7 movement-related conditions, performed to determine a diagnosis,
8 prognosis and plan of treatment intervention within the scope of
9 this act or to assess the ongoing effects of intervention.

10 (2) The performance of tests and measurements as an aid in
11 diagnosis or evaluation of function and the treatment of the
12 individual through the utilization of the effective properties
13 of physical measures such as mechanical stimulation, dry
14 needling, heat, cold, light, air, water, electricity, sound,
15 massage or mobilization-manual therapy.

16 (3) The use of therapeutic exercises and rehabilitative
17 procedures, including training in functional activities, with or
18 without the utilization of assistive devices, for the purpose of
19 limiting or preventing disability and alleviating or correcting
20 any physical or mental conditions.

21 (4) Reducing the risk of injury, impairment, functional
22 limitation and disability, including the promotion and
23 maintenance of fitness, health and wellness in populations of
24 all ages as well as engaging in administration, consultation,
25 education and research.

26 * * *

27 Section 2. Section 4(a) of the act is amended and the
28 section is amended by adding a subsection to read:

29 Section 4. Training and License Required; Exceptions.--(a)
30 It shall be unlawful for an individual to practice or hold
31 [himself] oneself out as being able to practice physical therapy
32 in this State in any manner whatsoever unless such individual
33 has met the educational requirements and is licensed in
34 accordance with the provisions of this act. The board shall
35 determine standards, by regulations, regarding qualifications
36 necessary for the performance of such tests or treatment forms
37 as the board shall determine require additional training or
38 education beyond the educational requirements set forth by this
39 act, as such relates to the practice of physical therapy in
40 accordance with law. Nothing in this act, however, shall
41 prohibit an individual trained and licensed or certified to
42 practice or to act within the scope of his license or
43 certification in this State under any other law, from engaging
44 in the licensed or certified practice for which [he] the
45 individual is trained.

46 (a.1) A licensed physical therapist may only perform dry
47 needling upon the successful completion of at least 54 hours in
48 dry needling course work during a period not to exceed 24 months
49 and at least 100 patient treatment sessions under supervision as
50 determined by the board. The board may adopt rules or
51 regulations imposing additional dry needling qualification

1 requirements as necessary to effectuate the purpose of this
2 subsection.

3 * * *

4 Section 3. Sections 6(a) introductory paragraph and 9.1(a)
5 and (c) introductory paragraph of the act are amended to read:

6 Section 6. Qualifications for License; Examinations; Failure
7 of Examinations; Licensure Without Examination; Issuing of

8 License; Foreign Applicants for Licensure; Temporary License;

9 Perjury.--(a) To be eligible for licensure as a physical

10 therapist, an applicant must be at least 20 years of age unless

11 otherwise determined by the board in its discretion, be of good

12 moral character, not be addicted to the habitual use of alcohol

13 or narcotics or other habit-forming drugs, and be a graduate of

14 a school offering an educational program in physical therapy as

15 adopted by the board, which program has been approved for the

16 education and training of physical therapists by the appropriate

17 nationally recognized accrediting agency. In assessing the moral

18 character of an applicant with a criminal conviction, the board

19 shall conduct an individualized assessment in accordance with 63

20 Pa.C.S. § 3113 (relating to consideration of criminal

21 convictions). An applicant completing the professional study of

22 physical therapy after 2002 must hold a minimum of a master's

23 degree from a regionally accredited institution of higher

24 education. An applicant completing the professional study of

25 physical therapy between January 1967 and 2002 must hold a

26 minimum of a baccalaureate degree from a regionally accredited

27 institution of higher education. In the case of those applicants

28 who have completed requirements prior to the first day of

29 January, 1967, but who may not technically or totally fulfill

30 the above requirements, the board at its discretion and by the

31 majority vote of all members present may accept evidence of

32 satisfactory equivalence. The board shall not issue a license to

33 an applicant who has been convicted of a felony under the act of

34 April 14, 1972 (P.L.233, No.64), known as "The Controlled

35 Substance, Drug, Device and Cosmetic Act," or of an offense

36 under the laws of another jurisdiction which, if committed in

37 this Commonwealth, would be a felony under "The Controlled

38 Substance, Drug, Device and Cosmetic Act," unless:

39 * * *

40 Section 9.1. Physical Therapist Assistant; Education and

41 Examination; Scope of Duties; Certification.--(a) To be

42 eligible for certification by the board as a physical therapist

43 assistant, an applicant must be at least 18 years of age unless

44 otherwise determined by the board, be of good moral character,

45 not be addicted to the habitual use of alcohol or narcotics or

46 other habit-forming drugs, be a graduate of a physical therapist

47 assistant program adopted by the board, which program has been

48 approved for the education and training for physical therapist

49 assistants by the appropriate nationally recognized accrediting

50 agency and be successful in passing an examination approved by

51 the board, subject to rules and regulations established by the

1 board and administered in accordance with section 812.1 of the
2 act of April 9, 1929 (P.L.177, No.175), known as "The
3 Administrative Code of 1929." In assessing the moral character
4 of an applicant with a criminal conviction, the board shall
5 conduct an individualized assessment in accordance with 63
6 Pa.C.S. § 3113 (relating to consideration of criminal
7 convictions). Applicants eligible to register with the board
8 shall be deemed eligible for certification by the board until
9 such time as the board promulgates any regulation regarding
10 certification. No applicant shall be certified unless [he] the
11 applicant has attained passing scores established by the board
12 and published prior to the administration of the examination.

13 * * *

14 (c) A physical therapist assistant while assisting a
15 licensed physical therapist in the practice of physical therapy
16 shall only perform patient-related physical therapy acts and
17 services that are assigned or delegated by and under the
18 supervision of a licensed physical therapist. Such acts and
19 services of a physical therapist assistant shall not include
20 evaluation, testing, dry needling, interpretation, planning or
21 modification of patient programs. For purposes of this section
22 the term "supervision" means as follows:

23 * * *

24 Section 4. Nothing in this act shall be construed as
25 requiring a new or an additional third-party reimbursement or
26 otherwise mandating new coverage under 75 Pa.C.S. Ch. 17
27 (relating to financial responsibility) or the act of June 2,
28 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
29 for dry needling rendered by a licensed physical therapist under
30 this act.

31 Section 5. This act shall take effect in 60 days.