

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 525

Session of
1983

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

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 22, 1983

AN ACT

1 Amending the act of October 10, 1975 (P.L.383, No.110), entitled
2 "An act relating to the practice of physical therapy,"
3 providing for the certification of athletic trainers by the
4 State Board of Physical Therapy Examiners; creating an
5 Athletic Trainer Advisory Committee; authorizing the setting
6 of educational standards, certification standards and fees,
7 for the renewal, revocation and suspension of certifications;
8 further providing standards for the practice of physical
9 therapy; reestablishing the State Board of Physical Therapy
10 Examiners; making an appropriation; and providing penalties
11 for violations of the act.

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

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

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

20 "Athletic trainer" shall mean a person certified by the State
21 Board of Physical Therapy Examiners as an athletic trainer after

1 meeting the requirements of this act and rules and regulations
2 promulgated pursuant thereto.

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

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

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

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

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

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

30 "Physician" means a person who has received formal and

1 recognized training in the art and science of medicine and is
2 qualified to seek or has acquired an unlimited license to
3 practice medicine and surgery as provided by law.

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

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

30 Section 3. Section 4 of the act is amended to read:

1 Section 4. Training and License Required; Exceptions.--(a)
2 [From and after one year from the effective date of this act,
3 it] It shall be unlawful for any person to practice or hold
4 himself out as being able to practice physical therapy in this
5 State [unless he is trained and] in any manner whatsoever unless
6 such person has met the educational requirements and is licensed
7 in accordance with the provisions of this act. Nothing in this
8 act, however, shall prohibit any person trained and licensed to
9 practice in this State under any other law, from engaging in the
10 practice for which he is trained and licensed.

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

27 (c) It shall be a violation of this act for any person or
28 business entity to utilize in connection with a business name or
29 activity the words "physical therapy," "physical therapist,"
30 "physiotherapy," "physiotherapist" or similar words and their

1 related abbreviations which imply directly or indirectly that
2 physical therapy services are being provided including the
3 billing of physical therapy services unless such services are
4 provided by a licensed physical therapist in accordance with
5 this act.

6 [(c) The practice of physical therapy shall not include the
7 practice of chiropractic as defined by the act of August 10,
8 1951 (P.L.1182, No.264), known as the "Chiropractic Registration
9 Act of 1951."]

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

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

1 Therapy Association] has graduated from a school offering an
2 educational program in physical therapy as adopted by the board
3 which program has been approved for the education and training
4 of physical therapists by the appropriate nationally recognized
5 accrediting agency. By the time of completion of the
6 professional study of physical therapy, a physical therapist
7 must hold a minimum of a baccalaureate degree from a regionally
8 accredited institution of higher education. In the case of those
9 applicants who have completed requirements prior to the first
10 day of January, 1967, but who may not technically or totally
11 fulfill the above requirements, the board at its discretion and
12 by the majority vote of all members present may accept evidence
13 of satisfactory equivalence.

14 * * *

15 (d) On payment to the board of [a fee of \$15 for applicants
16 subject to paragraph (1) of this subsection and \$75 for
17 applicants subject to paragraph (2) of this subsection,] the
18 appropriate fee established pursuant to the act of July 1, 1978
19 (P.L.700, No.124), known as the "Bureau of Professional and
20 Occupational Affairs Fee Act" or such higher fee established by
21 the board from time to time after consultation with the
22 Commissioner and on submission of a written application on forms
23 provided by the board, the board shall issue a license without
24 examination to[:

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

1 (2) A] any person who is a licensed or otherwise registered
2 as a physical therapist by another state or territory of the
3 United States of America, or the District of Columbia[, if] and
4 whose license or registration is valid and in good standing; and
5 further that the requirements for license or registration, as
6 the case may be, in such state, territory, or district were [at
7 the date of his license or registration by such state,] or are
8 substantially equal to the requirements set forth in this act:
9 Provided, That such person has not taken and failed, one or more
10 times, the examination referred to in subsection (b), in which
11 case, the issuance of a license under this paragraph shall be at
12 the discretion of the board.

13 * * *

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

27 (h)] Upon the submission of a written application on forms
28 provided by it, the board shall also issue a temporary license
29 to a person who has applied for a license under the provisions
30 of subsection (a) and who is, in the judgment of the board,

1 eligible to take the examination provided for in subsection (b).
2 Such temporary license shall be available to an applicant with
3 respect to his application for a license under subsection (a),
4 but the applicant may only use the temporary license while under
5 the direct supervision of a licensed physical therapist. Such
6 temporary license shall expire upon the failure of the first
7 examination and upon expiration the license must be surrendered
8 to the board except that the board may reissue such temporary
9 license in its discretion and in accordance with rules and
10 regulations to be established.

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

16 * * *

17 Section 5. Sections 8 and 9 of the act are amended to read:

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

30 Section 9. Practice and Referrals by Physicians.--Any person

1 licensed under this act as a physical therapist [shall not treat
2 human ailments by physical therapy or otherwise except by the
3 referral of a person licensed in this State as a physician;
4 however, a physical therapist shall be permitted to accept the
5 referral of a dentist or podiatrist licensed in this State, for
6 the treatment of a condition that is within the scope of
7 practice of dentistry or podiatry] may screen, consult with or
8 evaluate an individual as to the need for physical therapy
9 services. Physical therapy treatment of any individual for a
10 medical condition, however, shall be administered by a licensed
11 physical therapist based on a referral from or a consultation
12 with a licensed physician. Treatment by a licensed physical
13 therapist for a medical condition may also occur based on a
14 referral from or consultation with a licensed dentist or a
15 licensed podiatrist for a condition within the scope of their
16 respective practices. Nothing in this act shall be construed as
17 authorization for a physical therapist to practice any branch of
18 the healing arts except as described in this act. Any person
19 violating the provisions of this act shall be guilty of a
20 misdemeanor as described in section 12.

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

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

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

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

18 (1) Approved educational program standards.

19 (2) Education degree requirements for certification.

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

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

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

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

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

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

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

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

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

22 * * *

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

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

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

1 remedies in this act.

2 Section 9. This act reestablishes the State Board of
3 Physical Therapy Examiners in accordance with the procedures set
4 forth in section 7(a) of the act of December 22, 1981 (P.L.508,
5 No.142), known as the Sunset Act.

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

12 Section 11. This act shall take effect three calendar months
13 from the date of its enactment.