

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 480 Session of
1997

INTRODUCED BY LEH, DeWEESE, BELFANTI, D. W. SNYDER, ITKIN,
CHADWICK, E. Z. TAYLOR, TRELLO, CORNELL, JAMES, COY, CURRY,
CORRIGAN, VANCE, THOMAS, GEIST, BAKER, GORDNER, FICHTER,
BIRMELIN, FLICK, CLYMER, TIGUE, DEMPSEY, ZUG, FLEAGLE, KREBS,
ROHRER, HENNESSEY, STERN, B. SMITH, REBER, HERMAN, HERSHEY,
WAUGH, BROWN, SANTONI, ARMSTRONG, MARSICO, MARKOSEK, DALEY,
SEYFERT, BOSCOLA, JOSEPHS, STRITTMATTER, LAWLESS, KENNEY,
COWELL, M. COHEN, BOYES, SEMMEL, KELLER, BEBKO-JONES, NAILOR,
DeLUCA, ROONEY, FAIRCHILD, STEELMAN, HALUSKA, PRESTON,
KAISER, PESCI, READSHAW, LAUGHLIN, WOJNAROSKI, STURLA AND
TRAVAGLIO, FEBRUARY 12, 1997

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 12, 1997

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 a certificate of authorization to practice
4 physical therapy without the required referral; requiring
5 professional liability insurance coverage and continuing
6 education; and providing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9 of the act of October 10, 1975
10 (P.L.383, No.110), known as the Physical Therapy Practice Act,
11 amended April 4, 1984 (P.L.196, No.41), is amended to read:

12 Section 9. Practice [and Referrals by Physicians.--Any] of
13 Physical Therapy.--(a) Except as provided in subsection (b), no
14 person licensed under this act as a physical therapist shall
15 [not] treat human ailments by physical therapy or otherwise

except by the referral of a person licensed as a physician;
however, a physical therapist shall be permitted to accept the
referral of a 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
violating the provisions of this act shall be guilty of a
misdemeanor as described in section 12.

(b) Licensees who meet the standards set forth in this
subsection may apply to the board for a certificate of
authorization to practice physical therapy under this act
without the required referral under subsection (a). A
certificate of authorization to practice physical therapy
without a referral under subsection (a) shall not authorize a
physical therapist either to treat a condition in any person
which is a nonneurologic, nonmusculo or nonskeletal condition or
to treat a person who has an acute cardiac or acute pulmonary
condition unless the physical therapist has consulted with the
person's licensed physician, dentist or podiatrist regarding the
person's condition and the physical therapy treatment plan or
has referred the person to a licensed physician, dentist or
podiatrist for diagnosis and referral. The certificate of
authorization shall be issued only to licensed physical
therapists practicing physical therapy. The certificate of
authorization shall be displayed by the certificate holder in a
manner conspicuous to the public. The renewal of the certificate
of authorization shall coincide with the renewal of the license
of the licensee. Licensees making application for a certificate
of authorization shall present satisfactory evidence to the

1 board of all of the following:

2 (1) That the licensee has:

3 (i) passed an examination for licensure to practice physical
4 therapy, which examination included testing on the appropriate
5 evaluative procedures to treat a person without a referral; or
6 (ii) successfully completed a course approved by the board
7 on the appropriate evaluative procedures to treat a person
8 without a referral.

9 (2) That the licensee has:

10 (i) practiced physical therapy as a licensed physical
11 therapist in the delivery of patient care in accordance with
12 this act on a continuous basis for at least two years
13 immediately preceding the application for a certificate of
14 authorization;

15 (ii) been licensed under subsection (d.1) of section 6 and
16 has practiced physical therapy in the delivery of patient care
17 as a licensed physical therapist in a reciprocal state on a
18 continuous basis for at least two years immediately preceding
19 the application for a certificate of authorization; or

20 (iii) provided proof of meeting the standards of clause (i)
21 or (ii) of this paragraph through the application of any
22 combination thereof.

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

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

27 (i) Beginning with the first license renewal period at least
28 two years after the effective date of this subsection or upon
29 first making application for a certificate of authorization,
30 whichever occurs earlier, any licensee applying for and

1 obtaining a certificate of authorization shall obtain and
2 maintain, to the satisfaction of the board, professional
3 liability insurance coverage in the minimum amount of \$200,000
4 per occurrence and \$600,000 annual aggregate. The professional
5 liability insurance coverage shall remain in effect as long as
6 that licensee has a certificate of authorization.

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

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

22 (iv) The board shall adopt, by regulation, standards and
23 procedures established by the Insurance Commissioner for self-
24 insurance. In the absence of these standards and procedures, the
25 board, after consultation with the Insurance Commissioner, shall
26 establish standards and procedures by regulation for self-
27 insurance under this subsection.

28 (c) For each renewal of the certificate of authorization,
29 the licensee shall complete, within the immediately preceding
30 two-year period, at least 20 hours of continuing physical

1 therapy education related to keeping the certificate holder
2 apprised of advancements and new developments in the practice of
3 the physical therapy profession. At least ten of the 20 hours
4 shall be in appropriate evaluative procedures to treat a person
5 without a referral. The licensee shall provide the board with
6 evidence of the completion of the continuing education. The
7 requirements for continuing physical therapy education shall not
8 apply until the first renewal of the certificate of
9 authorization at least two years after the effective date of
10 this subsection. No credit shall be given for any course in
11 office management or practice building.

12 (d) A physical therapist practicing physical therapy under
13 this act shall refer patients to a licensed physician or other
14 appropriate health care practitioner in any of the following
15 cases:

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

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

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

22 (e) A physical therapist shall not treat a person without a
23 referral after 30 days from the date of the first treatment
24 unless the physical therapist has consulted with the person's
25 licensed physician, dentist or podiatrist regarding the person's
26 condition and the physical therapy treatment plan or has
27 referred the person to a licensed physician, dentist or
28 podiatrist for diagnosis and referral.

29 (f) Nothing in this section shall be construed to require or
30 preclude third-party insurance reimbursement.

1 Section 2. Section 11(a)(1) of the act, amended December 20,
2 1985 (P.L.500, No.117), is amended to read:

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

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

10 * * *

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