

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1199 Session of
2007

INTRODUCED BY THOMAS, STEIL, COHEN, CLYMER, BISHOP, CALTAGIRONE,
BENNINGHOFF, DALEY, CAPPELLI, DePASQUALE, CAUSER, GEORGE,
COX, HARHAI, DENLINGER, JAMES, ELLIS, JOSEPHS, GINGRICH,
KIRKLAND, HARHART, KULA, HENNESSEY, MELIO, HESS, MYERS,
HUTCHINSON, PALLONE, McILHATTAN, MILNE, SIPTROTH, MOUL,
YOUNGBLOOD, PICKETT, PYLE, QUIGLEY, RAPP, REED, ROHRER,
RUBLEY, SCAVELLO, SCHRODER, SONNEY, KILLION, HORNAMAN AND
HELM, MAY 1, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 12, 2007

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 further providing for ~~physical therapist assistants.~~ <—
4 DEFINITIONS, FOR STATE BOARD OF PHYSICAL THERAPY AND ITS <—
5 POWERS AND DUTIES, FOR TRAINING AND LICENSE REQUIRED AND
6 EXCEPTIONS, FOR APPLICATION FOR LICENSE, FOR QUALIFICATIONS
7 FOR LICENSE AND EXAMINATIONS, FOR RENEWAL OF LICENSE AND FOR
8 REPORTING OF MULTIPLE LICENSURE; PROVIDING FOR CONTINUING
9 EDUCATION; FURTHER PROVIDING FOR PRACTICE OF PHYSICAL
10 THERAPY, FOR PHYSICAL THERAPY ASSISTANT, EDUCATION AND
11 EXAMINATION, SCOPE OF DUTIES AND REGISTRATION AND FOR
12 SUPPORTIVE PERSONNEL; REPEALING PROVISIONS RELATING TO
13 ATHLETIC TRAINER ADVISORY COMMITTEE AND CERTIFICATION OF
14 ATHLETIC TRAINERS AND CERTIFICATION RENEWAL, REVOCATION AND
15 SUSPENSION; AND FURTHER PROVIDING FOR REFUSAL OR SUSPENSION
16 OR REVOCATION OF LICENSE, FOR AUTOMATIC SUSPENSION, FOR
17 TEMPORARY SUSPENSION, FOR SUBPOENAS, REPORTS AND SURRENDER OF
18 LICENSE, FOR PENALTIES AND INJUNCTIVE RELIEF AND FOR IMPAIRED
19 PROFESSIONAL.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 ~~Section 1. Section 9.1(c) of the act of October 10, 1975~~ <—
23 ~~(P.L.383, No.110), known as the Physical Therapy Practice Act,~~

1 ~~added December 20, 1985 (P.L.500, No.117), is amended to read:~~

2 ~~Section 9.1. Physical Therapist Assistant; Education and~~
3 ~~Examination; Scope of Duties; Registration. * * *~~

4 ~~(c) (1) A physical therapist assistant while assisting a~~
5 ~~licensed physical therapist in the practice of physical therapy~~
6 ~~shall only perform patient related physical therapy acts and~~
7 ~~services that are assigned or delegated by and under either:~~

8 ~~(i) the direct on premises supervision of a licensed~~
9 ~~physical therapist[.]; or~~

10 ~~(ii) the indirect supervision of a licensed physical~~
11 ~~therapist through 24 hour access to a licensed physical~~
12 ~~therapist. A licensed physical therapist may not provide~~
13 ~~indirect supervision of more than four physical therapist~~
14 ~~assistants at one time.~~

15 ~~(2) Such acts and services of a physical therapist assistant~~
16 ~~shall not include evaluation, testing, interpretation, planning~~
17 ~~or modification of patient programs.~~

18 ~~(3) For purposes of this section the term "direct on-~~
19 ~~premises supervision" shall mean the physical presence of a~~
20 ~~licensed physical therapist on the premises who is immediately~~
21 ~~available to exercise supervision, direction and control.~~

22 ~~* * *~~

23 ~~Section 2. This act shall take effect in 60 days.~~

24 SECTION 1. THE DEFINITIONS OF "ATHLETIC TRAINER," "ATHLETIC <—
25 TRAINER ADVISORY COMMITTEE," "PHYSICAL THERAPIST ASSISTANT" AND
26 "PHYSICAL THERAPY" IN SECTION 2 OF THE ACT OF OCTOBER 10, 1975
27 (P.L.383, NO.110), KNOWN AS THE PHYSICAL THERAPY PRACTICE ACT,
28 AMENDED APRIL 2, 2002 (P.L.234, NO.27), ARE AMENDED AND THE
29 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

30 SECTION 2. DEFINITIONS.--THE FOLLOWING DEFINITIONS SHALL

1 APPLY, WHEN USED IN THIS ACT, UNLESS OTHERWISE EXPRESSED
2 THEREIN:

3 ["ATHLETIC TRAINER" SHALL MEAN A PERSON CERTIFIED BY THE
4 STATE BOARD OF PHYSICAL THERAPY AS AN ATHLETIC TRAINER AFTER
5 MEETING THE REQUIREMENTS OF THIS ACT AND RULES AND REGULATIONS
6 PROMULGATED PURSUANT THERETO.

7 "ATHLETIC TRAINER ADVISORY COMMITTEE" SHALL MEAN THE
8 COMMITTEE CREATED BY SECTION 10.1 OF THIS ACT TO ADVISE THE
9 BOARD.]

10 * * *

11 "CERTIFIED REGISTERED NURSE PRACTITIONER" MEANS AN INDIVIDUAL
12 AS DEFINED IN SECTION 2 OF THE ACT OF MAY 22, 1951 (P.L.317,
13 NO.69), KNOWN AS "THE PROFESSIONAL NURSING LAW."

14 * * *

15 "CONSULTATION BY MEANS OF TELECOMMUNICATIONS" MEANS THAT A
16 PHYSICAL THERAPIST RENDERS A PROFESSIONAL OPINION OR ADVICE
17 REGARDING THE PRACTICE OF PHYSICAL THERAPY TO ANOTHER PHYSICAL
18 THERAPIST OR LICENSED HEALTH CARE PROVIDER VIA
19 TELECOMMUNICATIONS OR COMPUTER TECHNOLOGY FROM A DISTANT
20 LOCATION, SUBJECT TO SECTION 4(B.3)(5) AND CONSISTENT WITH
21 APPLICABLE HEALTH INFORMATION PRIVACY LAWS. IT INCLUDES THE
22 REVIEW OR TRANSFER OF PATIENT RECORDS OR RELATED INFORMATION BY
23 MEANS OF AUDIO, VIDEO OR DATA COMMUNICATION.

24 "DENTIST" MEANS AN INDIVIDUAL AS DEFINED IN 1 PA.C.S. § 1991
25 (RELATING TO DEFINITIONS).

26 "DIRECT ON-PREMISES SUPERVISION" MEANS THE PHYSICAL PRESENCE
27 OF A LICENSED PHYSICAL THERAPIST IN THE FACILITY WHO IS
28 IMMEDIATELY AVAILABLE TO EXERCISE SUPERVISION, DIRECTION AND
29 CONTROL.

30 "FACILITY" MEANS THE PHYSICAL PREMISES WHERE PHYSICAL THERAPY

SERVICES ARE BEING PROVIDED AND ALL ASSOCIATED LANDS AND
BUILDINGS WITHIN THE IMMEDIATE PROXIMITY.

* * *

"PHYSICAL THERAPIST ASSISTANT" SHALL MEAN [A PERSON] AN
INDIVIDUAL WHO HAS MET ALL THE REQUIREMENTS OF THIS ACT AND IS
[REGISTERED] CERTIFIED AS A PHYSICAL THERAPIST ASSISTANT IN
ACCORDANCE WITH THIS ACT.

"PHYSICAL THERAPY" MEANS [THE EVALUATION AND TREATMENT OF ANY
PERSON BY] EVALUATING, EXAMINING AND TESTING INDIVIDUALS WITH
MECHANICAL, PHYSIOLOGICAL AND DEVELOPMENTAL IMPAIRMENTS,
FUNCTIONAL LIMITATIONS AND DISABILITIES OR OTHER HEALTH-RELATED
AND MOVEMENT-RELATED CONDITIONS IN ORDER TO DETERMINE A
DIAGNOSIS, PROGNOSIS AND PLAN OF TREATMENT INTERVENTION WITHIN
THE SCOPE OF THIS ACT, AND TO ASSESS THE ONGOING EFFECTS OF
INTERVENTION. THE PRACTICE OF PHYSICAL THERAPY INCLUDES THE
PERFORMANCE OF TESTS AND MEASUREMENTS AS AN AID IN DIAGNOSIS OR
EVALUATION OF FUNCTION AND THE TREATMENT OF THE INDIVIDUAL
THROUGH THE UTILIZATION OF THE EFFECTIVE PROPERTIES OF PHYSICAL
MEASURES SUCH AS MECHANICAL STIMULATION, HEAT, COLD, LIGHT, AIR,
WATER, ELECTRICITY, SOUND, MASSAGE, [MOBILIZATION]
MOBILIZATION/MANUAL THERAPY AND THE USE OF THERAPEUTIC EXERCISES
AND REHABILITATIVE PROCEDURES INCLUDING TRAINING IN FUNCTIONAL
ACTIVITIES, WITH OR WITHOUT THE UTILIZATION OF ASSISTIVE
DEVICES, FOR THE PURPOSE OF LIMITING OR PREVENTING DISABILITY
AND ALLEVIATING OR CORRECTING ANY PHYSICAL OR MENTAL
CONDITIONS[, AND THE PERFORMANCE OF TESTS AND MEASUREMENTS AS AN
AID IN DIAGNOSIS OR EVALUATION OF FUNCTION]. THE PRACTICE OF
PHYSICAL THERAPY ALSO INCLUDES REDUCING THE RISK OF INJURY,
IMPAIRMENT, FUNCTIONAL LIMITATION AND DISABILITY, INCLUDING THE
PROMOTION AND MAINTENANCE OF FITNESS, HEALTH AND WELLNESS IN

1 POPULATIONS OF ALL AGES AS WELL AS ENGAGING IN ADMINISTRATION,
2 CONSULTATION, EDUCATION AND RESEARCH.

3 "PHYSICIAN ASSISTANT" MEANS AN INDIVIDUAL AS DEFINED IN THE
4 ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE
5 "OSTEOPATHIC MEDICAL PRACTICE ACT," OR THE ACT OF DECEMBER 20,
6 1985 (P.L.457, NO.112), KNOWN AS THE "MEDICAL PRACTICE ACT OF
7 1985."

8 "PODIATRIST" MEANS AN INDIVIDUAL LICENSED UNDER THE ACT OF
9 MARCH 2, 1956 (1955 P.L.1206, NO.375), KNOWN AS THE "PODIATRY
10 PRACTICE ACT."

11 SECTION 2. SECTION 2.1 OF THE ACT, AMENDED OR ADDED DECEMBER
12 20, 1985 (P.L.500, NO.117) AND FEBRUARY 21, 2002 (P.L.90, NO.6),
13 IS AMENDED TO READ:

14 SECTION 2.1. STATE BOARD OF PHYSICAL THERAPY.--(A) THE
15 BOARD SHALL CONSIST OF ELEVEN MEMBERS, ALL OF WHOM SHALL BE
16 RESIDENTS OF PENNSYLVANIA. SIX MEMBERS SHALL BE PHYSICAL
17 THERAPISTS [LICENSED] HOLDING AN ACTIVE LICENSE TO PRACTICE IN
18 THIS COMMONWEALTH, EACH HAVING HAD AT LEAST FIVE YEARS OF
19 EXPERIENCE AS A PHYSICAL THERAPIST, THREE YEARS OF WHICH MUST
20 HAVE IMMEDIATELY PRECEDED THE APPOINTMENT TO THE BOARD. ONE
21 MEMBER SHALL BE A PHYSICAL THERAPIST ASSISTANT [CURRENTLY
22 REGISTERED] HOLDING AN ACTIVE CERTIFICATE WITH THE BOARD [OR AN
23 ATHLETIC TRAINER CURRENTLY CERTIFIED BY THE BOARD]. TWO MEMBERS
24 SHALL BE REPRESENTATIVES OF THE PUBLIC. ONE MEMBER SHALL BE THE
25 COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS. ONE
26 MEMBER SHALL BE THE PHYSICIAN GENERAL OF THE COMMONWEALTH OR HIS
27 DESIGNEE. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE
28 GOVERNOR, WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE
29 MEMBERS ELECTED TO THE SENATE. THE BOARD SHALL MEET NO LESS THAN
30 FOUR TIMES PER CALENDAR YEAR.

1 (B) PROFESSIONAL AND PUBLIC MEMBERS [APPOINTED AFTER THE
2 EXPIRATION OF THE TERMS OF CURRENT BOARD MEMBERS SHALL SERVE THE
3 FOLLOWING TERMS: ONE PHYSICAL THERAPIST SHALL SERVE ONE YEAR;
4 ONE PHYSICAL THERAPIST SHALL SERVE TWO YEARS; ONE PHYSICAL
5 THERAPIST AND ONE PUBLIC MEMBER SHALL SERVE THREE YEARS; AND TWO
6 PHYSICAL THERAPISTS, ONE PHYSICAL THERAPIST ASSISTANT AND ONE
7 PUBLIC MEMBER SHALL SERVE FOUR YEARS. THEREAFTER, PROFESSIONAL
8 AND PUBLIC MEMBERS SHALL SERVE] OF THE BOARD SHALL SERVE
9 STAGGERED FOUR-YEAR TERMS. NO MEMBER MAY BE ELIGIBLE FOR
10 APPOINTMENT TO SERVE MORE THAN TWO CONSECUTIVE TERMS. A MEMBER
11 MAY CONTINUE TO SERVE FOR A PERIOD NOT TO EXCEED SIX MONTHS
12 BEYOND THE EXPIRATION OF HIS TERM, IF A SUCCESSOR HAS YET TO BE
13 DULY APPOINTED AND QUALIFIED ACCORDING TO LAW.

14 (C) THE BOARD SHALL SELECT, FROM AMONG THEIR NUMBER, A
15 CHAIRMAN, A VICE CHAIRMAN AND A SECRETARY.

16 (D) A MAJORITY OF THE MEMBERS OF THE BOARD SERVING IN
17 ACCORDANCE WITH LAW SHALL CONSTITUTE A QUORUM FOR PURPOSES OF
18 CONDUCTING THE BUSINESS OF THE BOARD. EXCEPT FOR TEMPORARY AND
19 AUTOMATIC SUSPENSIONS UNDER SECTIONS 11.1 AND 11.2, A MEMBER MAY
20 NOT BE COUNTED AS PART OF A QUORUM OR VOTE ON ANY ISSUE UNLESS
21 HE OR SHE IS PHYSICALLY IN ATTENDANCE AT THE MEETING.

22 (E) EACH PUBLIC AND PROFESSIONAL MEMBER OF THE BOARD SHALL
23 BE PAID REASONABLE TRAVELING, HOTEL AND OTHER NECESSARY EXPENSES
24 AND PER DIEM COMPENSATION AT THE RATE OF \$60 FOR EACH DAY OF
25 ACTUAL SERVICE WHILE ON BOARD BUSINESS.

26 (F) A MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE MEETINGS
27 SHALL FORFEIT HIS SEAT UNLESS THE COMMISSIONER OF PROFESSIONAL
28 AND OCCUPATIONAL AFFAIRS, UPON WRITTEN REQUEST FROM THE MEMBER,
29 FINDS THAT THE MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE
30 OF ILLNESS OR THE DEATH OF AN IMMEDIATE FAMILY MEMBER.

1 (G) IN THE EVENT THAT A MEMBER OF THE BOARD DIES OR RESIGNS
2 OR OTHERWISE BECOMES DISQUALIFIED DURING THE TERM OF OFFICE, A
3 SUCCESSOR SHALL BE APPOINTED IN THE SAME WAY AND WITH THE SAME
4 QUALIFICATIONS AS SET FORTH IN SUBSECTION (A) AND SHALL HOLD
5 OFFICE FOR THE UNEXPIRED TERM.

6 [(H) THE BOARD IS SUBJECT TO EVALUATION, REVIEW AND
7 TERMINATION WITHIN THE TIME AND IN THE MANNER PROVIDED IN THE
8 ACT OF DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN AS THE "SUNSET
9 ACT."]

10 (I) A PUBLIC MEMBER WHO FAILS TO ATTEND TWO CONSECUTIVE
11 STATUTORILY MANDATED SEMINARS IN ACCORDANCE WITH SECTION 813(E)
12 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
13 ADMINISTRATIVE CODE OF 1929," SHALL FORFEIT HIS OR HER SEAT
14 UNLESS THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
15 AFFAIRS, UPON WRITTEN REQUEST FROM THE PUBLIC MEMBER, FINDS THAT
16 THE PUBLIC MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE OF
17 ILLNESS OR THE DEATH OF A FAMILY MEMBER.

18 SECTION 3. SECTION 3 OF THE ACT, AMENDED DECEMBER 20, 1985
19 (P.L.500, NO.117), IS AMENDED TO READ:

20 SECTION 3. POWERS AND DUTIES OF BOARD.--(A) IT SHALL BE THE
21 DUTY OF THE BOARD TO PASS UPON THE QUALIFICATIONS OF APPLICANTS
22 FOR LICENSURE AS PHYSICAL THERAPISTS[, REGISTRATION] AND
23 CERTIFICATION AS PHYSICAL THERAPIST ASSISTANTS [AND
24 CERTIFICATION AS ATHLETIC TRAINERS], TO CONDUCT EXAMINATIONS, TO
25 ISSUE AND RENEW LICENSES AND CERTIFICATES OF AUTHORIZATION TO
26 PHYSICAL THERAPISTS[, REGISTRATIONS] AND CERTIFICATES TO
27 PHYSICAL THERAPIST ASSISTANTS [AND CERTIFICATIONS TO ATHLETIC
28 TRAINERS] WHO QUALIFY UNDER THIS ACT, AND IN PROPER CASES TO
29 REFUSE TO ISSUE, SUSPEND OR REVOKE THE LICENSE OR CERTIFICATE OF
30 AUTHORIZATION OF ANY PHYSICAL THERAPIST[, REGISTRATION] OR

1 CERTIFICATE OF ANY PHYSICAL THERAPIST ASSISTANT [OR
2 CERTIFICATION OF ANY ATHLETIC TRAINER]. THE BOARD MAY ADOPT
3 RULES AND REGULATIONS NOT INCONSISTENT WITH LAW AS IT MAY DEEM
4 NECESSARY FOR THE PERFORMANCE OF ITS DUTIES AND THE PROPER
5 ADMINISTRATION OF THIS LAW. THE BOARD IS AUTHORIZED AND
6 EMPOWERED TO APPOINT HEARING EXAMINERS AND TO CONDUCT
7 INVESTIGATIONS AND HEARINGS UPON CHARGES FOR DISCIPLINE OF A
8 LICENSEE[, REGISTRANT] OR CERTIFICATE HOLDER OR FOR VIOLATIONS
9 OF THIS ACT, AND TO CAUSE, THROUGH THE OFFICE OF THE ATTORNEY
10 GENERAL, THE PROSECUTION AND ENJOINER OF [PERSONS] INDIVIDUALS
11 VIOLATING THIS ACT. THE BOARD SHALL MAINTAIN A REGISTER LISTING
12 THE NAME OF EVERY LIVING PHYSICAL THERAPIST LICENSED TO PRACTICE
13 IN THIS STATE, AND EVERY PHYSICAL THERAPIST ASSISTANT DULY
14 [REGISTERED] CERTIFIED PURSUANT TO SECTION 9.1 [AND EVERY
15 ATHLETIC TRAINER CERTIFIED TO PRACTICE IN THIS STATE], SUCH
16 INDIVIDUAL'S LAST KNOWN PLACE OF [BUSINESS AND LAST KNOWN PLACE
17 OF] RESIDENCE, AND THE DATE AND NUMBER OF THE PHYSICAL
18 THERAPIST'S LICENSE [OR ATHLETIC TRAINER'S CERTIFICATION] AND
19 THE PHYSICAL THERAPIST ASSISTANT'S CERTIFICATE.

20 (B) THE BOARD SHALL SUBMIT ANNUALLY TO THE DEPARTMENT OF
21 STATE AND TO THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES,
22 WITHIN 15 DAYS OF THE DATE ON WHICH THE GOVERNOR HAS SUBMITTED
23 HIS BUDGET TO THE GENERAL ASSEMBLY, AN ESTIMATE OF THE FINANCIAL
24 REQUIREMENTS OF THE BOARD FOR ITS ADMINISTRATIVE, INVESTIGATIVE,
25 LEGAL AND MISCELLANEOUS EXPENSES.

26 (C) THE BOARD SHALL SUBMIT ANNUALLY A REPORT, TO THE
27 PROFESSIONAL LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES
28 AND TO THE CONSUMER PROTECTION AND PROFESSIONAL LICENSURE
29 COMMITTEE OF THE SENATE, CONTAINING A DESCRIPTION OF THE TYPES
30 OF COMPLAINTS RECEIVED, STATUS OF CASES, BOARD ACTION WHICH HAS

1 BEEN TAKEN AND THE LENGTH OF TIME FROM THE INITIAL COMPLAINT TO
2 FINAL BOARD RESOLUTION. THE BOARD SHALL REPORT FINAL ADVERSE
3 DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE TO A NATIONAL
4 DISCIPLINARY DATABASE RECOGNIZED BY THE BOARD AS REQUIRED BY
5 LAW. THE BOARD SHALL BE RESPONSIBLE FOR PROCESSING COMPLAINTS
6 ALLEGING A VIOLATION OF THE ACT IN ACCORDANCE WITH THE ACT OF
7 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
8 CODE OF 1929."

9 SECTION 4. SECTION 4 OF THE ACT, AMENDED APRIL 1984
10 (P.L.196, NO.41) AND DECEMBER 20, 1985 (P.L.500, NO.117), IS
11 AMENDED TO READ:

12 SECTION 4. TRAINING AND LICENSE REQUIRED; EXCEPTIONS.--(A)
13 IT SHALL BE UNLAWFUL FOR [ANY PERSON] AN INDIVIDUAL TO PRACTICE
14 OR HOLD HIMSELF OUT AS BEING ABLE TO PRACTICE PHYSICAL THERAPY
15 IN THIS STATE IN ANY MANNER WHATSOEVER UNLESS SUCH [PERSON]
16 INDIVIDUAL HAS MET THE EDUCATIONAL REQUIREMENTS AND IS LICENSED
17 IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT. THE BOARD SHALL
18 DETERMINE STANDARDS, BY REGULATIONS, REGARDING QUALIFICATIONS
19 NECESSARY FOR THE PERFORMANCE OF SUCH TESTS OR TREATMENT FORMS
20 AS THE BOARD SHALL DETERMINE REQUIRE ADDITIONAL TRAINING OR
21 EDUCATION BEYOND THE EDUCATIONAL REQUIREMENTS SET FORTH BY THIS
22 ACT, AS SUCH RELATES TO THE PRACTICE OF PHYSICAL THERAPY IN
23 ACCORDANCE WITH LAW. NOTHING IN THIS ACT, HOWEVER, SHALL
24 PROHIBIT [ANY PERSON] AN INDIVIDUAL TRAINED AND LICENSED OR
25 CERTIFIED TO PRACTICE OR TO ACT WITHIN THE SCOPE OF HIS LICENSE
26 OR CERTIFICATION IN THIS STATE UNDER ANY OTHER LAW, FROM
27 ENGAGING IN THE LICENSED OR CERTIFIED PRACTICE FOR WHICH HE IS
28 TRAINED.

29 [(B) THIS ACT SHALL NOT PROHIBIT STUDENTS WHO ARE ENROLLED
30 IN SCHOOLS OF PHYSICAL THERAPY APPROVED BY THE BOARD, FROM

1 PERFORMING ACTS OF PHYSICAL THERAPY AS IS INCIDENTAL TO THEIR
2 COURSE OF STUDY; NOR SHALL IT PREVENT ANY STUDENT IN ANY
3 EDUCATIONAL PROGRAM IN THE HEALING ARTS APPROVED OR ACCREDITED
4 UNDER THE LAWS OF PENNSYLVANIA IN CARRYING OUT PRESCRIBED
5 COURSES OF STUDY. NOTHING IN THIS ACT SHALL APPLY TO ANY PERSON
6 EMPLOYED BY AN AGENCY, BUREAU, OR DIVISION OF THE FEDERAL
7 GOVERNMENT WHILE IN THE DISCHARGE OF OFFICIAL DUTIES, HOWEVER,
8 IF SUCH INDIVIDUAL ENGAGES IN THE PRACTICE OF PHYSICAL THERAPY
9 OUTSIDE THE SCOPE OF OFFICIAL DUTY, SUCH INDIVIDUAL MUST MEET
10 THE EDUCATIONAL REQUIREMENTS AND BE LICENSED AS HEREIN PROVIDED.
11 THE PROVISIONS OF THIS ACT ARE NOT INTENDED TO LIMIT THE
12 ACTIVITIES OF PERSONS LEGITIMATELY ENGAGED IN THE NONTHERAPEUTIC
13 ADMINISTRATION OF BATHS, MASSAGE, AND NORMAL EXERCISE.]

14 (B.1) IT SHALL BE A VIOLATION OF THIS ACT FOR [ANY PERSON]
15 AN INDIVIDUAL OR BUSINESS ENTITY TO UTILIZE IN CONNECTION WITH A
16 BUSINESS NAME OR ACTIVITY THE WORDS "PHYSICAL THERAPY,"
17 "PHYSICAL THERAPIST," "PHYSIOTHERAPY," "PHYSIOTHERAPIST" OR
18 SIMILAR WORDS AND THEIR RELATED ABBREVIATIONS WHICH IMPLY
19 DIRECTLY OR INDIRECTLY THAT PHYSICAL THERAPY SERVICES ARE BEING
20 PROVIDED, INCLUDING THE BILLING OF PHYSICAL THERAPY SERVICES,
21 UNLESS SUCH SERVICES ARE PROVIDED BY A LICENSED PHYSICAL
22 THERAPIST IN ACCORDANCE WITH THIS ACT: PROVIDED, HOWEVER, THAT
23 NOTHING IN THIS SECTION SHALL LIMIT A PHYSICIAN'S AUTHORITY TO
24 PRACTICE MEDICINE OR TO BILL FOR SUCH PRACTICE NOR LIMIT A
25 CHIROPRACTOR'S AUTHORITY TO PRACTICE CHIROPRACTIC OR TO BILL FOR
26 SUCH PRACTICE.

27 (B.2) NOTHING IN THIS ACT SHALL LIMIT A PHYSICIAN'S
28 AUTHORITY TO PRACTICE MEDICINE OR TO DELEGATE THE PERFORMANCE OF
29 A MEDICAL SERVICE TO A CERTIFIED PHYSICAL THERAPIST ASSISTANT
30 WHO IS UNDER THE SUPERVISION OF A LICENSED PHYSICAL THERAPIST,

1 IF THE MEDICAL SERVICE IS WITHIN THE EDUCATION AND TRAINING FOR
2 THE PHYSICAL THERAPIST ASSISTANT AND PROVIDED THAT THE LICENSED
3 PHYSICAL THERAPIST PROVIDES THE INITIAL EVALUATION FOR THE
4 PHYSICAL THERAPY.

5 (B.3) THIS ACT SHALL NOT PROHIBIT THE FOLLOWING ACTIVITIES
6 BY THE FOLLOWING INDIVIDUALS:

7 (1) A STUDENT WHO IS ENROLLED IN A BOARD-APPROVED SCHOOL OF
8 PHYSICAL THERAPY FROM PERFORMING ACTS OF PHYSICAL THERAPY AS IS
9 INCIDENTAL TO THE STUDENT'S COURSE OF STUDY.

10 (2) AN INDIVIDUAL ENGAGED IN THE NONTHERAPEUTIC
11 ADMINISTRATION OF BATHS, MASSAGE AND NORMAL EXERCISE FROM SUCH
12 ADMINISTRATION.

13 (3) A PHYSICAL THERAPIST WHO IS LICENSED WITHOUT RESTRICTION
14 IN A JURISDICTION OF THE UNITED STATES OR CREDENTIALLED IN
15 ANOTHER COUNTRY, IF THAT INDIVIDUAL BY CONTRACT OR EMPLOYMENT IS
16 PROVIDING PHYSICAL THERAPY TO INDIVIDUALS AFFILIATED WITH OR
17 EMPLOYED BY ESTABLISHED ATHLETIC TEAMS, ATHLETIC ORGANIZATIONS
18 OR PERFORMING ARTS COMPANIES TEMPORARILY PRACTICING, COMPETING
19 OR PERFORMING IN THIS COMMONWEALTH FOR MORE THAN 60 DAYS WITHIN
20 A CONSECUTIVE 12-MONTH PERIOD.

21 (4) A PHYSICAL THERAPIST WHO IS LICENSED WITHOUT RESTRICTION
22 IN A JURISDICTION OF THE UNITED STATES AND WHO ENTERS THIS
23 COMMONWEALTH TO PROVIDE PHYSICAL THERAPY DURING A DECLARED
24 LOCAL, STATE OR NATIONAL DISASTER OR EMERGENCY. THIS EXEMPTION
25 APPLIES FOR NO MORE THAN 60 DAYS WITHIN A CONSECUTIVE 12-MONTH
26 PERIOD FOLLOWING THE DECLARATION OF THE EMERGENCY. IN ORDER TO
27 BE ELIGIBLE FOR THIS EXEMPTION, THE PHYSICAL THERAPIST SHALL
28 NOTIFY THE BOARD OF THEIR INTENT TO PRACTICE.

29 (5) A PHYSICAL THERAPIST WHO HOLDS AN ACTIVE LICENSE IN
30 ANOTHER JURISDICTION OF THE UNITED STATES IF THAT INDIVIDUAL IS

1 PROVIDING CONSULTATION FOR NO FEE BY MEANS OF TELECOMMUNICATION,
2 AS DEFINED IN SECTION 2, TO A PHYSICAL THERAPIST LICENSED UNDER
3 THIS ACT.

4 (6) AN INDIVIDUAL EMPLOYED BY AN AGENCY, BUREAU OR DIVISION
5 OF THE FEDERAL GOVERNMENT WHILE IN THE DISCHARGE OF OFFICIAL
6 DUTIES IS NOT SUBJECT TO THIS ACT. HOWEVER, IF THE INDIVIDUAL
7 ENGAGES IN THE PRACTICE OF PHYSICAL THERAPY OUTSIDE THE SCOPE OF
8 OFFICIAL DUTY, THE INDIVIDUAL MUST MEET THE EDUCATIONAL
9 REQUIREMENTS AND BE LICENSED OR CERTIFIED AS PROVIDED IN THIS
10 ACT.

11 (C) THE PRACTICE OF PHYSICAL THERAPY SHALL NOT INCLUDE THE
12 PRACTICE OF CHIROPRACTIC AS DEFINED BY THE ACT OF [AUGUST 10,
13 1951 (P.L.1182, NO.264), KNOWN AS THE "CHIROPRACTIC REGISTRATION
14 ACT OF 1951."] DECEMBER 16, 1986 (P.L.1646, NO.188), KNOWN AS
15 THE "CHIROPRACTIC PRACTICE ACT."

16 (D) A PHYSICAL THERAPIST ASSISTANT WHO IS CERTIFIED OR
17 LICENSED IN A JURISDICTION OF THE UNITED STATES AND IS ASSISTING
18 A PHYSICAL THERAPIST ENGAGED SPECIFICALLY IN ACTIVITIES RELATED
19 TO SUBSECTION (B.3)(3) AND (4) IS EXEMPT FROM THE REQUIREMENT OF
20 CERTIFICATION UNDER THIS ACT FOR NO MORE THAN 60 DAYS WITHIN A
21 CONSECUTIVE 12-MONTH PERIOD.

22 SECTION 5. SECTION 5 OF THE ACT, AMENDED APRIL 4, 1984
23 (P.L.196, NO.41), IS AMENDED TO READ:

24 SECTION 5. APPLICATION FOR LICENSE.--UNLESS ENTITLED TO
25 LICENSURE WITHOUT EXAMINATION UNDER THE PROVISIONS OF SECTION 6,
26 [A PERSON] AN INDIVIDUAL WHO DESIRES AND APPLIES TO BE LICENSED
27 AS A PHYSICAL THERAPIST SHALL APPLY TO THE BOARD [IN WRITING, ON
28 FORMS] ON A FORM FURNISHED BY THE BOARD, AND SUCH APPLICATION
29 [BLANKS] SHALL EMBODY EVIDENCE SATISFACTORY TO THE BOARD OF THE
30 APPLICANT'S POSSESSING THE QUALIFICATIONS PRELIMINARY TO

1 EXAMINATION REQUIRED BY THIS ACT. AT THE TIME OF FORWARDING SUCH
2 APPLICATION TO THE BOARD, AN APPLICANT FOR LICENSURE AS A
3 PHYSICAL THERAPIST SHALL PAY A FEE AS SET BY REGULATION.

4 SECTION 6. SECTIONS 6, 7 AND 7.1 OF THE ACT, AMENDED OR
5 ADDED DECEMBER 20, 1985 (P.L.500, NO.117) 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. [BY THE TIME OF
18 COMPLETION OF] AN APPLICANT COMPLETING THE PROFESSIONAL STUDY OF
19 PHYSICAL THERAPY[, A PHYSICAL THERAPIST] AFTER 2002 MUST HOLD A
20 MINIMUM OF A MASTER'S DEGREE FROM A REGIONALLY ACCREDITED
21 INSTITUTION OF HIGHER EDUCATION. AN APPLICANT COMPLETING THE
22 PROFESSIONAL STUDY OF PHYSICAL THERAPY BETWEEN JANUARY 1967 AND
23 2002 MUST HOLD A MINIMUM OF A BACCALAUREATE DEGREE FROM A
24 REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION. IN THE
25 CASE OF THOSE APPLICANTS WHO HAVE COMPLETED REQUIREMENTS PRIOR
26 TO THE FIRST DAY OF JANUARY, 1967, BUT WHO MAY NOT TECHNICALLY
27 OR TOTALLY FULFILL THE ABOVE REQUIREMENTS, THE BOARD AT ITS
28 DISCRETION AND BY THE MAJORITY VOTE OF ALL MEMBERS PRESENT MAY
29 ACCEPT EVIDENCE OF SATISFACTORY EQUIVALENCE. THE BOARD SHALL NOT
30 ISSUE A LICENSE TO AN APPLICANT WHO HAS BEEN CONVICTED OF A

FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," UNLESS:

(1) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF CONVICTION;

(2) THE APPLICANT SATISFACTORILY DEMONSTRATES TO THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION SUCH THAT LICENSURE OF THE APPLICANT SHOULD NOT BE EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND SAFETY OF PATIENTS OR THE PUBLIC OR A SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

(3) THE APPLICANT OTHERWISE SATISFIES THE QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS ACT.

AS USED IN THIS SUBSECTION THE TERM "CONVICTED" INCLUDES A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE.

(B) AN APPLICANT FOR LICENSURE MUST PASS [A WRITTEN] AN EXAMINATION APPROVED BY THE BOARD WHICH SHALL TEST THE APPLICANT'S KNOWLEDGE OF THE BASIC AND CLINICAL SCIENCES AS THEY RELATE TO PHYSICAL THERAPY THEORY AND PHYSICAL THERAPY PROCEDURES AND SUCH OTHER SUBJECTS AS THE BOARD MAY DEEM NECESSARY TO TEST THE APPLICANT'S FITNESS TO PRACTICE PHYSICAL THERAPY. NO LICENSE SHALL BE GRANTED UNLESS AN APPLICANT HAS ATTAINED PASSING SCORES ESTABLISHED BY THE TESTING AGENCY AND PUBLISHED PRIOR TO THE ADMINISTRATION OF THE EXAMINATION. THE EXAMINATION SHALL BE HELD [WITHIN THE COMMONWEALTH OF PENNSYLVANIA TWICE A YEAR] AT SUCH TIME AND PLACE AS THE BOARD SHALL DETERMINE.

(C) IN CASE OF FAILURE AT THE FIRST EXAMINATION, THE

1 APPLICANT FOR LICENSURE SHALL HAVE, AFTER THE EXPIRATION OF [SIX
2 MONTHS] 60 DAYS AND WITHIN [TWO YEARS] ONE YEAR FROM THE FIRST
3 FAILURE, THE PRIVILEGE OF A SECOND EXAMINATION. THE BOARD MAY
4 ADOPT REGULATIONS GOVERNING THE ELIGIBILITY OF APPLICANTS WHO
5 HAVE FAILED TO PASS TWO EXAMINATIONS IN ORDER TO BE ADMITTED TO
6 SUBSEQUENT EXAMINATIONS. AN APPLICANT MAY TAKE THE EXAMINATION
7 NO MORE THAN THREE TIMES IN A CONSECUTIVE 12-MONTH PERIOD.

8 (D) AN APPLICANT FOR LICENSURE SHALL TAKE THE APPLICANT'S
9 FIRST EXAMINATION WITHIN ONE YEAR OF GRADUATION FROM AN
10 EDUCATIONAL PROGRAM IN PHYSICAL THERAPY, UNLESS THE TIME LIMIT
11 IS EXTENDED FOR AN APPLICANT BY BOARD ACTION FOR GOOD CAUSE.

12 (D.1) THE BOARD MAY GRANT LICENSES AND [REGISTRATIONS]
13 CERTIFICATIONS WITHOUT FURTHER EXAMINATION TO INDIVIDUALS FROM
14 ANOTHER STATE, TERRITORY OR THE DISTRICT OF COLUMBIA IF THE
15 FOLLOWING CONDITIONS EXIST:

16 (1) LICENSING OR [REGISTRATION] CERTIFICATION STANDARDS IN
17 THE OTHER STATE, TERRITORY OR THE DISTRICT OF COLUMBIA ARE
18 SUBSTANTIALLY THE SAME AS THOSE OF THIS ACT.

19 (2) SIMILAR PRIVILEGES ARE ACCORDED [PERSONS] INDIVIDUALS
20 LICENSED OR [REGISTERED] CERTIFIED IN THIS COMMONWEALTH.

21 (3) THE APPLICANT HOLDS A VALID LICENSE [OR REGISTRATION],
22 REGISTRATION OR CERTIFICATION ISSUED BY THE OTHER STATE,
23 TERRITORY OR THE DISTRICT OF COLUMBIA.

24 (4) THE APPLICANT COMPLIES WITH THE RULES AND REGULATIONS OF
25 THE BOARD.

26 (E) THE BOARD SHALL ISSUE A LICENSE TO A PHYSICAL THERAPIST
27 WHO SUCCESSFULLY ESTABLISHES HIS ELIGIBILITY UNDER THE TERMS OF
28 THIS ACT AND [ANY PERSON] AN INDIVIDUAL WHO HOLDS A LICENSE
29 PURSUANT TO THIS SECTION MAY USE THE WORDS PHYSICAL THERAPIST OR
30 LICENSED PHYSICAL THERAPIST AND HE [MAY] SHALL USE THE LETTERS

1 [LPT] PT IN CONNECTION WITH HIS NAME OR PLACE OF BUSINESS TO
2 DENOTE HIS LICENSURE HEREUNDER. A LICENSED PHYSICAL THERAPIST
3 MAY INCLUDE DESIGNATIONS FOR PHYSICAL THERAPY DEGREES, INCLUDING
4 DPT WHEN A DOCTOR OF PHYSICAL THERAPY DEGREE HAS BEEN EARNED
5 FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION,
6 ACADEMIC DEGREES, SPECIALIST CERTIFICATION AND OTHER CREDENTIALS
7 AFTER THE LETTERS PT.

8 (F) [FOREIGN TRAINED PHYSICAL THERAPISTS WHO DESIRE AND
9 APPLY TO BE LICENSED AS A PHYSICAL THERAPIST BY THE BOARD SHALL,
10 BEFORE EXAMINATION, FURNISH PROOF AS TO AGE, MORAL CHARACTER,
11 AND NO ADDICTION TO THE USE OF ALCOHOL OR NARCOTICS OR OTHER
12 HABIT-FORMING DRUGS, AND SHALL PRESENT PROOF INDICATING THE
13 COMPLETION OF EDUCATIONAL REQUIREMENTS SUBSTANTIALLY EQUAL TO
14 THOSE IN SUBSECTION (A). IN ADDITION THERETO] AT THE BOARD'S
15 DISCRETION, THE FOREIGN TRAINED APPLICANT MUST COMPLETE[, AT THE
16 BOARD'S DISCRETION,] UP TO ONE YEAR OF SUPERVISED CLINICAL
17 EXPERIENCE AS PRESCRIBED BY THE BOARD PRIOR TO TAKING THE
18 EXAMINATION FOR LICENSURE.

19 (G) UPON THE SUBMISSION OF [A WRITTEN APPLICATION, ON FORMS
20 PROVIDED BY IT] AN APPLICATION AS PROVIDED BY THE BOARD, THE
21 BOARD SHALL ISSUE A TEMPORARY LICENSE TO AN APPLICANT FOR
22 LICENSURE WHO HAS MET ALL OF THE REQUIREMENTS OF SUBSECTION (A)
23 AND WHO IS ELIGIBLE TO TAKE THE EXAMINATION PROVIDED FOR IN
24 SUBSECTION (B). THE BOARD SHALL ISSUE ONLY ONE TEMPORARY LICENSE
25 TO AN APPLICANT, AND SUCH TEMPORARY LICENSE SHALL EXPIRE UPON
26 FAILURE OF THE FIRST EXAMINATION OR SIX MONTHS AFTER THE DATE OF
27 ISSUE, WHICHEVER FIRST OCCURS. ISSUANCE BY THE BOARD OF A
28 TEMPORARY LICENSE SHALL PERMIT THE APPLICANT TO PRACTICE
29 PHYSICAL THERAPY ONLY WHILE UNDER THE DIRECT ON-PREMISES
30 SUPERVISION OF A LICENSED PHYSICAL THERAPIST WITH AT LEAST TWO

1 YEARS OF EXPERIENCE. UPON EXPIRATION, THE TEMPORARY LICENSE
2 SHALL BE PROMPTLY RETURNED BY THE APPLICANT TO THE BOARD.

3 (H) ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A FALSE
4 STATEMENT OF FACT IN ANY APPLICATION SHALL BE SUBJECT TO
5 PROSECUTION FOR PERJURY.

6 (I) AN APPLICANT FOR LICENSURE WHO HAS BEEN EDUCATED OUTSIDE
7 OF THE UNITED STATES SHALL:

8 (1) COMPLETE THE APPLICATION PROCESS, INCLUDING PAYMENT OF
9 FEES.

10 (2) PROVIDE SATISFACTORY EVIDENCE THAT THE APPLICANT'S
11 EDUCATION IS SUBSTANTIALLY EQUIVALENT TO THE EDUCATION OF
12 PHYSICAL THERAPISTS EDUCATED IN AN ACCREDITED ENTRY-LEVEL
13 PROGRAM AS DETERMINED BY THE BOARD. GRADUATION OUTSIDE THE
14 UNITED STATES FROM A PROFESSIONAL EDUCATION PROGRAM ACCREDITED
15 BY THE SAME ACCREDITING AGENCY THAT THE BOARD APPROVES FOR
16 PROGRAMS WITHIN THE UNITED STATES CONSTITUTES EVIDENCE OF
17 SUBSTANTIAL EQUIVALENCY. IN ALL OTHER INSTANCES, "SUBSTANTIALLY
18 EQUIVALENT" MEANS THAT AN APPLICANT FOR LICENSURE EDUCATED
19 OUTSIDE THE UNITED STATES SHALL HAVE:

20 (I) GRADUATED FROM A PHYSICAL THERAPIST EDUCATION PROGRAM
21 THAT PREPARES THE APPLICANT TO ENGAGE WITHOUT RESTRICTION IN THE
22 PRACTICE OF PHYSICAL THERAPY.

23 (II) PROVIDED WRITTEN PROOF THAT THE APPLICANT'S SCHOOL OF
24 PHYSICAL THERAPY IS RECOGNIZED BY ITS OWN MINISTRY OF EDUCATION.

25 (III) UNDERGONE A CREDENTIALS EVALUATION AS DIRECTED BY THE
26 BOARD THAT DETERMINES THAT THE CANDIDATE HAS MET UNIFORM
27 CRITERIA FOR EDUCATION REQUIREMENTS AS FURTHER ESTABLISHED BY
28 THIS RULE.

29 (IV) COMPLETED ANY ADDITIONAL EDUCATION AS REQUIRED BY THE
30 BOARD.

1 (3) COMPLY WITH ALL STATE, FEDERAL AND ADMINISTRATIVE LAWS
2 AND REGULATIONS RELATED TO THE APPLICATION FOR AND MAINTENANCE
3 OF LICENSURE.

4 (4) PASS THE EXAMINATION APPROVED BY THE BOARD.

5 (5) MEET THE REQUIREMENTS ESTABLISHED BY BOARD REGULATIONS
6 IF APPLICABLE.

7 (K) EACH LICENSEE AND CERTIFICATE HOLDER SHALL DISPLAY A
8 COPY OF THE LICENSEE'S LICENSE OR CERTIFICATE HOLDER'S
9 CERTIFICATE IN A LOCATION ACCESSIBLE TO PUBLIC VIEW AND PRODUCE
10 A COPY IMMEDIATELY UPON REQUEST.

11 SECTION 7. RENEWAL OF LICENSE.--EACH LICENSE ISSUED UNDER
12 THE PROVISIONS OF THIS ACT SHALL BE RENEWED BIENNIALY. ON OR
13 BEFORE NOVEMBER 1 OF EACH RENEWAL YEAR, THE BOARD SHALL MAIL AN
14 APPLICATION FOR RENEWAL OF LICENSE TO EACH [PERSON] INDIVIDUAL
15 TO WHOM A LICENSE WAS ISSUED OR RENEWED DURING THE CURRENT
16 LICENSING PERIOD, WHICH APPLICATION SHALL BE MAILED TO THE MOST
17 RECENT ADDRESS OF SAID [PERSON] INDIVIDUAL AS IT APPEARS ON THE
18 RECORDS OF THE BOARD. SUCH [PERSON] INDIVIDUAL SHALL COMPLETE
19 THE RENEWAL APPLICATION AND [RETURN] SUBMIT IT TO THE BOARD WITH
20 A RENEWAL FEE BEFORE DECEMBER 31 OF THE YEAR IN WHICH SAID
21 APPLICATION WAS RECEIVED. UPON RECEIPT OF ANY SUCH APPLICATION
22 AND FEE, THE BOARD SHALL VERIFY THE ACCURACY OF SUCH APPLICATION
23 AND ISSUE TO THE APPLICANT A CERTIFICATE OF RENEWAL OF LICENSE
24 FOR THE NEXT LICENSING PERIOD AS DESCRIBED ABOVE. THE RENEWAL
25 FEE FOR EACH LICENSING PERIOD SHALL BE SET BY REGULATION.

26 SECTION 7.1. REPORTING OF MULTIPLE LICENSURE.--ANY LICENSED
27 PHYSICAL THERAPIST OR [REGISTERED] CERTIFIED PHYSICAL THERAPIST
28 ASSISTANT OF THIS COMMONWEALTH WHO IS ALSO LICENSED TO PRACTICE
29 PHYSICAL THERAPY OR [REGISTERED] CERTIFIED AS A PHYSICAL
30 THERAPIST ASSISTANT IN ANY OTHER STATE, TERRITORY OR COUNTRY

1 SHALL REPORT THIS INFORMATION TO THE BOARD ON THE BIENNIAL
2 REGISTRATION APPLICATION. ANY DISCIPLINARY ACTION TAKEN IN SUCH
3 OTHER JURISDICTION SHALL BE REPORTED TO THE BOARD ON THE
4 BIENNIAL REGISTRATION APPLICATION, OR WITHIN [90] 30 DAYS OF
5 FINAL DISPOSITION, WHICHEVER OCCURS SOONER. MULTIPLE LICENSURE
6 OR [REGISTRATION] CERTIFICATION SHALL BE NOTED BY THE BOARD ON
7 THE PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT'S RECORD,
8 AND SUCH STATE, TERRITORY OR COUNTRY SHALL BE NOTIFIED BY THE
9 BOARD OF ANY DISCIPLINARY ACTIONS TAKEN AGAINST SAID PHYSICAL
10 THERAPIST OR PHYSICAL THERAPIST ASSISTANT IN THIS COMMONWEALTH.

11 SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

12 SECTION 7.2. CONTINUING EDUCATION.--FOR EACH LICENSE
13 RENEWAL, A LICENSEE SHALL COMPLETE WITHIN THE IMMEDIATELY
14 PRECEDING TWO-YEAR PERIOD AT LEAST 30 HOURS OF CONTINUING
15 PHYSICAL THERAPY EDUCATION AS APPROVED BY THE BOARD. THE
16 LICENSEE SHALL PROVIDE THE BOARD WITH EVIDENCE OF THE COMPLETION
17 OF THE CONTINUING EDUCATION. A PHYSICAL THERAPIST WHO HAS MET
18 THE CONTINUING EDUCATION REQUIREMENTS FOR A CERTIFICATE OF
19 AUTHORIZATION SET FORTH IN SECTION 9(C)(1) SHALL BE DEEMED TO
20 HAVE MET THE CONTINUING EDUCATION REQUIREMENT FOR LICENSE
21 RENEWAL. NO CREDIT SHALL BE GIVEN FOR ANY COURSE IN OFFICE
22 MANAGEMENT OR PRACTICE BUILDING.

23 SECTION 8. SECTION 9 OF THE ACT, AMENDED FEBRUARY 21, 2002
24 (P.L.90, NO.6), IS AMENDED TO READ:

25 SECTION 9. PRACTICE OF PHYSICAL THERAPY.--(A) EXCEPT AS
26 PROVIDED IN SUBSECTION (B), NO [PERSON] INDIVIDUAL LICENSED
27 UNDER THIS ACT AS A PHYSICAL THERAPIST SHALL TREAT HUMAN
28 AILMENTS BY PHYSICAL THERAPY OR OTHERWISE EXCEPT BY THE REFERRAL
29 OF [A PERSON] AN INDIVIDUAL LICENSED AS A PHYSICIAN, A LICENSED
30 PHYSICIAN ASSISTANT PRACTICING PURSUANT TO A WRITTEN AGREEMENT

1 WITH A PHYSICIAN, OR A CERTIFIED REGISTERED NURSE PRACTITIONER
2 PRACTICING PURSUANT TO A COLLABORATIVE AGREEMENT WITH A
3 PHYSICIAN; HOWEVER, A PHYSICAL THERAPIST SHALL BE PERMITTED TO
4 ACCEPT THE REFERRAL OF A LICENSED DENTIST OR PODIATRIST
5 [LICENSED], FOR THE TREATMENT OF A CONDITION THAT IS WITHIN THE
6 SCOPE OF PRACTICE OF DENTISTRY OR PODIATRY. NOTHING IN THIS ACT
7 SHALL BE CONSTRUED AS AUTHORIZATION FOR A PHYSICAL THERAPIST TO
8 PRACTICE ANY BRANCH OF THE HEALING ARTS EXCEPT AS DESCRIBED IN
9 THIS ACT. [ANY PERSON] AN INDIVIDUAL VIOLATING THE PROVISIONS OF
10 THIS ACT SHALL BE GUILTY OF A MISDEMEANOR AS DESCRIBED IN
11 SECTION 12. FOR PURPOSES OF THIS SECTION, RELATING TO REFERRALS,
12 A LICENSED PHYSICIAN, DENTIST OR PODIATRIST MEANS AN INDIVIDUAL
13 HOLDING AN ACTIVE LICENSE IN THIS COMMONWEALTH, THE DISTRICT OF
14 COLUMBIA OR ANY OTHER STATE OR UNITED STATES TERRITORY.

15 (B) LICENSEES WHO MEET THE STANDARDS SET FORTH IN THIS
16 SUBSECTION MAY APPLY TO THE BOARD FOR A CERTIFICATE OF
17 AUTHORIZATION TO PRACTICE PHYSICAL THERAPY UNDER THIS ACT
18 WITHOUT THE REQUIRED REFERRAL UNDER SUBSECTION (A). A
19 CERTIFICATE OF AUTHORIZATION TO PRACTICE PHYSICAL THERAPY
20 WITHOUT A REFERRAL UNDER SUBSECTION (A) SHALL NOT AUTHORIZE A
21 PHYSICAL THERAPIST EITHER TO TREAT A CONDITION IN [ANY PERSON]
22 AN INDIVIDUAL WHICH IS A NONNEUROLOGIC, NONMUSCULAR OR
23 NONSKELETAL CONDITION OR TO TREAT [A PERSON] AN INDIVIDUAL WHO
24 HAS AN ACUTE CARDIAC OR ACUTE PULMONARY CONDITION UNLESS THE
25 PHYSICAL THERAPIST HAS CONSULTED WITH THE [PERSON'S]
26 INDIVIDUAL'S LICENSED PHYSICIAN, DENTIST OR PODIATRIST REGARDING
27 THE [PERSON'S] INDIVIDUAL'S CONDITION AND THE PHYSICAL THERAPY
28 TREATMENT PLAN OR HAS REFERRED THE [PERSON] INDIVIDUAL TO A
29 LICENSED PHYSICIAN, DENTIST OR PODIATRIST FOR DIAGNOSIS AND
30 REFERRAL. THE CERTIFICATE OF AUTHORIZATION SHALL BE ISSUED ONLY

1 TO LICENSED PHYSICAL THERAPISTS PRACTICING PHYSICAL THERAPY. THE
2 CERTIFICATE OF AUTHORIZATION SHALL BE DISPLAYED BY THE
3 CERTIFICATE HOLDER IN A MANNER CONSPICUOUS TO THE PUBLIC. THE
4 RENEWAL OF THE CERTIFICATE OF AUTHORIZATION SHALL COINCIDE WITH
5 THE RENEWAL OF THE LICENSE OF THE LICENSEE. LICENSEES MAKING
6 APPLICATION FOR A CERTIFICATE OF AUTHORIZATION SHALL PRESENT
7 SATISFACTORY EVIDENCE TO THE BOARD OF ALL OF THE FOLLOWING:

8 (1) THAT THE LICENSEE HAS:

9 (I) PASSED AN EXAMINATION FOR LICENSURE TO PRACTICE PHYSICAL
10 THERAPY, WHICH EXAMINATION INCLUDED TESTING ON THE APPROPRIATE
11 EVALUATIVE PROCEDURES TO TREAT [A PERSON] AN INDIVIDUAL WITHOUT
12 A REFERRAL; OR

13 (II) PASSED AN EXAMINATION FOR LICENSURE TO PRACTICE
14 PHYSICAL THERAPY PRIOR TO 1990 AND SUCCESSFULLY COMPLETED A
15 COURSE APPROVED BY THE BOARD ON THE APPROPRIATE EVALUATIVE
16 PROCEDURES TO TREAT [A PERSON] AN INDIVIDUAL WITHOUT A REFERRAL.

17 (2) THAT THE LICENSEE HAS:

18 (I) PRACTICED PHYSICAL THERAPY AS A LICENSED PHYSICAL
19 THERAPIST IN THE DELIVERY OF PATIENT CARE IN ACCORDANCE WITH
20 THIS ACT ON A CONTINUOUS BASIS FOR AT LEAST TWO YEARS
21 IMMEDIATELY PRECEDING THE APPLICATION FOR A CERTIFICATE OF
22 AUTHORIZATION;

23 (II) BEEN LICENSED UNDER SECTION 6(D.1) AND HAS PRACTICED
24 PHYSICAL THERAPY IN THE DELIVERY OF PATIENT CARE AS A LICENSED
25 PHYSICAL THERAPIST IN A RECIPROCAL STATE ON A CONTINUOUS BASIS
26 FOR AT LEAST TWO YEARS IMMEDIATELY PRECEDING THE APPLICATION FOR
27 A CERTIFICATE OF AUTHORIZATION; OR

28 (III) PROVIDED PROOF OF MEETING THE STANDARDS OF CLAUSE (I)
29 OR (II) OF THIS PARAGRAPH THROUGH THE APPLICATION OF ANY
30 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 AMOUNTS REQUIRED TO
BE MAINTAINED BY PHYSICIANS PURSUANT TO THE ACT OF OCTOBER 15,
1975 (P.L.390, NO.111), KNOWN AS THE "HEALTH CARE SERVICES
MALPRACTICE ACT." THE PROFESSIONAL LIABILITY INSURANCE COVERAGE
SHALL REMAIN IN EFFECT AS LONG AS THAT LICENSEE HAS A
CERTIFICATE OF AUTHORIZATION.] A LICENSEE WITH A CERTIFICATE OF
AUTHORIZATION UNDER THIS ACT PRACTICING IN THIS COMMONWEALTH
SHALL MAINTAIN A LEVEL OF PROFESSIONAL LIABILITY INSURANCE
COVERAGE AS REQUIRED FOR A NONPARTICIPATING HEALTH CARE PROVIDER
UNDER THE ACT OF MARCH 20, 2002 (P.L.154, NO.13), KNOWN AS THE
"MEDICAL CARE AVAILABILITY AND REDUCTION OF ERROR (MCARE) ACT,"
BUT SHALL NOT BE ELIGIBLE TO PARTICIPATE IN THE MEDICAL CARE
AVAILABILITY AND REDUCTION OF ERROR (MCARE) FUND.

(I.1) THE BOARD SHALL ACCEPT FROM A LICENSEE WITH A
CERTIFICATE OF AUTHORIZATION AS SATISFACTORY EVIDENCE OF
INSURANCE COVERAGE ANY OF THE FOLLOWING:

(A) SELF-INSURANCE.

(B) PERSONALLY PURCHASED LIABILITY INSURANCE.

(C) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED BY
THE LICENSEE'S EMPLOYER.

1 (D) SIMILAR INSURANCE COVERAGE ACCEPTABLE TO THE BOARD.

2 (I.2) A LICENSEE WITH A CERTIFICATE OF AUTHORIZATION UNDER
3 THIS ACT NEED NOT BE SEPARATELY INSURED IF THE LICENSEE'S
4 EMPLOYER IS A HEALTH CARE PROVIDER AS DEFINED BY THE "MEDICAL
5 CARE AVAILABILITY AND REDUCTION OF ERROR (MCARE) ACT" THAT
6 MAINTAINS INSURANCE AS REQUIRED BY MCARE; OR WHOSE EMPLOYER IS
7 NOT A HEALTH CARE PROVIDER AS DEFINED BY THE "MEDICAL CARE
8 AVAILABILITY AND REDUCTION OF ERROR (MCARE) ACT," BUT WHO
9 MAINTAINS INSURANCE AT THE LEVEL REQUIRED OF A NONPARTICIPATING
10 HEALTH CARE PROVIDER UNDER THE "MEDICAL CARE AVAILABILITY AND
11 REDUCTION OF ERROR (MCARE) ACT."

12 (II) A LICENSEE SHALL NOTIFY THE BOARD WITHIN [30] 10 DAYS
13 OF THE LICENSEE'S FAILURE TO BE COVERED BY THE REQUIRED
14 INSURANCE. FAILURE TO NOTIFY THE BOARD SHALL BE ACTIONABLE UNDER
15 SECTION 11 OR 12. FURTHER, THE CERTIFICATE OF AUTHORIZATION OF
16 THAT LICENSEE SHALL AUTOMATICALLY BE SUSPENDED UPON FAILURE TO
17 BE COVERED BY THE REQUIRED INSURANCE AND SHALL NOT BE RESTORED
18 UNTIL SUBMISSION TO THE BOARD OF SATISFACTORY EVIDENCE THAT THE
19 LICENSEE HAS THE REQUIRED PROFESSIONAL LIABILITY INSURANCE
20 COVERAGE.

21 [(III) THE BOARD SHALL ACCEPT FROM LICENSEES AS SATISFACTORY
22 EVIDENCE OF INSURANCE COVERAGE UNDER THIS SUBSECTION ANY OR ALL
23 OF THE FOLLOWING: SELF-INSURANCE, PERSONALLY PURCHASED
24 PROFESSIONAL LIABILITY INSURANCE, PROFESSIONAL LIABILITY
25 INSURANCE COVERAGE PROVIDED BY THE LICENSEE'S EMPLOYER OR ANY
26 SIMILAR TYPE OF COVERAGE.]

27 (IV) THE BOARD SHALL ADOPT, BY REGULATION, STANDARDS AND
28 PROCEDURES ESTABLISHED BY THE INSURANCE COMMISSIONER FOR SELF-
29 INSURANCE. IN THE ABSENCE OF THESE STANDARDS AND PROCEDURES, THE
30 BOARD, AFTER CONSULTATION WITH THE INSURANCE COMMISSIONER, SHALL

1 ESTABLISH STANDARDS AND PROCEDURES BY REGULATION FOR SELF-
2 INSURANCE UNDER THIS SUBSECTION.

3 (C) (1) FOR EACH RENEWAL OF THE CERTIFICATE OF
4 AUTHORIZATION, THE LICENSEE SHALL COMPLETE WITHIN THE
5 IMMEDIATELY PRECEDING TWO-YEAR PERIOD AT LEAST [20] 30 HOURS OF
6 CONTINUING PHYSICAL THERAPY EDUCATION RELATED TO KEEPING THE
7 CERTIFICATE HOLDER APPRISED OF ADVANCEMENTS AND NEW DEVELOPMENTS
8 IN THE PRACTICE OF THE PHYSICAL THERAPY PROFESSION. AT LEAST TEN
9 OF THE [20] 30 HOURS SHALL BE IN APPROPRIATE EVALUATIVE
10 PROCEDURES TO TREAT [A PERSON] AN INDIVIDUAL WITHOUT A REFERRAL.
11 NO CREDIT SHALL BE GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR
12 PRACTICE BUILDING. THE LICENSEE SHALL PROVIDE THE BOARD WITH
13 EVIDENCE OF THE COMPLETION OF THE CONTINUING EDUCATION.

14 (2) CONTINUING EDUCATION PROGRAMS AND PROGRAM PROVIDERS
15 UNDER THIS SUBSECTION SHALL BE APPROVED BY THE BOARD IN
16 ACCORDANCE WITH STANDARDS AND CRITERIA ESTABLISHED BY THE BOARD
17 BY REGULATION. THE REGULATION SHALL INCLUDE ANY FEES NECESSARY
18 TO IMPLEMENT THIS PROVISION AND PROVIDE FOR WAIVER OF THE
19 CONTINUING EDUCATION REQUIREMENT DUE TO ILLNESS OR HARDSHIP IN
20 ANY LICENSING RENEWAL PERIOD.

21 [(3) THE REQUIREMENTS FOR CONTINUING PHYSICAL THERAPY
22 EDUCATION SHALL NOT APPLY UNTIL THE FIRST RENEWAL OF THE
23 CERTIFICATE OF AUTHORIZATION AT LEAST TWO YEARS AFTER THE
24 EFFECTIVE DATE OF THIS SUBSECTION. NO CREDIT SHALL BE GIVEN FOR
25 ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE BUILDING.]

26 (D) A PHYSICAL THERAPIST PRACTICING PHYSICAL THERAPY UNDER
27 THIS ACT SHALL REFER PATIENTS TO A LICENSED PHYSICIAN OR OTHER
28 APPROPRIATE HEALTH CARE PRACTITIONER IN ANY OF THE FOLLOWING
29 CASES:

30 (1) CASES WHERE SYMPTOMS ARE PRESENT FOR WHICH PHYSICAL

1 THERAPY IS A CONTRAINDICATION.

2 (2) CASES FOR WHICH TREATMENT IS OUTSIDE THE SCOPE OF
3 PRACTICE OF PHYSICAL THERAPY.

4 (3) CASES FOR WHICH TREATMENT IS BEYOND THE EDUCATION,
5 EXPERTISE OR EXPERIENCE OF THE PHYSICAL THERAPIST.

6 (E) A PHYSICAL THERAPIST MAY TREAT [A PERSON] AN INDIVIDUAL
7 WITHOUT A REFERRAL AS PROVIDED FOR IN SUBSECTION (B) FOR UP TO
8 30 DAYS FROM THE DATE OF THE FIRST TREATMENT. A PHYSICAL
9 THERAPIST SHALL NOT TREAT [A PERSON] AN INDIVIDUAL BEYOND 30
10 DAYS FROM THE DATE OF THE FIRST TREATMENT UNLESS HE OR SHE HAS
11 OBTAINED A REFERRAL FROM A LICENSED PHYSICIAN[, DENTIST OR
12 PODIATRIST.]; A LICENSED PHYSICIAN ASSISTANT PRACTICING PURSUANT
13 TO A WRITTEN AGREEMENT WITH A PHYSICIAN; A CERTIFIED REGISTERED
14 NURSE PRACTITIONER PRACTICING PURSUANT TO A COLLABORATIVE
15 AGREEMENT WITH A PHYSICIAN; OR A LICENSED DENTIST OR LICENSED
16 PODIATRIST, FOR THE TREATMENT OF A CONDITION THAT IS WITHIN THE
17 SCOPE OF PRACTICE OF DENTISTRY OR PODIATRY. THE DATE OF THE
18 FIRST TREATMENT FOR PURPOSES OF THIS SUBSECTION IS THE DATE THE
19 [PERSON] INDIVIDUAL IS TREATED BY ANY PHYSICAL THERAPIST
20 TREATING WITHOUT A REFERRAL.

21 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE OR
22 PRECLUDE THIRD-PARTY INSURANCE REIMBURSEMENT. NOTHING HEREIN
23 SHALL PRECLUDE AN INSURER OR OTHER THIRD-PARTY PAYOR FROM
24 REQUIRING THAT A PHYSICAL THERAPIST OBTAIN A REFERRAL FROM A
25 LICENSED PHYSICIAN[, DENTIST OR PODIATRIST OR]; A LICENSED
26 PHYSICIAN ASSISTANT PRACTICING PURSUANT TO A WRITTEN AGREEMENT
27 WITH A PHYSICIAN; A CERTIFIED REGISTERED NURSE PRACTITIONER
28 PRACTICING PURSUANT TO A COLLABORATIVE AGREEMENT WITH A
29 PHYSICIAN; OR A LICENSED DENTIST OR LICENSED PODIATRIST, FOR THE
30 TREATMENT OF A CONDITION THAT IS WITHIN THE SCOPE OF PRACTICE OF

DENTISTRY OR PODIATRY; OR THAT A PHYSICAL THERAPIST FILE AN
EVALUATION AND TREATMENT PLAN WITH THE INSURER OR THIRD-PARTY
PAYOR AS A PRECONDITION OF REIMBURSEMENT.

SECTION 9. SECTIONS 9.1 AND 9.2 OF THE ACT, ADDED DECEMBER
20, 1985 (P.L.500, NO.117), ARE AMENDED TO READ:

SECTION 9.1. PHYSICAL THERAPIST ASSISTANT; EDUCATION AND
EXAMINATION; SCOPE OF DUTIES; [REGISTRATION] CERTIFICATION.--(A)
TO BE ELIGIBLE [TO REGISTER WITH] FOR CERTIFICATION BY THE BOARD
AS A PHYSICAL THERAPIST ASSISTANT, AN APPLICANT MUST BE AT LEAST
[20] 18 YEARS OF AGE UNLESS OTHERWISE DETERMINED BY THE BOARD,
BE OF GOOD MORAL CHARACTER, NOT BE ADDICTED TO THE HABITUAL USE
OF ALCOHOL OR NARCOTICS OR OTHER HABIT-FORMING DRUGS, BE A
GRADUATE OF A PHYSICAL THERAPIST ASSISTANT PROGRAM ADOPTED BY
THE BOARD, WHICH PROGRAM HAS BEEN APPROVED FOR THE EDUCATION AND
TRAINING FOR PHYSICAL THERAPIST ASSISTANTS BY THE APPROPRIATE
NATIONALLY RECOGNIZED ACCREDITING AGENCY AND BE SUCCESSFUL IN
PASSING AN EXAMINATION ADOPTED BY THE BOARD, SUBJECT TO RULES
AND REGULATIONS ESTABLISHED BY THE BOARD AND ADMINISTERED IN
ACCORDANCE WITH SECTION 812.1 OF THE ACT OF APRIL 9, 1929
(P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."
NO APPLICANT SHALL BE [REGISTERED] CERTIFIED UNLESS HE HAS
ATTAINED PASSING SCORES ESTABLISHED BY THE [TESTING AGENCY]
BOARD AND PUBLISHED PRIOR TO THE ADMINISTRATION OF THE
EXAMINATION.

(A.1) UPON THE SUBMISSION OF AN APPLICATION, AS PROVIDED BY
THE BOARD, THE BOARD SHALL ISSUE A TEMPORARY CERTIFICATE TO AN
APPLICANT FOR CERTIFICATION WHO HAS MET ALL OF THE REQUIREMENTS
OF SUBSECTION (A) AND WHO IS ELIGIBLE TO TAKE THE EXAMINATION
PROVIDED FOR IN SUBSECTION (A). THE BOARD SHALL ISSUE ONLY ONE
TEMPORARY CERTIFICATE TO AN APPLICANT, AND THE TEMPORARY

1 CERTIFICATE SHALL EXPIRE UPON FAILURE OF THE FIRST EXAMINATION
2 OR SIX MONTHS AFTER THE DATE OF ISSUE, WHICHEVER FIRST OCCURS.
3 ISSUANCE BY THE BOARD OF A TEMPORARY CERTIFICATE SHALL PERMIT
4 THE APPLICANT TO PROVIDE PHYSICAL THERAPY ACTS AND SERVICES ONLY
5 WHILE UNDER THE DIRECT ON-PREMISES SUPERVISION OF A LICENSED
6 PHYSICAL THERAPIST. UPON EXPIRATION, THE TEMPORARY CERTIFICATE
7 SHALL BE PROMPTLY RETURNED BY THE APPLICANT TO THE BOARD.

8 (B) AN APPLICANT FOR CERTIFICATION MUST TAKE THE APPLICANT'S
9 FIRST EXAMINATION WITHIN ONE YEAR OF GRADUATION FROM A PHYSICAL
10 THERAPIST ASSISTANT PROGRAM, UNLESS SUCH TIME LIMIT IS EXTENDED
11 FOR AN APPLICANT BY BOARD ACTION FOR GOOD CAUSE. IN CASE OF
12 FAILURE OF THE FIRST EXAMINATION, THE APPLICANT FOR
13 [REGISTRATION] CERTIFICATION SHALL HAVE, AFTER THE EXPIRATION OF
14 [SIX MONTHS] 60 DAYS AND WITHIN [TWO YEARS] ONE YEAR FROM THE
15 FIRST FAILURE, THE PRIVILEGE OF A SECOND EXAMINATION. THE BOARD
16 MAY ADOPT REGULATIONS GOVERNING THE ELIGIBILITY OF APPLICANTS
17 WHO HAVE FAILED TO PASS TWO EXAMINATIONS IN ORDER TO BE ADMITTED
18 TO SUBSEQUENT EXAMINATIONS.

19 (C) A PHYSICAL THERAPIST ASSISTANT WHILE ASSISTING A
20 LICENSED PHYSICAL THERAPIST IN THE PRACTICE OF PHYSICAL THERAPY
21 SHALL ONLY PERFORM PATIENT-RELATED PHYSICAL THERAPY ACTS AND
22 SERVICES THAT ARE ASSIGNED OR DELEGATED BY AND UNDER THE [DIRECT
23 ON-PREMISES] SUPERVISION OF A LICENSED PHYSICAL THERAPIST. SUCH
24 ACTS AND SERVICES OF A PHYSICAL THERAPIST ASSISTANT SHALL NOT
25 INCLUDE EVALUATION, TESTING, INTERPRETATION, PLANNING OR
26 MODIFICATION OF PATIENT PROGRAMS. FOR PURPOSES OF THIS SECTION
27 THE TERM ["DIRECT ON-PREMISES SUPERVISION" SHALL MEAN THE
28 PHYSICAL PRESENCE OF A LICENSED PHYSICAL THERAPIST ON THE
29 PREMISES WHO IS IMMEDIATELY AVAILABLE TO EXERCISE SUPERVISION,
30 DIRECTION AND CONTROL.] "SUPERVISION" MEANS AS FOLLOWS:

(1) IN ALL PRACTICE SETTINGS, THE PERFORMANCE OF SELECTED
ACTS AND SERVICES BY THE PHYSICAL THERAPIST ASSISTANT SHALL BE:

(I) THE RESPONSIBILITY OF THE LICENSED PHYSICAL THERAPIST AT
ALL TIMES.

(II) CONSISTENT WITH SAFE AND LEGAL PHYSICAL THERAPY
PRACTICE.

(III) PREDICATED ON THE FOLLOWING FACTORS:

(A) COMPLEXITY AND ACUITY OF THE PATIENT'S NEEDS.

(B) PROXIMITY AND ACCESSIBILITY OF THE LICENSED PHYSICAL
THERAPIST TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT.

(C) SUPERVISION AVAILABLE IN THE EVENT OF AN EMERGENCY OR
CRITICAL EVENT.

(D) TYPE OF SETTING IN WHICH THE SERVICE IS PROVIDED.

(2) IN ALL PRACTICE SETTINGS AND RELATING TO PHYSICAL
THERAPY INTERVENTION, THE INITIAL PATIENT CONTACT SHALL BE MADE
BY A LICENSED PHYSICAL THERAPIST FOR EVALUATION OF THE PATIENT
AND ESTABLISHMENT OF A PLAN OF CARE.

(3) SUPERVISION REQUIREMENTS OF A PHYSICAL THERAPIST
ASSISTANT SHALL BE DEPENDENT UPON THE PRACTICE SETTING IN WHICH
THE CARE IS DELIVERED:

(I) WHEN CARE IS DELIVERED TO AN INDIVIDUAL IN AN ACUTE CARE
HOSPITAL, ACUTE INPATIENT REHABILITATION CENTER, LONG-TERM ACUTE
CARE HOSPITAL FACILITY SETTING OR AS OTHERWISE REQUIRED BY LAW
OR REGULATION, THE PHYSICAL THERAPIST ASSISTANT SHALL BE UNDER
THE DIRECT ON-PREMISES SUPERVISION OF A LICENSED PHYSICAL
THERAPIST.

(II) WHEN CARE IS PROVIDED TO AN INDIVIDUAL IN A PRESCHOOL,
PRIMARY SCHOOL, SECONDARY SCHOOL OR OTHER SIMILAR EDUCATIONAL
SETTING, A LICENSED PHYSICAL THERAPIST SHALL MAKE AN ONSITE
VISIT AND EXAMINE THE PATIENT AT LEAST EVERY FOUR PATIENT VISITS

1 OR EVERY 30 DAYS, WHICHEVER SHALL OCCUR FIRST.

2 (III) WHEN CARE IS PROVIDED TO AN INDIVIDUAL IN AN
3 INDEPENDENT PRIVATE PRACTICE OUTPATIENT FACILITY, A LICENSED
4 PHYSICAL THERAPIST SHALL BE PRESENT FOR AT LEAST 50% OF ANY WORK
5 WEEK.

6 (IV) FOR ANY HOME HEALTH CARE, FACILITY OR PRACTICE SETTING
7 NOT SPECIFIED IN SUBPARAGRAPH (I), (II) OR (III), A LICENSED
8 PHYSICAL THERAPIST SHALL MAKE AN ONSITE VISIT AND EXAMINE THE
9 PATIENT AT LEAST EVERY SEVEN PATIENT VISITS OR EVERY 14 DAYS,
10 WHICHEVER SHALL OCCUR FIRST.

11 THE BOARD SHALL REVIEW AND MAKE RECOMMENDATIONS RELATING TO THE
12 REQUIREMENTS OF THIS PARAGRAPH THREE YEARS FOLLOWING THE
13 EFFECTIVE DATE OF THIS PARAGRAPH.

14 (4) IN ALL PRACTICE SETTINGS, A PHYSICAL THERAPIST ASSISTANT
15 SHALL BE UNDER THE DIRECT ON-PREMISES SUPERVISION OF A LICENSED
16 PHYSICAL THERAPIST UNTIL THE PHYSICAL THERAPIST ASSISTANT
17 SUBMITS FOR APPROVAL EVIDENCE SATISFACTORY TO THE BOARD OF:

18 (I) AT LEAST 2,000 HOURS OF EXPERIENCE PROVIDING PATIENT-
19 RELATED ACTS AND SERVICES VERIFIED BY A SUPERVISING LICENSED
20 PHYSICAL THERAPIST; OR

21 (II) EMPLOYMENT AS A PHYSICAL THERAPIST ASSISTANT FOR AT
22 LEAST THREE OF THE FIVE YEARS IMMEDIATELY PRECEDING THE
23 EFFECTIVE DATE OF THIS PARAGRAPH.

24 (5) UPON COMPLIANCE WITH PARAGRAPH (4), A PHYSICAL THERAPIST
25 ASSISTANT MAY ONLY PROVIDE PHYSICAL THERAPY ACTS AND SERVICES
26 WHEN THE LICENSED PHYSICAL THERAPIST IS AVAILABLE AND ACCESSIBLE
27 IN PERSON OR BY TELECOMMUNICATION TO THE PHYSICAL THERAPIST
28 ASSISTANT DURING ALL WORKING HOURS OF THE PHYSICAL THERAPIST
29 ASSISTANT AND IS PRESENT WITHIN A 100-MILE RADIUS OF THE
30 TREATMENT LOCATION. A PHYSICAL THERAPIST ASSISTANT SHALL CONSULT

1 WITH THE SUPERVISING PHYSICAL THERAPIST IN THE EVENT OF A CHANGE
2 IN THE PATIENT'S CONDITION WHICH MAY REQUIRE THE ASSESSMENT OF A
3 LICENSED PHYSICAL THERAPIST.

4 (6) A LICENSED PHYSICAL THERAPIST SHALL NOT SUPERVISE MORE
5 THAN THREE PHYSICAL THERAPIST ASSISTANTS AT ANY TIME.

6 (7) IN THE EVENT OF A CHANGE OF THE SUPERVISING LICENSED
7 PHYSICAL THERAPIST, THE SUBSEQUENT SUPERVISOR SHALL ASSUME
8 RESPONSIBILITY FOR THE ONGOING SUPERVISION OF ANY CERTIFIED
9 PHYSICAL THERAPIST ASSISTANT PROVIDING PHYSICAL THERAPY ACTS AND
10 SERVICES AND SHALL BECOME THE SUPERVISING PHYSICAL THERAPIST.

11 (D) ONLY [A PERSON] AN INDIVIDUAL WHO HAS BEEN PROPERLY
12 [REGISTERED] CERTIFIED AS A PHYSICAL THERAPIST ASSISTANT WITH
13 THE BOARD, PURSUANT TO THE PROVISIONS OF THIS SECTION AND RULES
14 AND REGULATIONS PROMULGATED BY THE BOARD THERETO, SHALL ASSIST A
15 LICENSED PHYSICAL THERAPIST IN THE PRACTICE OF PHYSICAL THERAPY
16 AS A PHYSICAL THERAPIST ASSISTANT AND USE THE TITLE "PHYSICAL
17 THERAPIST [ASSISTANT."] ASSISTANT" AND THE ABBREVIATION "PTA."

18 [(E) THE QUALIFICATIONS PROVISION OF THIS SECTION SHALL NOT
19 APPLY AND AN APPLICANT SHALL BE REGISTERED WITHOUT EXAMINATION
20 IF THE APPLICANT HAS SUBMITTED AN APPLICATION FOR REGISTRATION
21 ACCOMPANIED BY AN APPLICATION FEE AS SPECIFIED BY THE BOARD
22 WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS AMENDATORY ACT
23 AND IS A RESIDENT OF PENNSYLVANIA OR HAS PRACTICED IN THIS
24 COMMONWEALTH FOR A TWO-YEAR PERIOD; AND

25 (1) ON THE EFFECTIVE DATE OF THIS AMENDATORY ACT, IS A
26 GRADUATE OF A PHYSICAL THERAPIST ASSISTANT PROGRAM ACCEPTABLE TO
27 THE BOARD AND HAS ENGAGED IN PHYSICAL THERAPIST ASSISTANT
28 PRACTICE ACCEPTABLE TO THE BOARD FOR TWO YEARS; AND

29 (2) ON THE EFFECTIVE DATE OF THIS AMENDATORY ACT, IS LISTED
30 WITH THE BOARD AS A PHYSICAL THERAPIST ASSISTANT.]

1 (F) THE BOARD SHALL ISSUE, RENEW, REVOKE OR SUSPEND THE
2 [REGISTRATION] CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS
3 PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE BOARD. ALL
4 ACTIONS OF THE BOARD SHALL BE TAKEN SUBJECT TO THE RIGHT OF
5 NOTICE, HEARING AND ADJUDICATION AND THE RIGHT OF APPEAL
6 THEREFROM IN ACCORDANCE WITH TITLE 2 OF THE PENNSYLVANIA
7 CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND
8 PROCEDURE).

9 (G) UNLESS ORDERED TO DO SO BY A COURT, THE BOARD SHALL NOT
10 REINSTATE THE [REGISTRATION OF A PERSON] CERTIFICATION OF AN
11 INDIVIDUAL TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT WHICH
12 HAS BEEN REVOKED, AND SUCH [PERSON] INDIVIDUAL SHALL BE REQUIRED
13 TO APPLY FOR [REGISTRATION] CERTIFICATION AFTER A FIVE-YEAR
14 PERIOD IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION,
15 INCLUDING THE EXAMINATION REQUIREMENT, IF HE DESIRES TO PRACTICE
16 AT ANY TIME AFTER SUCH REVOCATION.

17 (H) A PHYSICAL THERAPIST ASSISTANT MAY NOT AUTHORIZE THE
18 DISCHARGE OF A PATIENT FROM PHYSICAL THERAPY SERVICES.

19 (I) IN AN EMERGENCY SITUATION WHICH CAUSES THE UNANTICIPATED
20 ABSENCE OF THE SUPERVISING PHYSICAL THERAPIST FOR NOT MORE THAN
21 TWO DAYS PER MONTH, A CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY
22 CONTINUE TO RENDER SERVICES TO ONLY THOSE PATIENTS FOR WHICH THE
23 CERTIFIED PHYSICAL THERAPIST ASSISTANT HAS PREVIOUSLY
24 PARTICIPATED IN THE INTERVENTION FOR ESTABLISHED PLANS OF CARE
25 NOT TO EXCEED THE REGULARLY SCHEDULED OPERATIONAL HOURS OF THE
26 PARTICULAR DAY OR DAYS THE SUPERVISING PHYSICAL THERAPIST IS
27 ABSENT. EVERY EFFORT SHALL BE MADE BY THE LICENSED PHYSICAL
28 THERAPIST OR CERTIFIED PHYSICAL THERAPIST ASSISTANT TO OBTAIN
29 SUPERVISION IN THE CARE DESCRIBED IN THIS SUBSECTION. A LICENSEE
30 UTILIZING THIS SECTION SHALL SUBMIT A REPORT TO THE BOARD

1 ANNUALLY SETTING FORTH EACH DAY ABSENT UNDER THIS PARAGRAPH AND
2 THE REASON FOR SUCH ABSENCE. A LICENSED PHYSICAL THERAPIST MAY
3 UTILIZE THIS EMERGENCY PROVISION NO MORE THAN TEN DAYS PER
4 CALENDAR YEAR.

5 (J) FOR EACH CERTIFICATE RENEWAL, A CERTIFICATE HOLDER SHALL
6 COMPLETE WITHIN THE IMMEDIATELY PRECEDING TWO-YEAR PERIOD AT
7 LEAST 30 HOURS OF CONTINUING PHYSICAL THERAPY EDUCATION AS
8 APPROVED BY THE BOARD IN ACCORDANCE WITH STANDARDS AND CRITERIA
9 ESTABLISHED BY THE BOARD BY REGULATION. THE CERTIFICATE HOLDER
10 SHALL PROVIDE THE BOARD WITH EVIDENCE OF THE COMPLETION OF THE
11 CONTINUING EDUCATION.

12 SECTION 9.2. SUPPORTIVE PERSONNEL.--NOTHING IN THIS ACT [OR
13 THE ACT OF OCTOBER 10, 1975 (P.L.383, NO.110), KNOWN AS THE
14 "PHYSICAL THERAPY PRACTICE ACT,"] SHALL PROHIBIT A LICENSED
15 PHYSICAL THERAPIST FROM ASSIGNING OR DELEGATING VARIOUS
16 ACTIVITIES TO OTHER [PERSONS] INDIVIDUALS WHO MAY, FROM TIME TO
17 TIME, AID AND ASSIST A LICENSED PHYSICAL THERAPIST OR CERTIFIED
18 PHYSICAL THERAPIST ASSISTANT IN THE PROVISION OF PHYSICAL
19 THERAPY SERVICES; PROVIDED THAT SUCH ACTIVITIES ARE PERFORMED
20 UNDER THE DIRECT ON-PREMISES SUPERVISION OF A LICENSED PHYSICAL
21 THERAPIST OR CERTIFIED PHYSICAL THERAPIST ASSISTANT AND THE
22 LEVEL OF SUCH ACTIVITIES DO NOT REQUIRE FORMAL EDUCATION OR
23 TRAINING IN THE PRACTICE OF PHYSICAL THERAPY, THE SKILL AND
24 KNOWLEDGE OF A LICENSED PHYSICAL THERAPIST AND THE SKILL AND
25 KNOWLEDGE OF A PROPERLY [REGISTERED] CERTIFIED PHYSICAL
26 THERAPIST ASSISTANT.

27 SECTION 10. SECTION 10.1 OF THE ACT, ADDED APRIL 4, 1984
28 (P.L.196, NO.41), IS REPEALED:

29 [SECTION 10.1. ATHLETIC TRAINER ADVISORY COMMITTEE
30 CREATED.--THERE IS HEREBY CREATED AN ADVISORY COMMITTEE TO BE

1 KNOWN AS THE ATHLETIC TRAINER ADVISORY COMMITTEE WHICH SHALL BE
2 APPOINTED BY AND SERVE AT THE PLEASURE OF THE BOARD FOR THE
3 PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ACT AS IT RELATES
4 TO ATHLETIC TRAINERS. THE ATHLETIC TRAINER ADVISORY COMMITTEE
5 SHALL ASSIST THE BOARD IN THE CERTIFICATION, RENEWAL, REVOCATION
6 OR SUSPENSION OF ATHLETIC TRAINERS IN ACCORDANCE WITH THIS ACT
7 AND RULES AND REGULATIONS AND AS THE BOARD DEEMS APPROPRIATE.
8 THE ATHLETIC TRAINER ADVISORY COMMITTEE SHALL CONSIST OF NO MORE
9 THAN THREE MEMBERS WHO SHALL BE CERTIFIED ATHLETIC TRAINERS AND
10 WHO SHALL RECEIVE REIMBURSEMENT FOR ACTUAL TRAVELING EXPENSES
11 RELATED TO THEIR SERVICE TO THE BOARD AND A PER DIEM TO BE FIXED
12 FROM TIME TO TIME BY THE GOVERNOR'S EXECUTIVE BOARD BUT NOT LESS
13 THAN \$35 PER DAY. ADVISORY COMMITTEE MEMBERS MAY BE SELECTED BY
14 THE BOARD FROM A LIST OF QUALIFIED ATHLETIC TRAINERS PROVIDED BY
15 THE PENNSYLVANIA ATHLETIC TRAINERS SOCIETY. MEMBERS OF THE
16 ADVISORY COMMITTEE SHALL SERVE FOR THREE YEARS EXCEPT THAT THE
17 INITIAL COMMITTEE MEMBERSHIP SHALL BE APPOINTED TO SERVE FOR
18 STAGGERED TERMS OF ONE, TWO AND THREE YEARS RESPECTIVELY.]

19 SECTION 11. SECTION 10.2 OF THE ACT, AMENDED OR ADDED APRIL
20 4, 1984 (P.L.196, NO.41) AND DECEMBER 20, 1985 (P.L.500,
21 NO.117), IS REPEALED:

22 [SECTION 10.2. CERTIFICATION OF ATHLETIC TRAINERS;
23 CERTIFICATION RENEWAL, REVOCATION OR SUSPENSION.--(A) THE BOARD
24 SHALL HAVE THE POWER TO ADOPT RULES AND REGULATIONS GOVERNING
25 THE CERTIFICATION OF ATHLETIC TRAINERS. SUCH RULES AND
26 REGULATIONS SHALL ESTABLISH STANDARDS NECESSARY TO COMMONWEALTH
27 CERTIFICATION IN THE FOLLOWING CATEGORIES:

- 28 (1) APPROVED EDUCATIONAL PROGRAM STANDARDS.
29 (2) EDUCATION DEGREE REQUIREMENTS FOR CERTIFICATION.
30 (3) PRACTICAL TRAINING EXPERIENCE REQUIREMENTS FOR

1 CERTIFICATION.

2 (4) OTHER REQUIREMENTS NECESSARY FOR THE PROPER, ETHICAL AND
3 PROFESSIONAL TRAINING OF PERSONS APPLYING FOR CERTIFICATION,
4 WHICH ARE DEEMED APPROPRIATE BY THE BOARD.
5 REGULATIONS PROMULGATED PURSUANT TO THIS SECTION SHALL BE
6 FORMULATED WITH THE ADVICE AND CONSULTATION OF THE ATHLETIC
7 TRAINER ADVISORY COMMITTEE.

8 (B) THE BOARD SHALL ISSUE CERTIFICATION CERTIFICATES TO
9 INDIVIDUALS SEEKING CERTIFICATION AS ATHLETIC TRAINERS AFTER ITS
10 REVIEW OF A PROPER CERTIFICATION APPLICATION PRESENTED ON FORMS
11 PRESCRIBED BY THE BOARD WHICH EVIDENCES THE SATISFACTION OF THE
12 STANDARDS PROMULGATED BY RULES IN ACCORDANCE WITH THE PROVISIONS
13 IN SUBSECTION (A) AND FURTHER UPON PAYMENT OF AN APPROPRIATE FEE
14 TO BE SET BY THE BOARD AFTER CONSULTATION WITH THE COMMISSIONER.

15 (C) THE BOARD SHALL RENEW, REVOKE OR SUSPEND THE
16 CERTIFICATION OF ATHLETIC TRAINERS PURSUANT TO RULES AND
17 REGULATIONS FORMULATED IN CONSULTATION WITH THE ATHLETIC TRAINER
18 ADVISORY COMMITTEE. ALL ACTIONS OF THE BOARD SHALL BE TAKEN
19 SUBJECT TO THE RIGHT OF NOTICE, HEARING AND ADJUDICATION AND THE
20 RIGHT OF APPEAL THEREFROM IN ACCORDANCE WITH TITLE 2 OF THE
21 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE
22 LAW AND PROCEDURE).

23 (D) UNLESS ORDERED TO DO SO BY A COURT, THE BOARD SHALL NOT
24 REINSTATE THE CERTIFICATE OF A PERSON TO PRACTICE AS AN ATHLETIC
25 TRAINER WHICH HAS BEEN REVOKED, AND SUCH PERSON SHALL BE
26 REQUIRED TO APPLY FOR A CERTIFICATE AFTER A FIVE-YEAR PERIOD IN
27 ACCORDANCE WITH THIS SECTION, IF HE DESIRES TO PRACTICE AT ANY
28 TIME AFTER SUCH REVOCATION.]

29 SECTION 12. SECTION 11 OF THE ACT, AMENDED DECEMBER 20, 1985
30 (P.L.500, NO.117) AND FEBRUARY 21, 2002 (P.L.90, NO.6), IS

1 AMENDED TO READ:

2 SECTION 11. REFUSAL OR SUSPENSION OR REVOCATION OF LICENSE
3 OR CERTIFICATE.--(A) [THE] EXCEPT AS OTHERWISE PROVIDED IN THIS
4 ACT, THE BOARD SHALL REFUSE TO ISSUE A LICENSE OR CERTIFICATE TO
5 [ANY PERSON] AN INDIVIDUAL AND AFTER NOTICE AND HEARING IN
6 ACCORDANCE WITH RULES AND REGULATIONS, MAY SUSPEND OR REVOKE THE
7 LICENSE OR CERTIFICATE OF [ANY PERSON] AN INDIVIDUAL WHO HAS:

8 (1) BEEN FOUND TO HAVE VIOLATED ANY OF THE PROVISIONS OF
9 SECTION 9;

10 (2) ATTEMPTED TO OR OBTAINED Licensure OR CERTIFICATION BY
11 FRAUD OR MISREPRESENTATION;

12 (2.1) ATTEMPTED TO ENGAGE IN CONDUCT THAT SUBVERTS OR
13 UNDERMINES THE INTEGRITY OF THE EXAMINATION OR THE EXAMINATION
14 PROCESS;

15 (3) COMMITTED REPEATED OCCASIONS OF NEGLIGENCE OR
16 INCOMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY;

17 (4) BEEN CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE
18 IN A FEDERAL COURT OR IN THE COURTS OF THIS COMMONWEALTH OR ANY
19 OTHER STATE, TERRITORY OR COUNTRY. CONVICTION, AS USED IN THIS
20 PARAGRAPH, SHALL INCLUDE A FINDING OR VERDICT OF GUILT, AN
21 ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE;

22 (5) HABITUALLY INDULGED IN THE USE OF NARCOTICS OR OTHER
23 HABIT-FORMING DRUGS, OR EXCESSIVELY INDULGED IN THE USE OF
24 ALCOHOLIC LIQUORS;

25 (6) BEEN FOUND GUILTY OF UNPROFESSIONAL CONDUCT.
26 UNPROFESSIONAL CONDUCT SHALL INCLUDE ANY DEPARTURE FROM OR THE
27 FAILURE TO CONFORM TO THE MINIMAL STANDARDS OF ACCEPTABLE AND
28 PREVAILING PHYSICAL THERAPY PRACTICE, INCLUDING THE RECOGNIZED
29 STANDARDS OF ETHICS OF THE PHYSICAL THERAPY PROFESSION, IN WHICH
30 PROCEEDING ACTUAL INJURY TO A PATIENT NEED NOT BE ESTABLISHED;

(7) TREATED OR UNDERTAKEN TO TREAT HUMAN AILMENTS OTHERWISE THAN BY PHYSICAL THERAPY AS DEFINED IN THIS ACT;

(8) HAD HIS LICENSE OR CERTIFICATE TO PRACTICE PHYSICAL THERAPY REVOKED OR SUSPENDED OR HAVING OTHER DISCIPLINARY ACTION TAKEN, OR HIS APPLICATION FOR A LICENSE OR CERTIFICATE REFUSED, REVOKED OR SUSPENDED BY THE PROPER LICENSING OR CERTIFYING AUTHORITY OF ANOTHER STATE, TERRITORY OR COUNTRY; [AND]

(9) MADE MISLEADING, DECEPTIVE, UNTRUE OR FRAUDULENT REPRESENTATIONS IN VIOLATION OF THIS ACT OR OTHERWISE IN THE PRACTICE OF THE PROFESSION[.];

(10) IN THE CASE OF A LICENSED PHYSICAL THERAPIST WHO FAILED TO SUPERVISE PHYSICAL THERAPIST ASSISTANTS OR SUPPORTIVE PERSONNEL IN ACCORDANCE WITH THIS ACT OR BOARD REGULATION; OR

(11) KNOWINGLY AIDING, ASSISTING, PROCURING OR ADVISING ANY UNLICENSED INDIVIDUAL TO PRACTICE A PROFESSION CONTRARY TO THIS ACT OR REGULATIONS OF THE BOARD.

(B) ALL ACTIONS OF THE BOARD SHALL BE TAKEN SUBJECT TO THE RIGHT OF NOTICE, HEARING AND ADJUDICATION AND THE RIGHT OF APPEAL THEREFROM IN ACCORDANCE WITH TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

(C) UNLESS ORDERED TO DO SO BY A COURT, THE BOARD SHALL NOT REINSTATE THE LICENSE OF [A PERSON TO PRACTICE AS A PHYSICAL THERAPIST] AN INDIVIDUAL TO PRACTICE AS A PHYSICAL THERAPIST OR THE CERTIFICATE OF AN INDIVIDUAL CERTIFIED TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT WHICH HAS BEEN REVOKED, AND SUCH [PERSON] INDIVIDUAL SHALL BE REQUIRED TO APPLY FOR A LICENSE OR CERTIFICATE AFTER A FIVE-YEAR PERIOD IN ACCORDANCE WITH SECTION 6, IF HE DESIRES TO PRACTICE AT ANY TIME AFTER SUCH REVOCATION.

(D) THE BOARD MAY ACCEPT THE VOLUNTARY SURRENDER OF A

1 LICENSE OR CERTIFICATE BASED UPON AN ORDER OF CONSENT FROM THE
2 BOARD.

3 SECTION 13. SECTIONS 11.1, 11.2 AND 11.3 OF THE ACT, ADDED
4 DECEMBER 20, 1985 (P.L.500, NO.117), ARE AMENDED TO READ:

5 SECTION 11.1. AUTOMATIC SUSPENSION.--A LICENSE[,
6 REGISTRATION] OR CERTIFICATE ISSUED UNDER THIS ACT SHALL
7 AUTOMATICALLY BE SUSPENDED UPON THE LEGAL COMMITMENT OF A
8 LICENSEE[, REGISTRANT] OR CERTIFICATE HOLDER TO AN INSTITUTION
9 BECAUSE OF MENTAL INCOMPETENCY FROM ANY CAUSE UPON FILING WITH
10 THE BOARD A CERTIFIED COPY OF SUCH COMMITMENT; CONVICTION OF A
11 FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
12 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT"; OR
13 CONVICTION OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION
14 WHICH, IF COMMITTED IN PENNSYLVANIA, WOULD BE A FELONY UNDER
15 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT." AS
16 USED IN THIS SECTION THE TERM "CONVICTION" SHALL INCLUDE A
17 JUDGMENT, AN ADMISSION OF GUILTY OR A PLEA OF NOLO CONTENDERE.
18 AUTOMATIC SUSPENSION UNDER THIS SECTION SHALL NOT BE STAYED
19 PENDING ANY APPEAL OF A CONVICTION. RESTORATION OF SUCH
20 LICENSE[, REGISTRATION] OR CERTIFICATE SHALL BE MADE AS PROVIDED
21 IN THIS ACT FOR REVOCATION OR SUSPENSION OF SUCH LICENSE[,
22 REGISTRANT] OR CERTIFICATE HOLDER.

23 SECTION 11.2. TEMPORARY SUSPENSION.--THE BOARD SHALL
24 TEMPORARILY SUSPEND A LICENSE[, REGISTRATION] OR CERTIFICATE
25 UNDER CIRCUMSTANCES AS DETERMINED BY THE BOARD TO BE AN
26 IMMEDIATE AND CLEAR DANGER TO THE PUBLIC HEALTH OR SAFETY. THE
27 BOARD SHALL ISSUE AN ORDER TO THAT EFFECT WITHOUT A HEARING, BUT
28 UPON DUE NOTICE, TO THE LICENSEE[, REGISTRANT] OR CERTIFICATE
29 HOLDER CONCERNED AT HIS LAST KNOWN ADDRESS, WHICH SHALL INCLUDE
30 A WRITTEN STATEMENT OF ALL ALLEGATIONS AGAINST THE LICENSEE[,

1 REGISTRANT] OR CERTIFICATE HOLDER. THE PROVISIONS OF SECTION
2 11(C) SHALL NOT APPLY TO TEMPORARY SUSPENSION. THE BOARD SHALL
3 THEREUPON COMMENCE FORMAL ACTION TO SUSPEND, REVOKE OR RESTRICT
4 THE LICENSE[, REGISTRATION] OR CERTIFICATE OF THE [PERSON]
5 INDIVIDUAL CONCERNED AS OTHERWISE PROVIDED FOR IN THIS ACT. ALL
6 ACTIONS SHALL BE TAKEN PROMPTLY AND WITHOUT DELAY. WITHIN 30
7 DAYS FOLLOWING THE ISSUANCE OF AN ORDER TEMPORARILY SUSPENDING A
8 LICENSE[, REGISTRATION] OR CERTIFICATE, THE BOARD SHALL CONDUCT,
9 OR CAUSE TO BE CONDUCTED, A PRELIMINARY HEARING TO DETERMINE
10 THAT THERE IS A PRIMA FACIE CASE SUPPORTING THE SUSPENSION. THE
11 LICENSEE[, REGISTRANT] OR CERTIFICATE HOLDER WHOSE LICENSE[,
12 REGISTRATION] OR CERTIFICATE HAS BEEN TEMPORARILY SUSPENDED MAY
13 BE PRESENT AT THE PRELIMINARY HEARING AND MAY BE REPRESENTED BY
14 COUNSEL, CROSS-EXAMINE WITNESSES, INSPECT PHYSICAL EVIDENCE,
15 CALL WITNESSES, OFFER EVIDENCE AND TESTIMONY AND MAKE A RECORD
16 OF THE PROCEEDINGS. IF IT IS DETERMINED THAT THERE IS NOT A
17 PRIMA FACIE CASE, THE SUSPENDED LICENSE[, REGISTRATION] OR
18 CERTIFICATE SHALL BE IMMEDIATELY RESTORED. THE TEMPORARY
19 SUSPENSION SHALL REMAIN IN EFFECT UNTIL VACATED BY THE BOARD,
20 BUT IN NO EVENT LONGER THAN 180 DAYS.

21 SECTION 11.3. SUBPOENAS; EXAMINATIONS; REPORTS; SURRENDER OF
22 LICENSE.--(A) THE BOARD SHALL HAVE THE AUTHORITY TO ISSUE
23 SUBPOENAS, UPON APPLICATION OF AN ATTORNEY RESPONSIBLE FOR
24 REPRESENTING THE COMMONWEALTH IN DISCIPLINARY MATTERS BEFORE THE
25 BOARD, FOR THE PURPOSE OF INVESTIGATING ALLEGED VIOLATIONS OF
26 THE DISCIPLINARY PROVISIONS ADMINISTERED BY THE BOARD. THE BOARD
27 SHALL HAVE THE POWER TO SUBPOENA WITNESSES, TO ADMINISTER OATHS,
28 TO EXAMINE WITNESSES AND TO TAKE TESTIMONY OR COMPEL THE
29 PRODUCTION OF BOOKS, RECORDS, PAPERS AND DOCUMENTS AS IT MAY
30 DEEM NECESSARY OR PROPER IN AND PERTINENT TO ANY PROCEEDING,

1 INVESTIGATION OR HEARING HELD BY IT. PATIENT RECORDS MAY NOT BE
2 SUBPOENAED WITHOUT CONSENT OF THE PATIENT OR WITHOUT ORDER OF A
3 COURT OF COMPETENT JURISDICTION ON A SHOWING THAT THE RECORDS
4 ARE REASONABLY NECESSARY FOR THE CONDUCT OF THE INVESTIGATION.
5 THE COURT MAY IMPOSE SUCH LIMITATIONS ON THE SCOPE OF THE
6 SUBPOENA AS ARE NECESSARY TO PREVENT UNNECESSARY INTRUSION INTO
7 PATIENT CONFIDENTIAL INFORMATION. THE BOARD IS AUTHORIZED TO
8 APPLY TO COMMONWEALTH COURT TO ENFORCE ITS SUBPOENAS.

9 (B) AN ATTORNEY RESPONSIBLE FOR REPRESENTING THE
10 COMMONWEALTH IN DISCIPLINARY MATTERS BEFORE THE BOARD SHALL
11 NOTIFY THE BOARD IMMEDIATELY UPON RECEIVING NOTIFICATION OF AN
12 ALLEGED VIOLATION OF THIS ACT. THE BOARD SHALL MAINTAIN CURRENT
13 RECORDS OF ALL REPORTS OF ALLEGED VIOLATIONS AND PERIODICALLY
14 REVIEW THE RECORDS FOR THE PURPOSE OF DETERMINING THAT EACH
15 ALLEGED VIOLATION HAS BEEN RESOLVED IN A TIMELY MANNER.

16 (C) THE BOARD SHALL REQUIRE [A PERSON] AN INDIVIDUAL WHOSE
17 LICENSE[,] OR CERTIFICATE [OR REGISTRATION] HAS BEEN SUSPENDED
18 OR REVOKED TO RETURN THE LICENSE[,] OR CERTIFICATE [OR
19 REGISTRATION] IN SUCH MANNER AS THE BOARD DIRECTS. [A PERSON] AN
20 INDIVIDUAL WHO FAILS TO DO SO COMMITS A MISDEMEANOR OF THE THIRD
21 DEGREE.

22 (D) THE BOARD, UPON PROBABLE CAUSE, HAS AUTHORITY TO COMPEL
23 A LICENSEE OR CERTIFICATE HOLDER TO SUBMIT TO A MENTAL OR
24 PHYSICAL EXAMINATION BY A PHYSICIAN APPROVED BY THE BOARD.
25 FAILURE OF A LICENSEE OR CERTIFICATE HOLDER TO SUBMIT TO AN
26 EXAMINATION WHEN DIRECTED BY THE BOARD, UNLESS THE FAILURE IS
27 DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S OR CERTIFICATE
28 HOLDER'S CONTROL, SHALL CONSTITUTE AN ADMISSION OF THE
29 ALLEGATIONS AGAINST THE LICENSEE OR CERTIFICATE HOLDER,
30 CONSEQUENT UPON WHICH A DEFAULT AND FINAL ORDER MAY BE ENTERED

1 WITHOUT THE TAKING OF TESTIMONY OR PRESENTATION OF EVIDENCE.

2 (E) A LICENSEE OR CERTIFICATE HOLDER AFFECTED SHALL, AT
3 REASONABLE INTERVALS AS DETERMINED BY THE BOARD, BE AFFORDED AN
4 OPPORTUNITY TO DEMONSTRATE THAT THE LICENSEE OR CERTIFICATE
5 HOLDER CAN RESUME COMPETENT PRACTICE WITH REASONABLE SKILL AND
6 SAFETY.

7 SECTION 14. SECTION 12 OF THE ACT, AMENDED APRIL 4, 1984
8 (P.L.196, NO.41) AND DECEMBER 20, 1985 (P.L.500, NO.117), IS
9 AMENDED TO READ:

10 SECTION 12. PENALTIES; INJUNCTIVE RELIEF.--(A) [ANY PERSON]
11 AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS ACT SHALL BE
12 GUILTY OF A MISDEMEANOR, AS HEREIN SET FORTH, AND UPON
13 CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT LESS THAN
14 [\$100] \$500 NOR MORE THAN [\$500] \$1,000 OR BY IMPRISONMENT FOR
15 NOT LESS THAN 30 DAYS NOR MORE THAN 90 DAYS, OR BY BOTH SUCH
16 FINE AND IMPRISONMENT; AND ON EACH ADDITIONAL OFFENSE SHALL BE
17 SUBJECT TO A FINE OF NOT LESS THAN \$1,000 AND IMPRISONMENT OF
18 NOT LESS THAN SIX MONTHS NOR MORE THAN ONE YEAR, AT THE
19 DISCRETION OF THE COURT.

20 (B) THE BOARD MAY, IN THE NAME OF THE PEOPLE OF THE
21 COMMONWEALTH OF PENNSYLVANIA, THROUGH THE ATTORNEY GENERAL'S
22 OFFICE, APPLY FOR INJUNCTIVE RELIEF IN ANY COURT OF COMPETENT
23 JURISDICTION TO ENJOIN [ANY PERSON] AN INDIVIDUAL FROM
24 COMMITTING ANY ACT IN VIOLATION OF THIS ACT. SUCH INJUNCTION
25 PROCEEDINGS SHALL BE IN ADDITION TO, AND NOT IN LIEU OF, ALL
26 PENALTIES AND OTHER REMEDIES IN THIS ACT.

27 (C) IN ADDITION TO ANY OTHER CIVIL REMEDY OR CRIMINAL
28 PENALTY PROVIDED FOR IN THIS ACT, THE BOARD, BY A VOTE OF THE
29 MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED MEMBERSHIP OF
30 THE BOARD AS PROVIDED BY THIS ACT OR BY A VOTE OF THE MAJORITY

1 OF THE QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM OF FOUR
2 MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY OF UP TO
3 \$1,000 ON ANY CURRENT LICENSEE OR [REGISTRANT] CERTIFICATE
4 HOLDER WHO VIOLATES ANY PROVISIONS OF THIS ACT OR ON [ANY
5 PERSON] AN INDIVIDUAL WHO PRACTICES PHYSICAL THERAPY WITHOUT
6 BEING PROPERLY LICENSED TO DO SO UNDER THIS ACT OR WHO PRACTICES
7 AS A PHYSICAL THERAPIST ASSISTANT WITHOUT BEING PROPERLY
8 [REGISTERED] CERTIFIED TO DO SO UNDER THIS ACT. THE BOARD SHALL
9 LEVY THIS PENALTY ONLY AFTER AFFORDING THE ACCUSED PARTY THE
10 OPPORTUNITY FOR A HEARING, AS PROVIDED IN TITLE 2 OF THE
11 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE
12 LAW AND PROCEDURE).

13 (D) ALL FINES AND CIVIL PENALTIES IMPOSED IN ACCORDANCE WITH
14 THIS SECTION SHALL BE PAID INTO THE PROFESSIONAL LICENSURE
15 AUGMENTATION ACCOUNT.

16 SECTION 15. SECTION 13 OF THE ACT, ADDED DECEMBER 20, 1985
17 (P.L.500, NO.117), IS AMENDED TO READ:

18 SECTION 13. IMPAIRED PROFESSIONAL.--(A) THE BOARD, WITH THE
19 APPROVAL OF THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
20 AFFAIRS, SHALL APPOINT AND FIX THE COMPENSATION OF A
21 PROFESSIONAL CONSULTANT WHO IS A LICENSEE OF THE BOARD, OR SUCH
22 OTHER PROFESSIONAL AS THE BOARD MAY DETERMINE, WITH EDUCATION
23 AND EXPERIENCE IN THE IDENTIFICATION, TREATMENT AND
24 REHABILITATION OF [PERSONS] INDIVIDUALS WITH PHYSICAL OR MENTAL
25 IMPAIRMENTS. SUCH CONSULTANT SHALL BE ACCOUNTABLE TO THE BOARD
26 AND SHALL ACT AS A LIAISON BETWEEN THE BOARD AND TREATMENT
27 PROGRAMS, SUCH AS ALCOHOL AND DRUG TREATMENT PROGRAMS LICENSED
28 BY THE DEPARTMENT OF HEALTH, PSYCHOLOGICAL COUNSELING AND
29 IMPAIRED PROFESSIONAL SUPPORT GROUPS, WHICH ARE APPROVED BY THE
30 BOARD AND WHICH PROVIDE SERVICES TO LICENSEES OR CERTIFICATE

1 HOLDERS UNDER THIS ACT.

2 (B) THE BOARD MAY DEFER AND ULTIMATELY DISMISS ANY OF THE
3 TYPES OF CORRECTIVE ACTION SET FORTH IN THIS ACT FOR AN IMPAIRED
4 PROFESSIONAL SO LONG AS THE PROFESSIONAL IS PROGRESSING
5 SATISFACTORILY IN AN APPROVED TREATMENT PROGRAM, PROVIDED THAT
6 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO A
7 PROFESSIONAL CONVICTED OF A FELONIOUS ACT PROHIBITED BY THE ACT
8 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
9 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR CONVICTED OF A
10 FELONY RELATING TO A CONTROLLED SUBSTANCE IN A COURT OF LAW OF
11 THE UNITED STATES OR ANY OTHER STATE, TERRITORY OR COUNTRY. AN
12 APPROVED PROGRAM PROVIDER SHALL, UPON REQUEST, DISCLOSE TO THE
13 CONSULTANT SUCH INFORMATION IN ITS POSSESSION REGARDING AN
14 IMPAIRED PROFESSIONAL IN TREATMENT WHICH THE PROGRAM PROVIDER IS
15 NOT PROHIBITED FROM DISCLOSING BY AN ACT OF THIS COMMONWEALTH,
16 ANOTHER STATE OR THE UNITED STATES. SUCH REQUIREMENT OF
17 DISCLOSURE BY AN APPROVED PROGRAM PROVIDER SHALL APPLY IN THE
18 CASE OF IMPAIRED PROFESSIONALS WHO ENTER AN AGREEMENT IN
19 ACCORDANCE WITH THIS SECTION, IMPAIRED PROFESSIONALS WHO ARE THE
20 SUBJECT OF A BOARD INVESTIGATION OR DISCIPLINARY PROCEEDING AND
21 IMPAIRED PROFESSIONALS WHO VOLUNTARILY ENTER A TREATMENT PROGRAM
22 OTHER THAN UNDER THE PROVISIONS OF THIS SECTION BUT WHO FAIL TO
23 COMPLETE THE PROGRAM SUCCESSFULLY OR TO ADHERE TO AN AFTER-CARE
24 PLAN DEVELOPED BY THE PROGRAM PROVIDER.

25 (C) AN IMPAIRED PROFESSIONAL WHO ENROLLS IN AN APPROVED
26 TREATMENT PROGRAM SHALL ENTER INTO AN AGREEMENT WITH THE BOARD
27 UNDER WHICH THE PROFESSIONAL'S LICENSE OR CERTIFICATE SHALL BE
28 SUSPENDED OR REVOKED, BUT ENFORCEMENT OF THAT SUSPENSION OR
29 REVOCATION MAY BE STAYED FOR THE LENGTH OF TIME THE PROFESSIONAL
30 REMAINS IN THE PROGRAM AND MAKES SATISFACTORY PROGRESS, COMPLIES

1 WITH THE TERMS OF THE AGREEMENT AND ADHERES TO ANY LIMITATIONS
2 ON HIS PRACTICE IMPOSED BY THE BOARD TO PROTECT THE PUBLIC.
3 FAILURE TO ENTER INTO SUCH AN AGREEMENT SHALL DISQUALIFY THE
4 PROFESSIONAL FROM THE IMPAIRED PROFESSIONAL PROGRAM AND SHALL
5 ACTIVATE AN IMMEDIATE INVESTIGATION AND DISCIPLINARY PROCEEDING
6 BY THE BOARD.

7 (D) IF, IN THE OPINION OF THE CONSULTANT AFTER CONSULTATION
8 WITH THE PROVIDER, AN IMPAIRED PROFESSIONAL WHO IS ENROLLED IN
9 AN APPROVED TREATMENT PROGRAM HAS NOT PROGRESSED SATISFACTORILY,
10 THE CONSULTANT SHALL DISCLOSE TO THE BOARD ALL INFORMATION IN
11 HIS POSSESSION REGARDING SAID PROFESSIONAL, AND THE BOARD SHALL
12 INSTITUTE PROCEEDINGS TO DETERMINE IF THE STAY OF THE
13 ENFORCEMENT OF THE SUSPENSION OR REVOCATION OF THE IMPAIRED
14 PROFESSIONAL'S LICENSE OR CERTIFICATE SHALL BE VACATED.

15 (E) AN APPROVED PROGRAM PROVIDER WHO MAKES A DISCLOSURE
16 PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO CIVIL LIABILITY
17 FOR SUCH DISCLOSURE OR ITS CONSEQUENCES.

18 (F) ANY HOSPITAL OR HEALTH CARE FACILITY, PEER OR COLLEAGUE
19 WHO HAS SUBSTANTIAL EVIDENCE THAT A PROFESSIONAL HAS AN ACTIVE
20 ADDICTIVE DISEASE FOR WHICH THE PROFESSIONAL IS NOT RECEIVING
21 TREATMENT, IS DIVERTING A CONTROLLED SUBSTANCE OR IS MENTALLY OR
22 PHYSICALLY INCOMPETENT TO CARRY OUT THE DUTIES OF HIS OR HER
23 LICENSE OR CERTIFICATION SHALL MAKE OR CAUSE TO BE MADE A REPORT
24 TO THE BOARD: PROVIDED, THAT [ANY PERSON] AN INDIVIDUAL OR
25 FACILITY WHO ACTS IN A TREATMENT CAPACITY TO AN IMPAIRED
26 PHYSICAL THERAPIST IN AN APPROVED TREATMENT PROGRAM IS EXEMPT
27 FROM THE MANDATORY REPORTING REQUIREMENTS OF THIS SUBSECTION.
28 [ANY PERSON OR FACILITY WHO REPORTS PURSUANT TO THIS SECTION IN
29 GOOD FAITH AND WITHOUT MALICE SHALL BE IMMUNE FROM ANY CIVIL OR
30 CRIMINAL LIABILITY ARISING FROM SUCH REPORT. FAILURE TO PROVIDE

1 SUCH REPORT WITHIN A REASONABLE TIME FROM RECEIPT OF KNOWLEDGE
2 OF IMPAIRMENT SHALL SUBJECT THE PERSON OR FACILITY TO A FINE NOT
3 TO EXCEED \$1,000. THE BOARD SHALL LEVY THIS PENALTY ONLY AFTER
4 AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS
5 PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
6 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).]

7 (G) AN INDIVIDUAL OR FACILITY WHO REPORTS PURSUANT TO THIS
8 SECTION IN GOOD FAITH AND WITHOUT MALICE SHALL BE IMMUNE FROM
9 ANY CIVIL OR CRIMINAL LIABILITY ARISING FROM SUCH REPORT.

10 FAILURE TO PROVIDE A REPORT WITHIN A REASONABLE TIME FROM
11 RECEIPT OF KNOWLEDGE OF IMPAIRMENT SHALL SUBJECT THE INDIVIDUAL
12 OR FACILITY TO A FINE NOT TO EXCEED \$1,000. THE BOARD SHALL LEVY
13 THIS PENALTY ONLY AFTER AFFORDING THE ACCUSED PARTY THE
14 OPPORTUNITY FOR A HEARING AS PROVIDED IN TITLE 2 OF THE
15 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE
16 LAW AND PROCEDURE).

17 SECTION 16. THE STATE BOARD OF PHYSICAL THERAPY SHALL
18 PROMULGATE REGULATIONS TO IMPLEMENT THE AMENDMENT OR ADDITION OF
19 SECTIONS 2, 2.1, 3, 4, 5, 6, 7, 7.1, 7.2, 9, 9.1, 9.2, 11, 11.1,
20 11.2, 11.3, 12 AND 13 OF THE ACT WITHIN 18 MONTHS OF THE
21 EFFECTIVE DATE OF THIS SECTION.

22 SECTION 17. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.