

## 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

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 24, 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] AS DEFINED IN <—  
4 1 PA.C.S. § 1991 (RELATING TO DEFINITIONS).

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

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

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

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

3   [From and after one year from the effective date of this act,

4   it] It shall be unlawful for any person to practice or hold

5   himself out as being able to practice physical therapy in this

6   State [unless he is trained and] in any manner whatsoever unless

7   such person has met the educational requirements and is licensed

8   in accordance with the provisions of this act. Nothing in this

9   act, however, shall prohibit any person trained and licensed [to <—

10   practice in this State under any other law, from engaging in the

11   practice for which he is trained and licensed.] or certified to <—

12   practice or to act within the scope of his certification in this

13   State under any other law, from engaging in the licensed or

14   certified practice for which he is trained.

15       (b)   This act shall not prohibit students who are enrolled in

16   schools of physical therapy approved by the board, from

17   performing acts of physical therapy as is incidental to their

18   course of study; nor shall it prevent any student in any

19   educational program in the healing arts approved or accredited

20   under the laws of Pennsylvania in carrying out prescribed

21   courses of study. Nothing in this act shall apply to any person

22   employed by an agency, bureau, or division of the Federal

23   Government while in the discharge of official duties, however,

24   if such individual engages in the practice of physical therapy

25   outside the scope of official duty, [he must be trained and]

26   such individual must meet the educational requirements and be

27   licensed as herein provided. The provisions of this act are not

28   intended to limit the activities of persons legitimately engaged

29   in the nontherapeutic administration of baths, massage, and

30   normal exercise.

1     (b.1) It shall be a violation of this act for any person or  
2 business entity to utilize in connection with a business name or  
3 activity the words "physical therapy," "physical therapist,"  
4 "physiotherapy," "physiotherapist" or similar words and their  
5 related abbreviations which imply directly or indirectly that  
6 physical therapy services are being provided including the  
7 billing of physical therapy services unless such services are  
8 provided by a licensed physical therapist in accordance with  
9 this act: PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL <—  
10 LIMIT A PHYSICIAN'S AUTHORITY TO PRACTICE MEDICINE OR TO BILL  
11 FOR SUCH PRACTICE OF MEDICINE.

12     (c) The practice of physical therapy shall not include the  
13 practice of chiropractic as defined by the act of August 10,  
14 1951 (P.L.1182, No.264), known as the "Chiropractic Registration  
15 Act of 1951."

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

18     Section 6. Qualifications for License; Examinations; Failure  
19 of Examinations; Licensure Without Examination; Issuing of  
20 License; Foreign Applicants for Licensure; Temporary License;  
21 Perjury.--(a) To be eligible for licensure as a physical  
22 therapist, an applicant must be at least 20 years of age unless  
23 otherwise determined by the board in its discretion, be of good  
24 moral character, not be addicted to the habitual use of alcohol  
25 or narcotics or other habit-forming drugs, and [have an  
26 education of not less than 60 semester hours of college credits  
27 or the equivalent thereof including courses in biological,  
28 physical and social studies at an accredited college or  
29 university and has attended an accredited physical therapy  
30 course of not less than 12 months, in a school of physical

1 therapy established in a fully accredited medical school,  
2 hospital, college or university which course has provided  
3 curricula and training, the requirements of which shall be  
4 approved from time to time by the board with advice and  
5 consultation with recognized national accrediting agencies and  
6 professional organizations including the American Physical  
7 Therapy Association] has graduated from a school offering an  
8 educational program in physical therapy as adopted by the board  
9 which program has been approved for the education and training  
10 of physical therapists by the appropriate nationally recognized  
11 accrediting agency. By the time of completion of the  
12 professional study of physical therapy, a physical therapist  
13 must hold a minimum of a baccalaureate degree from a regionally  
14 accredited institution of higher education. In the case of those  
15 applicants who have completed requirements prior to the first  
16 day of January, 1967, but who may not technically or totally  
17 fulfill the above requirements, the board at its discretion and  
18 by the majority vote of all members present may accept evidence  
19 of satisfactory equivalence.

20 \* \* \*

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

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

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

19 \* \* \*

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

1 year at the board's discretion, and upon expiration must be  
2 surrendered to the board.

3 (h)] Upon the submission of a written application on forms  
4 provided by it, the board shall also issue a temporary license  
5 to a person who has applied for a license under the provisions  
6 of subsection (a) and who is, in the judgment of the board,  
7 eligible to take the examination provided for in subsection (b).  
8 Such temporary license shall be available to an applicant with  
9 respect to his application for a license under subsection (a),  
10 but the applicant may only use the temporary license while under  
11 the direct supervision of a licensed physical therapist. Such  
12 temporary license shall expire upon the failure of the first  
13 examination and upon expiration the license must be surrendered  
14 to the board except that the board may reissue such temporary  
15 license in its discretion and in accordance with rules and  
16 regulations to be established.

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

22 \* \* \*

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

24 Section 8. Fees and Fines for Board.--All fees and fines  
25 collected under the provisions of this act shall be paid into  
26 the [State Treasury for the use of the Commonwealth]  
27 Professional Licensure Augmentation Account established pursuant  
28 to and for use in accordance with the act of July 1, 1978  
29 (P.L.700, No.124), known as the "Bureau of Professional and  
30 Occupational Affairs Fee Act." Nothing contained in this



1 amendment is intended to alter the fees authorized and set  
2 pursuant to said act except that the board may from time to time  
3 adopt higher fees where it determines after consultation with  
4 the commissioner more revenue is needed to effectively  
5 administer the provisions of this act.

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

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

19       Section 10.1. Athletic Trainer Advisory Committee Created.--  
20 There is hereby created an advisory committee to be known as the  
21 Athletic Trainer Advisory Committee which shall be appointed by  
22 and serve at the pleasure of the board for the purpose of  
23 carrying out the provisions of this act as it relates to  
24 athletic trainers. The Athletic Trainer Advisory Committee shall  
25 assist the board in the certification, renewal, revocation or  
26 suspension of athletic trainers in accordance with this act and  
27 rules and regulations and as the board deems appropriate. The  
28 Athletic Trainer Advisory Committee shall consist of no more  
29 than three members who shall be certified athletic trainers and  
30 who shall receive reimbursement for actual traveling expenses

1 related to their service to the board and a per diem to be fixed  
2 from time to time by the Governor's Executive Board but not less  
3 than \$35 per day. Advisory committee members may be selected by  
4 the board from a list of qualified athletic trainers provided by  
5 the Pennsylvania Athletic Trainers Society. Members of the  
6 advisory committee shall serve for three years except that the  
7 initial committee membership shall be appointed to serve for  
8 staggered terms of one, two and three years respectively.

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

15 (1) Approved educational program standards.

16 (2) Education degree requirements for certification.

17 (3) Practical training experience requirements for  
18 certification.

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

22 Regulations promulgated pursuant to this section shall be  
23 formulated with the advice and consultation of the Athletic  
24 Trainer Advisory Committee.

25 (b) The board shall issue certification certificates to  
26 individuals seeking certification as athletic trainers after its  
27 review of a proper certification application presented on forms  
28 prescribed by the board which evidences the satisfaction of the  
29 standards promulgated by rules in accordance with the provisions  
30 in subsection (a) and further upon payment of an appropriate fee

1 to be set by the board after consultation with the commissioner.

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

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

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

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

19 \* \* \*

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

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

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

29 Section 9. There is hereby appropriated from the  
30 Professional Licensure Augmentation Account within the General

1 Fund to the Bureau of Professional and Occupational Affairs, in  
2 the Department of State, for the establishment and operations of  
3 the State Board of Physical Therapy Examiners pursuant to this  
4 act, the sum of \$10,000, or as much thereof as may be necessary.

5 Section 10. This act shall take effect three calendar months  
6 from the date of its enactment.