

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 495 Session of 1999

INTRODUCED BY LEH, DeWEESE, BELFANTI, GEIST, CHADWICK,
ARMSTRONG, BAKER, BEBKO-JONES, BOYES, BUNT, CLYMER, M. COHEN,
CORNELL, CORRIGAN, COY, CURRY, DALEY, DeLUCA, DEMPSEY,
EACHUS, FAIRCHILD, FICHTER, FLEAGLE, FLICK, FORCIER, GORDNER,
HABAY, HALUSKA, HANNA, HENNESSEY, HERMAN, HERSHEY, HESS,
HUTCHINSON, JAMES, JOSEPHS, KAISER, KELLER, KENNEY, KREBS,
LAUGHLIN, LAWLESS, MARKOSEK, MARSICO, McCALL, MUNDY, NAILOR,
PESCI, PETRARCA, PRESTON, RAMOS, READSHAW, ROBERTS, ROHRER,
ROONEY, SANTONI, SAYLOR, SCHRODER, SEMMEL, SEYFERT, B. SMITH,
SNYDER, STABACK, STEELMAN, STERN, STRITTMATTER, STURLA,
SURRA, E. Z. TAYLOR, TIGUE, TRAVAGLIO, TRELLO, VAN HORNE,
VANCE, VITALI, WILT, WOJNAROSKI, YEWIC, ZIMMERMAN, ZUG,
FRANKEL, FREEMAN, FEESE AND HARHAI, FEBRUARY 10, 1999

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 10, 1999

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

1 [not] treat human ailments by physical therapy or otherwise
2 except by the referral of a person licensed as a physician;
3 however, a physical therapist shall be permitted to accept the
4 referral of a dentist or podiatrist licensed, for the treatment
5 of a condition that is within the scope of practice of dentistry
6 or podiatry. Nothing in this act shall be construed as
7 authorization for a physical therapist to practice any branch of
8 the healing arts except as described in this act. Any person
9 violating the provisions of this act shall be guilty of a
10 misdemeanor as described in section 12.

11 (b) Licensees who meet the standards set forth in this
12 subsection may apply to the board for a certificate of
13 authorization to practice physical therapy under this act
14 without the required referral under subsection (a). A
15 certificate of authorization to practice physical therapy
16 without a referral under subsection (a) shall not authorize a
17 physical therapist either to treat a condition in any person
18 which is a nonneurologic, nonmusculo or nonskeletal condition or
19 to treat a person who has an acute cardiac or acute pulmonary
20 condition unless the physical therapist has consulted with the
21 person's licensed physician, dentist or podiatrist regarding the
22 person's condition and the physical therapy treatment plan or
23 has referred the person to a licensed physician, dentist or
24 podiatrist for diagnosis and referral. The certificate of
25 authorization shall be issued only to licensed physical
26 therapists practicing physical therapy. The certificate of
27 authorization shall be displayed by the certificate holder in a
28 manner conspicuous to the public. The renewal of the certificate
29 of authorization shall coincide with the renewal of the license
30 of the licensee. Licensees making application for a certificate

of authorization shall present satisfactory evidence to the
board of all of the following:

(1) That the licensee has:

(i) passed an examination for licensure to practice physical
therapy, which examination included testing on the appropriate
evaluative procedures to treat a person without a referral; or

(ii) successfully completed a course approved by the board
on the appropriate evaluative procedures to treat a person
without a referral.

(2) That the licensee has:

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

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

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

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

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

(i) Beginning with the first license renewal period at least
two years after the effective date of this subsection or upon
first making application for a certificate of authorization,

whichever occurs earlier, any licensee applying for and obtaining a certificate of authorization shall obtain and maintain, to the satisfaction of the board, professional liability insurance coverage in the minimum amount of \$200,000 per occurrence and \$600,000 annual aggregate. The professional liability insurance coverage shall remain in effect as long as that licensee has a certificate of authorization.

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

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

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

(c) For each renewal of the certificate of authorization, the licensee shall complete, within the immediately preceding

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

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

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

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

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

(e) A physical therapist shall not treat a person without a referral after 30 days from the date of the first treatment 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.

(f) Nothing in this section shall be construed to require or

1 preclude third-party insurance reimbursement.

2 Section 2. Section 11(a)(1) of the act, amended December 20,
3 1985 (P.L.500, No.117), is amended to read:

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

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

11 * * *

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