

## 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,  
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RUBLEY, SCAVELLO, SCHRODER, SONNEY, KILLION, HORNAMAN AND  
HELM, MAY 1, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 13, 2008

## 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 definitions, for State Board of  
4 Physical Therapy and its powers and duties, for training and  
5 license required and exceptions, for application for license,  
6 for qualifications for license and examinations, for renewal  
7 of license and for reporting of multiple licensure; providing  
8 for continuing education; further providing for practice of  
9 physical therapy, for physical therapy assistant, education  
10 and examination, scope of duties and registration and for  
11 supportive personnel; repealing provisions relating to  
12 Athletic Trainer Advisory Committee and certification of  
13 athletic trainers and certification renewal, revocation and  
14 suspension; and further providing for refusal or suspension  
15 or revocation of license, for automatic suspension, for  
16 temporary suspension, for subpoenas, reports and surrender of  
17 license, for penalties and injunctive relief and for impaired  
18 professional.

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

21 Section 1. The definitions of "athletic trainer," "Athletic  
22 Trainer Advisory Committee," "physical therapist assistant" and

"physical therapy" in section 2 of the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, amended April 2, 2002 (P.L.234, No.27), are amended and the section is amended by adding definitions to read:

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

["Athletic trainer" shall mean a person certified by the State Board of Physical Therapy as an athletic trainer after meeting the requirements of this act and rules and regulations promulgated pursuant thereto.

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

\* \* \*

"Certified Registered Nurse Practitioner" means an individual as defined in section 2 of the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

\* \* \*

"Consultation by means of telecommunications" means that a physical therapist renders a professional opinion or advice regarding the practice of physical therapy to another physical therapist or licensed health care provider via telecommunications or computer technology from a distant location, subject to section 4(b.3)(5) and consistent with applicable health information privacy laws. It includes the review or transfer of patient records or related information by means of audio, video or data communication.

"Dentist" means an individual as defined in 1 Pa.C.S. § 1991 (relating to definitions).

1 "Direct on-premises supervision" means the physical presence  
2 of a licensed physical therapist in the facility who is  
3 immediately available to exercise supervision, direction and  
4 control.

5 "Facility" means the physical premises where physical therapy  
6 services are being provided and all associated lands and  
7 buildings within the immediate proximity.

8 \* \* \*

9 "Physical therapist assistant" shall mean [a person] an  
10 individual who has met all the requirements of this act and is  
11 [registered] certified as a physical therapist assistant in  
12 accordance with this act.

13 "Physical therapy" means [the evaluation and treatment of any  
14 person by] evaluating, examining and testing individuals with  
15 mechanical, physiological and developmental impairments,  
16 functional limitations and disabilities or other health-related  
17 and movement-related conditions in order to determine a  
18 diagnosis, prognosis and plan of treatment intervention within  
19 the scope of this act, and to assess the ongoing effects of  
20 intervention. The practice of physical therapy includes the  
21 performance of tests and measurements as an aid in diagnosis or  
22 evaluation of function and the treatment of the individual  
23 through the utilization of the effective properties of physical  
24 measures such as mechanical stimulation, heat, cold, light, air,  
25 water, electricity, sound, massage, [mobilization]  
26 mobilization/manual therapy and the use of therapeutic exercises  
27 and rehabilitative procedures including training in functional  
28 activities, with or without the utilization of assistive  
29 devices, for the purpose of limiting or preventing disability  
30 and alleviating or correcting any physical or mental

1 conditions[, and the performance of tests and measurements as an  
2 aid in diagnosis or evaluation of function]. The practice of  
3 physical therapy also includes reducing the risk of injury,  
4 impairment, functional limitation and disability, including the <—  
5 promotion and maintenance of fitness, health and wellness in  
6 populations of all ages as well as engaging in administration,  
7 consultation, education and research.

8 "Physician assistant" means an individual as defined in the  
9 act of October 5, 1978 (P.L.1109, No.261), known as the  
10 "Osteopathic Medical Practice Act," or the act of December 20,  
11 1985 (P.L.457, No.112), known as the "Medical Practice Act of  
12 1985."

13 "Podiatrist" means an individual licensed under the act of  
14 March 2, 1956 (1955 P.L.1206, No.375), known as the "Podiatry  
15 Practice Act."

16 Section 2. Section 2.1 of the act, amended or added December  
17 20, 1985 (P.L.500, No.117) and February 21, 2002 (P.L.90, No.6),  
18 is amended to read:

19 Section 2.1. State Board of Physical Therapy.--(a) The  
20 board shall consist of eleven members, all of whom shall be  
21 residents of Pennsylvania. Six members shall be physical  
22 therapists [licensed] holding an active license to practice in  
23 this Commonwealth, each having had at least five years of  
24 experience as a physical therapist, three years of which must  
25 have immediately preceded the appointment to the board. One  
26 member shall be a physical therapist assistant [currently  
27 registered] holding an active certificate with the board [or an  
28 athletic trainer currently certified by the board]. Two members  
29 shall be representatives of the public. One member shall be the  
30 Commissioner of Professional and Occupational Affairs. One

1 member shall be the Physician General of the Commonwealth or his  
2 designee. The members of the board shall be appointed by the  
3 Governor, with the advice and consent of a majority of the  
4 members elected to the Senate. The board shall meet no less than  
5 four times per calendar year.

6 (b) Professional and public members [appointed after the  
7 expiration of the terms of current board members shall serve the  
8 following terms: one physical therapist shall serve one year;  
9 one physical therapist shall serve two years; one physical  
10 therapist and one public member shall serve three years; and two  
11 physical therapists, one physical therapist assistant and one  
12 public member shall serve four years. Thereafter, professional  
13 and public members shall serve] of the board shall serve  
14 staggered four-year terms. No member may be eligible for  
15 appointment to serve more than two consecutive terms. A member  
16 may continue to serve for a period not to exceed six months  
17 beyond the expiration of his term, if a successor has yet to be  
18 duly appointed and qualified according to law.

19 (c) The board shall select, from among their number, a  
20 chairman, a vice chairman and a secretary.

21 (d) A majority of the members of the board serving in  
22 accordance with law shall constitute a quorum for purposes of  
23 conducting the business of the board. Except for temporary and  
24 automatic suspensions under sections 11.1 and 11.2, a member may  
25 not be counted as part of a quorum or vote on any issue unless  
26 he or she is physically in attendance at the meeting.

27 (e) Each public and professional member of the board shall  
28 be paid reasonable traveling, hotel and other necessary expenses  
29 and per diem compensation at the rate of \$60 for each day of  
30 actual service while on board business.

1 (f) A member who fails to attend three consecutive meetings  
2 shall forfeit his seat unless the Commissioner of Professional  
3 and Occupational Affairs, upon written request from the member,  
4 finds that the member should be excused from a meeting because  
5 of illness or the death of an immediate family member.

6 (g) In the event that a member of the board dies or resigns  
7 or otherwise becomes disqualified during the term of office, a  
8 successor shall be appointed in the same way and with the same  
9 qualifications as set forth in subsection (a) and shall hold  
10 office for the unexpired term.

11 [(h) The board is subject to evaluation, review and  
12 termination within the time and in the manner provided in the  
13 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset  
14 Act."]

15 (i) A public member who fails to attend two consecutive  
16 statutorily mandated seminars in accordance with section 813(e)  
17 of the act of April 9, 1929 (P.L.177, No.175), known as "The  
18 Administrative Code of 1929," shall forfeit his or her seat  
19 unless the Commissioner of Professional and Occupational  
20 Affairs, upon written request from the public member, finds that  
21 the public member should be excused from a meeting because of  
22 illness or the death of a family member.

23 Section 3. Section 3 of the act, amended December 20, 1985  
24 (P.L.500, No.117), is amended to read:

25 Section 3. Powers and Duties of Board.--(a) It shall be the  
26 duty of the board to pass upon the qualifications of applicants  
27 for licensure as physical therapists[, registration] and  
28 certification as physical therapist assistants [and  
29 certification as athletic trainers], to conduct examinations, to  
30 issue and renew licenses and certificates of authorization to

1 physical therapists[, registrations] and certificates to  
2 physical therapist assistants [and certifications to athletic  
3 trainers] who qualify under this act, and in proper cases to  
4 refuse to issue, suspend or revoke the license or certificate of  
5 authorization of any physical therapist[, registration] or  
6 certificate of any physical therapist assistant [or  
7 certification of any athletic trainer]. The board may adopt  
8 rules and regulations not inconsistent with law as it may deem  
9 necessary for the performance of its duties and the proper  
10 administration of this law. The board is authorized and  
11 empowered to appoint hearing examiners and to conduct  
12 investigations and hearings upon charges for discipline of a  
13 licensee[, registrant] or certificate holder or for violations  
14 of this act, and to cause, through the office of the Attorney  
15 General, the prosecution and enjoinder of [persons] individuals  
16 violating this act. The board shall maintain a register listing  
17 the name of every living physical therapist licensed to practice  
18 in this State, and every physical therapist assistant duly  
19 [registered] certified pursuant to section 9.1 [and every  
20 athletic trainer certified to practice in this State], such  
21 individual's last known place of [business and last known place  
22 of] residence, and the date and number of the physical  
23 therapist's license [or athletic trainer's certification] and  
24 the physical therapist assistant's certificate.

25 (b) The board shall submit annually to the Department of  
26 State and to the House and Senate Appropriations Committees,  
27 within 15 days of the date on which the Governor has submitted  
28 his budget to the General Assembly, an estimate of the financial  
29 requirements of the board for its administrative, investigative,  
30 legal and miscellaneous expenses.

1 (c) The board shall submit annually a report, to the  
2 Professional Licensure Committee of the House of Representatives  
3 and to the Consumer Protection and Professional Licensure  
4 Committee of the Senate, containing a description of the types  
5 of complaints received, status of cases, board action which has  
6 been taken and the length of time from the initial complaint to  
7 final board resolution. The board shall report final adverse  
8 disciplinary action taken against a licensee to a national  
9 disciplinary database recognized by the board as required by  
10 law. The board shall be responsible for processing complaints  
11 alleging a violation of the act in accordance with the act of  
12 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
13 Code of 1929."

14 Section 4. Section 4 of the act, amended April 1984  
15 (P.L.196, No.41) and December 20, 1985 (P.L.500, No.117), is  
16 amended to read:

17 Section 4. Training and License Required; Exceptions.--(a)  
18 It shall be unlawful for [any person] an individual to practice  
19 or hold himself out as being able to practice physical therapy  
20 in this State in any manner whatsoever unless such [person]  
21 individual has met the educational requirements and is licensed  
22 in accordance with the provisions of this act. The board shall  
23 determine standards, by regulations, regarding qualifications  
24 necessary for the performance of such tests or treatment forms  
25 as the board shall determine require additional training or  
26 education beyond the educational requirements set forth by this  
27 act, as such relates to the practice of physical therapy in  
28 accordance with law. Nothing in this act, however, shall  
29 prohibit [any person] an individual trained and licensed or  
30 certified to practice or to act within the scope of his license



1 or certification in this State under any other law, from  
2 engaging in the licensed or certified practice for which he is  
3 trained.

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

19 (b.1) It shall be a violation of this act for [any person]  
20 an individual or business entity to utilize in connection with a  
21 business name or activity the words "physical therapy,"  
22 "physical therapist," "physiotherapy," "physiotherapist" or  
23 similar words and their related abbreviations which imply  
24 directly or indirectly that physical therapy services are being  
25 provided, including the billing of physical therapy services,  
26 unless such services are provided by a licensed physical  
27 therapist in accordance with this act: Provided, however, That  
28 nothing in this section shall limit a physician's authority to  
29 practice medicine or to bill for such practice nor limit a  
30 chiropractor's authority to practice chiropractic or to bill for

1 such practice.

2 (b.2) Nothing in this act shall limit a physician's  
3 authority to practice medicine or to delegate the performance of  
4 a medical service to a certified physical therapist assistant  
5 who is under the supervision of a licensed physical therapist,  
6 if the medical service is within the education and training for  
7 the physical therapist assistant and provided that the licensed  
8 physical therapist provides the initial evaluation for the  
9 physical therapy.

10 (b.3) This act shall not prohibit the following activities  
11 by the following individuals:

12 (1) A student who is enrolled in a board-approved school of  
13 physical therapy from performing acts of physical therapy as is  
14 incidental to the student's course of study.

15 (2) An individual engaged in the ~~nontherapeutic~~ <—  
16 NONTREATMENT-SPECIFIC administration of baths, massage and <—  
17 ~~normal exercise from such administration~~ EXERCISE. <—

18 (3) A physical therapist who is licensed without restriction  
19 in a jurisdiction of the United States or credentialed in  
20 another country, if that individual by contract or employment is  
21 providing physical therapy to individuals affiliated with or  
22 employed by established athletic teams, athletic organizations  
23 or performing arts companies temporarily practicing, competing  
24 or performing in this Commonwealth for NO more than 60 days <—  
25 within a consecutive 12-month period.

26 (4) A physical therapist who is licensed without restriction  
27 in a jurisdiction of the United States and who enters this  
28 Commonwealth to provide physical therapy during a declared  
29 local, State or national disaster or emergency. This exemption  
30 applies for no more than 60 days within a consecutive 12-month

1 period following the declaration of the emergency. In order to  
2 be eligible for this exemption, the physical therapist shall  
3 notify the board of their intent to practice.

4 (5) A physical therapist who holds an active license in  
5 another jurisdiction of the United States if that individual is  
6 providing consultation for no fee by means of telecommunication. <—  
7 ~~as defined in section 2, to a physical therapist licensed under~~ <—  
8 ~~this act.~~

9 (6) An individual employed by an agency, bureau or division  
10 of the Federal Government while in the discharge of official  
11 duties is not subject to this act. However, if the individual  
12 engages in the practice of physical therapy outside the scope of  
13 official duty, the individual must meet the educational  
14 requirements and be licensed or certified as provided in this  
15 act.

16 (c) The practice of physical therapy shall not include the  
17 practice of chiropractic as defined by the act of [August 10,  
18 1951 (P.L.1182, No.264), known as the "Chiropractic Registration  
19 Act of 1951."] December 16, 1986 (P.L.1646, No.188), known as  
20 the "Chiropractic Practice Act."

21 (d) A physical therapist assistant who is certified or  
22 licensed in a jurisdiction of the United States and is assisting  
23 a physical therapist engaged specifically in activities related  
24 to subsection (b.3)(3) and (4) is exempt from the requirement of  
25 certification under this act for no more than 60 days within a  
26 consecutive 12-month period.

27 Section 5. Section 5 of the act, amended April 4, 1984  
28 (P.L.196, No.41), is amended to read:

29 Section 5. Application for License.--Unless entitled to  
30 licensure without examination under the provisions of section 6,

1 [a person] an individual who desires and applies to be licensed  
2 as a physical therapist shall apply to the board [in writing, on  
3 forms] on a form furnished by the board, and such application  
4 [blanks] shall embody evidence satisfactory to the board of the  
5 applicant's possessing the qualifications preliminary to  
6 examination required by this act. At the time of forwarding such  
7 application to the board, an applicant for licensure as a  
8 physical therapist shall pay a fee as set by regulation.

9 Section 6. Sections 6, 7 and 7.1 of the act, amended or  
10 added December 20, 1985 (P.L.500, No.117) are amended to read:

11 Section 6. Qualifications for License; Examinations; Failure  
12 of Examinations; Licensure Without Examination; Issuing of  
13 License; Foreign Applicants for Licensure; Temporary License;  
14 Perjury.--(a) To be eligible for licensure as a physical  
15 therapist, an applicant must be at least 20 years of age unless  
16 otherwise determined by the board in its discretion, be of good  
17 moral character, not be addicted to the habitual use of alcohol  
18 or narcotics or other habit-forming drugs, and be a graduate of  
19 a school offering an educational program in physical therapy as  
20 adopted by the board, which program has been approved for the  
21 education and training of physical therapists by the appropriate  
22 nationally recognized accrediting agency. [By the time of  
23 completion of] An applicant completing the professional study of  
24 physical therapy[, a physical therapist] after 2002 must hold a  
25 minimum of a master's degree from a regionally accredited  
26 institution of higher education. An applicant completing the  
27 professional study of physical therapy between January 1967 and  
28 2002 must hold a minimum of a baccalaureate degree from a  
29 regionally accredited institution of higher education. In the  
30 case of those applicants who have completed requirements prior

1 to the first day of January, 1967, but who may not technically  
2 or totally fulfill the above requirements, the board at its  
3 discretion and by the majority vote of all members present may  
4 accept evidence of satisfactory equivalence. The board shall not  
5 issue a license to an applicant who has been convicted of a  
6 felony under the act of April 14, 1972 (P.L.233, No.64), known  
7 as "The Controlled Substance, Drug, Device and Cosmetic Act," or  
8 of an offense under the laws of another jurisdiction which, if  
9 committed in this Commonwealth, would be a felony under "The  
10 Controlled Substance, Drug, Device and Cosmetic Act," unless:

11 (1) at least ten years have elapsed from the date of  
12 conviction;

13 (2) the applicant satisfactorily demonstrates to the board  
14 that he has made significant progress in personal rehabilitation  
15 since the conviction such that licensure of the applicant should  
16 not be expected to create a substantial risk of harm to the  
17 health and safety of patients or the public or a substantial  
18 risk of further criminal violations; and

19 (3) the applicant otherwise satisfies the qualifications  
20 contained in or authorized by this act.

21 As used in this subsection the term "convicted" includes a  
22 judgment, an admission of guilt or a plea of nolo contendere.

23 (b) An applicant for licensure must pass [a written] an  
24 examination approved by the board which shall test the  
25 applicant's knowledge of the basic and clinical sciences as they  
26 relate to physical therapy theory and physical therapy  
27 procedures and such other subjects as the board may deem  
28 necessary to test the applicant's fitness to practice physical  
29 therapy. No license shall be granted unless an applicant has  
30 attained passing scores established by the testing agency and

1 published prior to the administration of the examination. The  
2 examination shall be held [within the Commonwealth of  
3 Pennsylvania twice a year] at such time and place as the board  
4 shall determine.

5 (c) In case of failure at the first examination, the  
6 applicant for licensure shall have, after the expiration of [six  
7 months] 60 days and within [two years] one year from the first  
8 failure, the privilege of a second examination. The board may  
9 adopt regulations governing the eligibility of applicants who  
10 have failed to pass two examinations in order to be admitted to  
11 subsequent examinations. An applicant may take the examination  
12 no more than three times in a consecutive 12-month period.

13 ~~(d) An applicant for licensure shall take the applicant's~~ <—  
14 ~~first examination within one year of graduation from an~~  
15 ~~educational program in physical therapy, unless the time limit~~  
16 ~~is extended for an applicant by board action for good cause.~~

17 (d.1) The board may grant licenses and [registrations]  
18 certifications without further examination to individuals from  
19 another state, territory or the District of Columbia if the  
20 following conditions exist:

21 (1) Licensing or [registration] certification standards in  
22 the other state, territory or the District of Columbia are  
23 substantially the same as those of this act.

24 (2) Similar privileges are accorded [persons] individuals  
25 licensed or [registered] certified in this Commonwealth.

26 (3) The applicant holds a valid license [or registration],  
27 registration or certification issued by the other state,  
28 territory or the District of Columbia.

29 (4) The applicant complies with the rules and regulations of  
30 the board.

1 (e) The board shall issue a license to a physical therapist  
2 who successfully establishes his eligibility under the terms of  
3 this act and [any person] an individual who holds a license  
4 pursuant to this section may use the words physical therapist or  
5 licensed physical therapist and he [may] shall use the letters  
6 [LPT] PT in connection with his name or place of business to  
7 denote his licensure hereunder. A licensed physical therapist  
8 may include designations for physical therapy degrees, including  
9 MPT AND DPT when a ~~doctor~~ MASTER'S OR DOCTOR'S of physical <—  
10 therapy degree has been earned from a regionally accredited  
11 institution of higher education, academic degrees, specialist  
12 certification and other credentials after the letters PT.

13 (f) [Foreign trained physical therapists who desire and  
14 apply to be licensed as a physical therapist by the board shall,  
15 before examination, furnish proof as to age, moral character,  
16 and no addiction to the use of alcohol or narcotics or other  
17 habit-forming drugs, and shall present proof indicating the  
18 completion of educational requirements substantially equal to  
19 those in subsection (a). In addition thereto] At the board's  
20 discretion, the foreign trained applicant must complete[, at the  
21 board's discretion,] up to one year of supervised clinical  
22 experience as prescribed by the board prior to taking the  
23 examination for licensure.

24 (g) Upon the submission of [a written application, on forms  
25 provided by it] an application as provided by the board, the  
26 board shall issue a temporary license to an applicant for  
27 licensure who has met all of the requirements of subsection (a)  
28 and who is eligible to take the examination provided for in  
29 subsection (b). The board shall issue only one temporary license  
30 to an applicant, and such temporary license shall expire upon

1 failure of the first examination or six months after the date of  
2 issue, whichever first occurs. Issuance by the board of a  
3 temporary license shall permit the applicant to practice  
4 physical therapy only while under the direct on-premises  
5 supervision of a licensed physical therapist with at least two  
6 years of experience. Upon expiration, the temporary license  
7 shall be promptly returned by the applicant to the board.

8 (h) Any applicant who knowingly or willfully makes a false  
9 statement of fact in any application shall be subject to  
10 prosecution for perjury.

11 (i) An applicant for licensure who has been educated outside  
12 of the United States shall:

13 (1) Complete the application process, including payment of  
14 fees.

15 (2) PROVIDE PROOF OF HOLDING AN UNRESTRICTED LICENSE IN THE <—  
16 COUNTRY WHERE THE APPLICANT WAS EDUCATED.

17 ~~(2)~~ (3) Provide satisfactory evidence that the applicant's <—  
18 education is substantially equivalent to the education of  
19 physical therapists educated in an accredited entry-level  
20 program as determined by the board. Graduation outside the  
21 United States from a professional education program accredited  
22 by the same accrediting agency that the board approves for  
23 programs within the United States constitutes evidence of  
24 substantial equivalency. In all other instances, "substantially  
25 equivalent" means that an applicant for licensure educated  
26 outside the United States shall have:

27 (i) Graduated from a physical therapist education program  
28 that prepares the applicant to engage without restriction in the  
29 practice of physical therapy.

30 (ii) Provided written proof that the applicant's school of



1 physical therapy is recognized by its own ministry of education.

2 (iii) Undergone a credentials evaluation as directed by the  
3 board that determines that the candidate has met uniform  
4 criteria for education requirements as further established by  
5 this rule.

6 (iv) Completed any additional education as required by the  
7 board.

8 ~~(3)~~ (4) Comply with all State, Federal and administrative <—  
9 laws and regulations related to the application for and  
10 maintenance of licensure.

11 ~~(4)~~ (5) Pass the examination approved by the board. <—

12 ~~(5)~~ (6) Meet the requirements established by board <—  
13 regulations if applicable.

14 (k) Each licensee and certificate holder shall display a  
15 copy of the licensee's license or certificate holder's  
16 certificate in a location accessible to public view and produce  
17 a copy immediately upon request.

18 Section 7. Renewal of License.--Each license issued under  
19 the provisions of this act shall be renewed biennially. On or  
20 before November 1 of each renewal year, the board shall mail an  
21 application for renewal of license to each [person] individual  
22 to whom a license was issued or renewed during the current  
23 licensing period, which application shall be mailed to the most  
24 recent address of said [person] individual as it appears on the  
25 records of the board. Such [person] individual shall complete  
26 the renewal application and [return] submit it to the board with  
27 a renewal fee before December 31 of the year in which said  
28 application was received. Upon receipt of any such application  
29 and fee, the board shall verify the accuracy of such application  
30 and issue to the applicant a certificate of renewal of license

1 for the next licensing period as described above. The renewal  
2 fee for each licensing period shall be set by regulation.

3 Section 7.1. Reporting of Multiple Licensure.--Any licensed  
4 physical therapist or [registered] certified physical therapist  
5 assistant of this Commonwealth who is also licensed to practice  
6 physical therapy or [registered] certified as a physical  
7 therapist assistant in any other state, territory or country  
8 shall report this information to the board on the biennial  
9 registration application. Any disciplinary action taken in such  
10 other jurisdiction shall be reported to the board on the  
11 biennial registration application, or within [90] 30 days of  
12 final disposition, whichever occurs sooner. Multiple licensure  
13 or [registration] certification shall be noted by the board on  
14 the physical therapist or physical therapist assistant's record,  
15 and such state, territory or country shall be notified by the  
16 board of any disciplinary actions taken against said physical  
17 therapist or physical therapist assistant in this Commonwealth.

18 Section 7. The act is amended by adding a section to read:

19 Section 7.2. Continuing Education.--For each license  
20 renewal, a licensee shall complete within the immediately  
21 preceding two-year period at least 30 hours of continuing  
22 physical therapy education as approved by the board. The  
23 licensee shall provide the board with evidence of the completion  
24 of the continuing education. A physical therapist who has met  
25 the continuing education requirements for a certificate of  
26 authorization set forth in section 9(c)(1) shall be deemed to  
27 have met the continuing education requirement for license  
28 renewal. No credit shall be given for any course in office  
29 management or practice building.

30 Section 8. Section 9 of the act, amended February 21, 2002

1 (P.L.90, No.6), is amended to read:

2 Section 9. Practice of Physical Therapy.--(a) Except as  
3 provided in subsection (b), no [person] individual licensed  
4 under this act as a physical therapist shall treat human  
5 ailments by physical therapy or otherwise except by the referral  
6 of [a person] an individual licensed as a physician, a licensed  
7 physician assistant practicing pursuant to a written agreement  
8 with a physician, or a certified registered nurse practitioner  
9 practicing pursuant to a collaborative agreement with a  
10 physician; however, a physical therapist shall be permitted to  
11 accept the referral of a licensed dentist or podiatrist  
12 [licensed], for the treatment of a condition that is within the  
13 scope of practice of dentistry or podiatry. Nothing in this act  
14 shall be construed as authorization for a physical therapist to  
15 practice any branch of the healing arts except as described in  
16 this act. [Any person] An individual violating the provisions of  
17 this act shall be guilty of a misdemeanor as described in  
18 section 12. For purposes of this section, relating to referrals,  
19 a licensed physician, dentist or podiatrist means an individual  
20 holding an active license in this Commonwealth, the District of  
21 Columbia or any other state or United States territory.

22 (b) Licensees who meet the standards set forth in this  
23 subsection may apply to the board for a certificate of  
24 authorization to practice physical therapy under this act  
25 without the required referral under subsection (a). A  
26 certificate of authorization to practice physical therapy  
27 without a referral under subsection (a) shall not authorize a  
28 physical therapist either to treat a condition in [any person]  
29 an individual which is a nonneurologic, nonmuscular or  
30 nonskeletal condition or to treat [a person] an individual who

1 has an acute cardiac or acute pulmonary condition unless the  
2 physical therapist has consulted with the [person's]  
3 individual's licensed physician, dentist or podiatrist regarding  
4 the [person's] individual's condition and the physical therapy  
5 treatment plan or has referred the [person] individual to a  
6 licensed physician, dentist or podiatrist for diagnosis and  
7 referral. The certificate of authorization shall be issued only  
8 to licensed physical therapists practicing physical therapy. The  
9 certificate of authorization shall be displayed by the  
10 certificate holder in a manner conspicuous to the public. The  
11 renewal of the certificate of authorization shall coincide with  
12 the renewal of the license of the licensee. Licensees making  
13 application for a certificate of authorization shall present  
14 satisfactory evidence to the board of all of the following:

15 (1) That the licensee has:

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

20 (ii) passed an examination for licensure to practice  
21 physical therapy prior to 1990 and successfully completed a  
22 course approved by the board on the appropriate evaluative  
23 procedures to treat [a person] an individual without a referral.

24 (2) That the licensee has:

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

30 (ii) been licensed under section 6(d.1) and has practiced

1 physical therapy in the delivery of patient care as a licensed  
2 physical therapist in a reciprocal state on a continuous basis  
3 for at least two years immediately preceding the application for  
4 a certificate of authorization; or

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

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

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

12 (i) [Beginning with the first license renewal period at  
13 least two years after the effective date of this subsection or  
14 upon first making application for a certificate of  
15 authorization, whichever occurs earlier, any licensee applying  
16 for and obtaining a certificate of authorization shall obtain  
17 and maintain, to the satisfaction of the board, professional  
18 liability insurance coverage in the minimum amounts required to  
19 be maintained by physicians pursuant to the act of October 15,  
20 1975 (P.L.390, No.111), known as the "Health Care Services  
21 Malpractice Act." The professional liability insurance coverage  
22 shall remain in effect as long as that licensee has a  
23 certificate of authorization.] A licensee with a certificate of  
24 authorization under this act practicing in this Commonwealth  
25 shall maintain a level of professional liability insurance  
26 coverage as required for a nonparticipating health care provider  
27 under the act of March 20, 2002 (P.L.154, No.13), known as the  
28 "Medical Care Availability and Reduction of Error (Mcare) Act,"  
29 but shall not be eligible to participate in the Medical Care  
30 Availability and Reduction of Error (Mcare) Fund.

1     (i.1) The board shall accept from a licensee with a  
2     certificate of authorization as satisfactory evidence of  
3     insurance coverage any of the following:

4     (A) Self-insurance.

5     (B) Personally purchased liability insurance.

6     (C) Professional liability insurance coverage provided by  
7     the licensee's employer.

8     (D) Similar insurance coverage acceptable to the board.

9     (i.2) A licensee with a certificate of authorization under  
10    this act need not be separately insured if the licensee's  
11    employer is a health care provider as defined by the "Medical  
12    Care Availability and Reduction of Error (Mcare) Act" that  
13    maintains insurance as required by Mcare; or whose employer is  
14    not a health care provider as defined by the "Medical Care  
15    Availability and Reduction of Error (Mcare) Act," but who  
16    maintains insurance at the level required of a nonparticipating  
17    health care provider under the "Medical Care Availability and  
18    Reduction of Error (Mcare) Act."

19    (ii) A licensee shall notify the board within [30] 10 days  
20    of the licensee's failure to be covered by the required  
21    insurance. Failure to notify the board shall be actionable under  
22    section 11 or 12. Further, the certificate of authorization of  
23    that licensee shall automatically be suspended upon failure to  
24    be covered by the required insurance and shall not be restored  
25    until submission to the board of satisfactory evidence that the  
26    licensee has the required professional liability insurance  
27    coverage.

28    [(iii) The board shall accept from licensees as satisfactory  
29    evidence of insurance coverage under this subsection any or all  
30    of the following: self-insurance, personally purchased

1 professional liability insurance, professional liability  
2 insurance coverage provided by the licensee's employer or any  
3 similar type of coverage.]

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

10 (c) (1) For each renewal of the certificate of  
11 authorization, the licensee shall complete within the  
12 immediately preceding two-year period at least [20] 30 hours of  
13 continuing physical therapy education related to keeping the  
14 certificate holder apprised of advancements and new developments  
15 in the practice of the physical therapy profession. At least ten  
16 of the [20] 30 hours shall be in appropriate evaluative  
17 procedures to treat [a person] an individual without a referral.  
18 No credit shall be given for any course in office management or  
19 practice building. The licensee shall provide the board with  
20 evidence of the completion of the continuing education.

21 (2) Continuing education programs and program providers  
22 under this subsection shall be approved by the board in  
23 accordance with standards and criteria established by the board  
24 by regulation. The regulation shall include any fees necessary  
25 to implement this provision and provide for waiver of the  
26 continuing education requirement due to illness or hardship in  
27 any licensing renewal period.

28 [(3) The requirements for continuing physical therapy  
29 education shall not apply until the first renewal of the  
30 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 may treat [a person] an individual without a referral as provided for in subsection (b) for up to 30 days from the date of the first treatment. A physical therapist shall not treat [a person] an individual beyond 30 days from the date of the first treatment unless he or she has obtained a referral from a licensed physician[, dentist or podiatrist.]; a licensed physician assistant practicing pursuant to a written agreement with a physician; a certified registered nurse practitioner practicing pursuant to a collaborative agreement with a physician; or a licensed dentist or licensed podiatrist, for the treatment of a condition that is within the scope of practice of dentistry or podiatry. The date of the first treatment for purposes of this subsection is the date the [person] individual is treated by any physical therapist treating without a referral.

(f) Nothing in this section shall be construed to require or preclude third-party insurance reimbursement. Nothing herein shall preclude an insurer or other third-party payor from



1 requiring that a physical therapist obtain a referral from a  
2 licensed physician[, dentist or podiatrist or]; a licensed  
3 physician assistant practicing pursuant to a written agreement  
4 with a physician; a certified registered nurse practitioner  
5 practicing pursuant to a collaborative agreement with a  
6 physician; or a licensed dentist or licensed podiatrist, for the  
7 treatment of a condition that is within the scope of practice of  
8 dentistry or podiatry; or that a physical therapist file an  
9 evaluation and treatment plan with the insurer or third-party  
10 payor as a precondition of reimbursement.

11 Section 9. Sections 9.1 and 9.2 of the act, added December  
12 20, 1985 (P.L.500, No.117), are amended to read:

13 Section 9.1. Physical Therapist Assistant; Education and  
14 Examination; Scope of Duties; [Registration] Certification.--(a)  
15 To be eligible [to register with] for certification by the board  
16 as a physical therapist assistant, an applicant must be at least  
17 [20] 18 years of age unless otherwise determined by the board,  
18 be of good moral character, not be addicted to the habitual use  
19 of alcohol or narcotics or other habit-forming drugs, be a  
20 graduate of a physical therapist assistant program adopted by  
21 the board, which program has been approved for the education and  
22 training for physical therapist assistants by the appropriate  
23 nationally recognized accrediting agency and be successful in  
24 passing an examination adopted by the board, subject to rules  
25 and regulations established by the board and administered in  
26 accordance with section 812.1 of the act of April 9, 1929  
27 (P.L.177, No.175), known as "The Administrative Code of 1929."  
28 No applicant shall be [registered] certified unless he has  
29 attained passing scores established by the [testing agency]  
30 board and published prior to the administration of the

1 examination.

2 (a.1) Upon the submission of an application, as provided by  
3 the board, the board shall issue a temporary certificate to an  
4 applicant for certification who has met all of the requirements  
5 of subsection (a) and who is eligible to take the examination  
6 provided for in subsection (a). The board shall issue only one  
7 temporary certificate to an applicant, and the temporary  
8 certificate shall expire upon failure of the first examination  
9 or six months after the date of issue, whichever first occurs.  
10 Issuance by the board of a temporary certificate shall permit  
11 the applicant to provide physical therapy acts and services only  
12 while under the direct on-premises supervision of a licensed  
13 physical therapist. Upon expiration, the temporary certificate  
14 shall be promptly returned by the applicant to the board.

15 (b) An applicant for certification must take the applicant's <—  
16 first examination within one year of graduation from a physical  
17 therapist assistant program, unless such time limit is extended  
18 for an applicant by board action for good cause. In case of  
19 failure of the first examination, the applicant for  
20 [registration] certification shall have, after the expiration of  
21 [six months] 60 days and within [two years] one year from the  
22 first failure, the privilege of a second examination. The board  
23 may adopt regulations governing the eligibility of applicants  
24 who have failed to pass two examinations in order to be admitted  
25 to subsequent examinations.

26 (c) A physical therapist assistant while assisting a  
27 licensed physical therapist in the practice of physical therapy  
28 shall only perform patient-related physical therapy acts and  
29 services that are assigned or delegated by and under the [direct  
30 on-premises] supervision of a licensed physical therapist. Such

1 acts and services of a physical therapist assistant shall not  
2 include evaluation, testing, interpretation, planning or  
3 modification of patient programs. For purposes of this section  
4 the term ["direct on-premises supervision" shall mean the  
5 physical presence of a licensed physical therapist on the  
6 premises who is immediately available to exercise supervision,  
7 direction and control.] "supervision" means as follows:

8 (1) In all practice settings, the performance of selected  
9 acts and services by the physical therapist assistant shall be:

10 (i) The responsibility of the licensed physical therapist at  
11 all times.

12 (ii) Consistent with safe and legal physical therapy  
13 practice.

14 (iii) Predicated on the following factors:

15 (A) Complexity and acuity of the patient's needs.

16 (B) Proximity and accessibility of the licensed physical  
17 therapist to the certified physical therapist assistant.

18 (C) Supervision available in the event of an emergency or  
19 critical event.

20 (D) Type of setting in which the service is provided.

21 (2) In all practice settings and relating to physical  
22 therapy intervention, the initial patient contact shall be made  
23 by a licensed physical therapist for evaluation of the patient  
24 and establishment of a plan of care.

25 (3) Supervision requirements of a physical therapist  
26 assistant shall be dependent upon the practice setting in which  
27 the care is delivered:

28 (i) When care is delivered to an individual in an acute care  
29 hospital, acute inpatient rehabilitation center, long-term acute  
30 care hospital facility setting or as otherwise required by law

1 or regulation, the physical therapist assistant shall be under  
2 the direct on-premises supervision of a licensed physical  
3 therapist.

4 (ii) When care is provided to an individual in a preschool,  
5 primary school, secondary school or other similar educational  
6 setting, a licensed physical therapist shall make an onsite  
7 visit and examine the patient at least every four patient visits  
8 or every 30 days, whichever shall occur first.

9 (iii) When care is provided to ~~an individual~~ A PATIENT in an <—  
10 independent private practice outpatient facility, a licensed  
11 physical therapist shall be present for at least 50% of any work <—  
12 week. PROVIDE DIRECT ON-PREMISES SUPERVISION OF A PHYSICAL <—  
13 THERAPIST ASSISTANT FOR AT LEAST 50% OF THE HOURS WORKED BY THE  
14 PHYSICAL THERAPIST ASSISTANT DURING THE WORKWEEK UNLESS  
15 OTHERWISE REQUIRED BY LAW, AND THE PHYSICAL THERAPIST SHALL BE  
16 IMMEDIATELY AVAILABLE BY TELECOMMUNICATION IF NOT PROVIDING  
17 DIRECT ON-PREMISES SUPERVISION.

18 (iv) For any home health care, facility or practice setting  
19 not specified in subparagraph (i), (ii) or (iii), a licensed  
20 physical therapist shall make an onsite visit and examine <—  
21 ACTIVELY PARTICIPATE IN THE TREATMENT OF the patient at least <—  
22 every seven patient visits or every 14 days, whichever shall  
23 occur first.

24 The board shall review and make recommendations relating to the  
25 requirements of this paragraph three years following the  
26 effective date of this paragraph.

27 (4) In all practice settings, a physical therapist assistant  
28 shall be under the direct on-premises supervision of a licensed  
29 physical therapist until the physical therapist assistant  
30 submits for approval evidence satisfactory to the board of:

1     (i) at least 2,000 hours of experience providing patient-  
2 related acts and services verified by a supervising licensed  
3 physical therapist; or

4     (ii) employment as a physical therapist assistant for at  
5 least three of the five years immediately preceding the  
6 effective date of this paragraph.

7     (5) Upon compliance with paragraph (4), a physical therapist  
8 assistant may only provide physical therapy acts and services  
9 when the licensed physical therapist is available and accessible  
10 in person or by telecommunication to the physical therapist  
11 assistant during all working hours of the physical therapist  
12 assistant and is present within a 100-mile radius of the  
13 treatment location. A physical therapist assistant shall consult  
14 with the supervising physical therapist in the event of a change  
15 in the patient's condition which may require the assessment of a  
16 licensed physical therapist.

17     (6) A licensed physical therapist shall not supervise more  
18 than three physical therapist assistants at any time.

19     (7) In the event of a change of the supervising licensed  
20 physical therapist, the subsequent supervisor shall assume  
21 responsibility for the ongoing supervision of any certified  
22 physical therapist assistant providing physical therapy acts and  
23 services and shall become the supervising physical therapist.

24     (d) Only [a person] an individual who has been properly  
25 [registered] certified as a physical therapist assistant with  
26 the board, pursuant to the provisions of this section and rules  
27 and regulations promulgated by the board thereto, shall assist a  
28 licensed physical therapist in the practice of physical therapy  
29 as a physical therapist assistant and use the title "physical  
30 therapist [assistant."] assistant" and the abbreviation "PTA."

1 [(e) The qualifications provision of this section shall not  
2 apply and an applicant shall be registered without examination  
3 if the applicant has submitted an application for registration  
4 accompanied by an application fee as specified by the board  
5 within two years after the effective date of this amendatory act  
6 and is a resident of Pennsylvania or has practiced in this  
7 Commonwealth for a two-year period; and

8 (1) on the effective date of this amendatory act, is a  
9 graduate of a physical therapist assistant program acceptable to  
10 the board and has engaged in physical therapist assistant  
11 practice acceptable to the board for two years; and

12 (2) on the effective date of this amendatory act, is listed  
13 with the board as a physical therapist assistant.]

14 (f) The board shall issue, renew, revoke or suspend the  
15 [registration] certification of physical therapist assistants  
16 pursuant to rules and regulations promulgated by the board. All  
17 actions of the board shall be taken subject to the right of  
18 notice, hearing and adjudication and the right of appeal  
19 therefrom in accordance with Title 2 of the Pennsylvania  
20 Consolidated Statutes (relating to administrative law and  
21 procedure).

22 (g) Unless ordered to do so by a court, the board shall not  
23 reinstate the [registration of a person] certification of an  
24 individual to practice as a physical therapist assistant which  
25 has been revoked, and such [person] individual shall be required  
26 to apply for [registration] certification after a five-year  
27 period in accordance with the provisions of this section,  
28 including the examination requirement, if he desires to practice  
29 at any time after such revocation.

30 (h) A physical therapist assistant may not authorize the

1 discharge of a patient from physical therapy services.

2 (i) In an emergency situation which causes the unanticipated  
3 absence of the supervising physical therapist for not more than  
4 two days per month, a certified physical therapist assistant may  
5 continue to render services to only those patients for which the  
6 certified physical therapist assistant has previously  
7 participated in the intervention for established plans of care  
8 not to exceed the regularly scheduled operational hours of the  
9 particular day or days the supervising physical therapist is  
10 absent. Every effort shall be made by the licensed physical  
11 therapist or certified physical therapist assistant to obtain  
12 supervision in the care described in this subsection. A licensee  
13 utilizing this section shall submit a report to the board  
14 ~~annually~~ BIENNIALY setting forth each day absent under this <—  
15 paragraph and the reason for such absence. A licensed physical  
16 therapist may utilize this emergency provision no more than ten  
17 days per calendar year.

18 (j) For each certificate renewal, a certificate holder shall  
19 complete within the immediately preceding two-year period at  
20 least 30 hours of continuing physical therapy education as  
21 approved by the board in accordance with standards and criteria  
22 established by the board by regulation. The certificate holder  
23 shall provide the board with evidence of the completion of the  
24 continuing education.

25 Section 9.2. Supportive Personnel.--Nothing in this act [or  
26 the act of October 10, 1975 (P.L.383, No.110), known as the  
27 "Physical Therapy Practice Act,"] shall prohibit a licensed  
28 physical therapist from assigning or delegating various  
29 activities to other [persons] individuals who may, from time to  
30 time, aid and assist a licensed physical therapist or certified

1 physical therapist assistant in the provision of physical  
2 therapy services; provided that such activities are performed  
3 under the direct on-premises supervision of a licensed physical  
4 therapist or certified physical therapist assistant and the  
5 level of such activities do not require formal education or  
6 training in the practice of physical therapy, the skill and  
7 knowledge of a licensed physical therapist and the skill and  
8 knowledge of a properly [registered] certified physical  
9 therapist assistant.

10 Section 10. Section 10.1 of the act, added April 4, 1984  
11 (P.L.196, No.41), is repealed:

12 [Section 10.1. Athletic Trainer Advisory Committee  
13 Created.--There is hereby created an advisory committee to be  
14 known as the Athletic Trainer Advisory Committee which shall be  
15 appointed by and serve at the pleasure of the board for the  
16 purpose of carrying out the provisions of this act as it relates  
17 to athletic trainers. The Athletic Trainer Advisory Committee  
18 shall assist the board in the certification, renewal, revocation  
19 or suspension of athletic trainers in accordance with this act  
20 and rules and regulations and as the board deems appropriate.  
21 The Athletic Trainer Advisory Committee shall consist of no more  
22 than three members who shall be certified athletic trainers and  
23 who shall receive reimbursement for actual traveling expenses  
24 related to their service to the board and a per diem to be fixed  
25 from time to time by the Governor's Executive Board but not less  
26 than \$35 per day. Advisory committee members may be selected by  
27 the board from a list of qualified athletic trainers provided by  
28 the Pennsylvania Athletic Trainers Society. Members of the  
29 advisory committee shall serve for three years except that the  
30 initial committee membership shall be appointed to serve for



1 staggered terms of one, two and three years respectively.]

2 Section 11. Section 10.2 of the act, amended or added April  
3 4, 1984 (P.L.196, No.41) and December 20, 1985 (P.L.500,  
4 No.117), is repealed:

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

11 (1) Approved educational program standards.

12 (2) Education degree requirements for certification.

13 (3) Practical training experience requirements for  
14 certification.

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

18 Regulations promulgated pursuant to this section shall be  
19 formulated with the advice and consultation of the Athletic  
20 Trainer Advisory Committee.

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

28 (c) The board shall renew, revoke or suspend the  
29 certification of athletic trainers pursuant to rules and  
30 regulations formulated in consultation with the Athletic Trainer

1 Advisory Committee. All actions of the board shall be taken  
2 subject to the right of notice, hearing and adjudication and the  
3 right of appeal therefrom in accordance with Title 2 of the  
4 Pennsylvania Consolidated Statutes (relating to administrative  
5 law and procedure).

6 (d) Unless ordered to do so by a court, the board shall not  
7 reinstate the certificate of a person to practice as an athletic  
8 trainer which has been revoked, and such person shall be  
9 required to apply for a certificate after a five-year period in  
10 accordance with this section, if he desires to practice at any  
11 time after such revocation.]

12 Section 12. Section 11 of the act, amended December 20, 1985  
13 (P.L.500, No.117) and February 21, 2002 (P.L.90, No.6), is  
14 amended to read:

15 Section 11. Refusal or Suspension or Revocation of License  
16 or Certificate.--(a) [The] Except as otherwise provided in this  
17 act, the board shall refuse to issue a license or certificate to  
18 [any person] an individual and after notice and hearing in  
19 accordance with rules and regulations, may suspend or revoke the  
20 license or certificate of [any person] an individual who has:

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

23 (2) attempted to or obtained licensure or certification by  
24 fraud or misrepresentation;

25 (2.1) attempted to engage in conduct that subverts or  
26 undermines the integrity of the examination or the examination  
27 process;

28 (3) committed repeated occasions of negligence or  
29 incompetence in the practice of physical therapy;

30 (4) been convicted of a felony or a crime of moral turpitude

1 in a Federal court or in the courts of this Commonwealth or any  
2 other state, territory or country. Conviction, as used in this  
3 paragraph, shall include a finding or verdict of guilt, an  
4 admission of guilt or a plea of nolo contendere;

5 (5) habitually indulged in the use of narcotics or other  
6 habit-forming drugs, or excessively indulged in the use of  
7 alcoholic liquors;

8 (6) been found guilty of unprofessional conduct.

9 Unprofessional conduct shall include any departure from or the  
10 failure to conform to the minimal standards of acceptable and  
11 prevailing physical therapy practice, including the recognized  
12 standards of ethics of the physical therapy profession, in which  
13 proceeding actual injury to a patient need not be established;

14 (7) treated or undertaken to treat human ailments otherwise  
15 than by physical therapy as defined in this act;

16 (8) had his license or certificate to practice physical  
17 therapy revoked or suspended or having other disciplinary action  
18 taken, or his application for a license or certificate refused,  
19 revoked or suspended by the proper licensing or certifying  
20 authority of another state, territory or country; [and]

21 (9) made misleading, deceptive, untrue or fraudulent  
22 representations in violation of this act or otherwise in the  
23 practice of the profession[.];

24 (10) in the case of a licensed physical therapist who failed  
25 to supervise physical therapist assistants or supportive  
26 personnel in accordance with this act or board regulation; or

27 (11) knowingly aiding, assisting, procuring or advising any  
28 unlicensed individual to practice a profession contrary to this  
29 act or regulations of the board.

30 (b) All actions of the board shall be taken subject to the

1 right of notice, hearing and adjudication and the right of  
2 appeal therefrom in accordance with Title 2 of the Pennsylvania  
3 Consolidated Statutes (relating to administrative law and  
4 procedure).

5 (c) Unless ordered to do so by a court, the board shall not  
6 reinstate the license of [a person to practice as a physical  
7 therapist] an individual to practice as a physical therapist or  
8 the certificate of an individual certified to practice as a  
9 physical therapist assistant which has been revoked, and such  
10 [person] individual shall be required to apply for a license or  
11 certificate after a five-year period in accordance with section  
12 6, if he desires to practice at any time after such revocation.

13 ~~(d) The board may accept the voluntary surrender of a~~ <—  
14 ~~license or certificate based upon an order of consent from the~~  
15 ~~board.~~

16 Section 13. Sections 11.1, 11.2 and 11.3 of the act, added  
17 December 20, 1985 (P.L.500, No.117), are amended to read:

18 Section 11.1. Automatic Suspension.--A license[,  
19 registration] or certificate issued under this act shall  
20 automatically be suspended upon the legal commitment of a  
21 licensee[, registrant] or certificate holder to an institution  
22 because of mental incompetency from any cause upon filing with  
23 the board a certified copy of such commitment; conviction of a  
24 felony under the act of April 14, 1972 (P.L.233, No.64), known  
25 as "The Controlled Substance, Drug, Device and Cosmetic Act"; or  
26 conviction of an offense under the laws of another jurisdiction  
27 which, if committed in Pennsylvania, would be a felony under  
28 "The Controlled Substance, Drug, Device and Cosmetic Act." As  
29 used in this section the term "conviction" shall include a  
30 judgment, an admission of guilty or a plea of nolo contendere.

1 Automatic suspension under this section shall not be stayed  
2 pending any appeal of a conviction. Restoration of such  
3 license[, registration] or certificate shall be made as provided  
4 in this act for revocation or suspension of such license[,  
5 registrant] or certificate holder.

6 Section 11.2. Temporary Suspension.--The board shall  
7 temporarily suspend a license[, registration] or certificate  
8 under circumstances as determined by the board to be an  
9 immediate and clear danger to the public health or safety. The  
10 board shall issue an order to that effect without a hearing, but  
11 upon due notice, to the licensee[, registrant] or certificate  
12 holder concerned at his last known address, which shall include  
13 a written statement of all allegations against the licensee[,  
14 registrant] or certificate holder. The provisions of section  
15 11(c) shall not apply to temporary suspension. The board shall  
16 thereupon commence formal action to suspend, revoke or restrict  
17 the license[, registration] or certificate of the [person]  
18 individual concerned as otherwise provided for in this act. All  
19 actions shall be taken promptly and without delay. Within 30  
20 days following the issuance of an order temporarily suspending a  
21 license[, registration] or certificate, the board shall conduct,  
22 or cause to be conducted, a preliminary hearing to determine  
23 that there is a prima facie case supporting the suspension. The  
24 licensee[, registrant] or certificate holder whose license[,  
25 registration] or certificate has been temporarily suspended may  
26 be present at the preliminary hearing and may be represented by  
27 counsel, cross-examine witnesses, inspect physical evidence,  
28 call witnesses, offer evidence and testimony and make a record  
29 of the proceedings. If it is determined that there is not a  
30 prima facie case, the suspended license[, registration] or

1 certificate shall be immediately restored. The temporary  
2 suspension shall remain in effect until vacated by the board,  
3 but in no event longer than 180 days.

4 Section 11.3. Subpoenas; Examinations; Reports; Surrender of  
5 License.--(a) The board shall have the authority to issue  
6 subpoenas, upon application of an attorney responsible for  
7 representing the Commonwealth in disciplinary matters before the  
8 board, for the purpose of investigating alleged violations of  
9 the disciplinary provisions administered by the board. The board  
10 shall have the power to subpoena witnesses, to administer oaths,  
11 to examine witnesses and to take testimony or compel the  
12 production of books, records, papers and documents as it may  
13 deem necessary or proper in and pertinent to any proceeding,  
14 investigation or hearing held by it. Patient records may not be  
15 subpoenaed without consent of the patient or without order of a  
16 court of competent jurisdiction on a showing that the records  
17 are reasonably necessary for the conduct of the investigation.  
18 The court may impose such limitations on the scope of the  
19 subpoena as are necessary to prevent unnecessary intrusion into  
20 patient confidential information. The board is authorized to  
21 apply to Commonwealth Court to enforce its subpoenas.

22 (b) An attorney responsible for representing the  
23 Commonwealth in disciplinary matters before the board shall  
24 notify the board immediately upon receiving notification of an  
25 alleged violation of this act. The board shall maintain current  
26 records of all reports of alleged violations and periodically  
27 review the records for the purpose of determining that each  
28 alleged violation has been resolved in a timely manner.

29 (c) The board shall require [a person] an individual whose  
30 license[, ] or certificate [or registration] has been suspended

1 or revoked to return the license[, ] or certificate [or  
2 registration] in such manner as the board directs. [A person] An  
3 individual who fails to do so commits a misdemeanor of the third  
4 degree.

5 (d) The board, upon probable cause, has authority to compel  
6 a licensee or certificate holder to submit to a mental or  
7 physical examination by a physician approved by the board.  
8 Failure of a licensee or certificate holder to submit to an  
9 examination when directed by the board, unless the failure is  
10 due to circumstances beyond the licensee's or certificate  
11 holder's control, shall constitute an admission of the  
12 allegations against the licensee or certificate holder,  
13 consequent upon which a default and final order may be entered  
14 without the taking of testimony or presentation of evidence.

15 (e) A licensee or certificate holder affected shall, at  
16 reasonable intervals as determined by the board, be afforded an  
17 opportunity to demonstrate that the licensee or certificate  
18 holder can resume competent practice with reasonable skill and  
19 safety.

20 Section 14. Section 12 of the act, amended April 4, 1984  
21 (P.L.196, No.41) and December 20, 1985 (P.L.500, No.117), is  
22 amended to read:

23 Section 12. Penalties; Injunctive Relief.--(a) [Any person]  
24 An individual who violates any provision of this act shall be  
25 guilty of a misdemeanor, as herein set forth, and upon  
26 conviction thereof shall be punished by a fine of not less than  
27 [\$100] \$500 nor more than [\$500] \$1,000 or by imprisonment for  
28 not less than 30 days nor more than 90 days, or by both such  
29 fine and imprisonment; and on each additional offense shall be  
30 subject to a fine of not less than \$1,000 and imprisonment of

1 not less than six months nor more than one year, at the  
2 discretion of the court.

3 (b) The board may, in the name of the people of the  
4 Commonwealth of Pennsylvania, through the Attorney General's  
5 Office, apply for injunctive relief in any court of competent  
6 jurisdiction to enjoin [any person] an individual from  
7 committing any act in violation of this act. Such injunction  
8 proceedings shall be in addition to, and not in lieu of, all  
9 penalties and other remedies in this act.

10 (c) In addition to any other civil remedy or criminal  
11 penalty provided for in this act, the board, by a vote of the  
12 majority of the maximum number of the authorized membership of  
13 the board as provided by this act or by a vote of the majority  
14 of the qualified and confirmed membership or a minimum of four  
15 members, whichever is greater, may levy a civil penalty of up to  
16 \$1,000 on any current licensee or [registrant] certificate  
17 holder who violates any provisions of this act or on [any  
18 person] an individual who practices physical therapy without  
19 being properly licensed to do so under this act or who practices  
20 as a physical therapist assistant without being properly  
21 [registered] certified to do so under this act. The board shall  
22 levy this penalty only after affording the accused party the  
23 opportunity for a hearing, as provided in Title 2 of the  
24 Pennsylvania Consolidated Statutes (relating to administrative  
25 law and procedure).

26 (d) All fines and civil penalties imposed in accordance with  
27 this section shall be paid into the Professional Licensure  
28 Augmentation Account.

29 Section 15. Section 13 of the act, added December 20, 1985  
30 (P.L.500, No.117), is amended to read:



1       Section 13. Impaired Professional.--(a) The board, with the  
2 approval of the Commissioner of Professional and Occupational  
3 Affairs, shall appoint and fix the compensation of a  
4 professional consultant who is a licensee of the board, or such  
5 other professional as the board may determine, with education  
6 and experience in the identification, treatment and  
7 rehabilitation of [persons] individuals with physical or mental  
8 impairments. Such consultant shall be accountable to the board  
9 and shall act as a liaison between the board and treatment  
10 programs, such as alcohol and drug treatment programs licensed  
11 by the Department of Health, psychological counseling and  
12 impaired professional support groups, which are approved by the  
13 board and which provide services to licensees or certificate  
14 holders under this act.

15       (b) The board may defer and ultimately dismiss any of the  
16 types of corrective action set forth in this act for an impaired  
17 professional so long as the professional is progressing  
18 satisfactorily in an approved treatment program, provided that  
19 the provisions of this subsection shall not apply to a  
20 professional convicted of a felonious act prohibited by the act  
21 of April 14, 1972 (P.L.233, No.64), known as "The Controlled  
22 Substance, Drug, Device and Cosmetic Act," or convicted of a  
23 felony relating to a controlled substance in a court of law of  
24 the United States or any other state, territory or country. An  
25 approved program provider shall, upon request, disclose to the  
26 consultant such information in its possession regarding an  
27 impaired professional in treatment which the program provider is  
28 not prohibited from disclosing by an act of this Commonwealth,  
29 another state or the United States. Such requirement of  
30 disclosure by an approved program provider shall apply in the

1 case of impaired professionals who enter an agreement in  
2 accordance with this section, impaired professionals who are the  
3 subject of a board investigation or disciplinary proceeding and  
4 impaired professionals who voluntarily enter a treatment program  
5 other than under the provisions of this section but who fail to  
6 complete the program successfully or to adhere to an after-care  
7 plan developed by the program provider.

8 (c) An impaired professional who enrolls in an approved  
9 treatment program shall enter into an agreement with the board  
10 under which the professional's license or certificate shall be  
11 suspended or revoked, but enforcement of that suspension or  
12 revocation may be stayed for the length of time the professional  
13 remains in the program and makes satisfactory progress, complies  
14 with the terms of the agreement and adheres to any limitations  
15 on his practice imposed by the board to protect the public.  
16 Failure to enter into such an agreement shall disqualify the  
17 professional from the impaired professional program and shall  
18 activate an immediate investigation and disciplinary proceeding  
19 by the board.

20 (d) If, in the opinion of the consultant after consultation  
21 with the provider, an impaired professional who is enrolled in  
22 an approved treatment program has not progressed satisfactorily,  
23 the consultant shall disclose to the board all information in  
24 his possession regarding said professional, and the board shall  
25 institute proceedings to determine if the stay of the  
26 enforcement of the suspension or revocation of the impaired  
27 professional's license or certificate shall be vacated.

28 (e) An approved program provider who makes a disclosure  
29 pursuant to this section shall not be subject to civil liability  
30 for such disclosure or its consequences.

1 (f) Any hospital or health care facility, peer or colleague  
2 who has substantial evidence that a professional has an active  
3 addictive disease for which the professional is not receiving  
4 treatment, is diverting a controlled substance or is mentally or  
5 physically incompetent to carry out the duties of his or her  
6 license or certification shall make or cause to be made a report  
7 to the board: Provided, That [any person] an individual or  
8 facility who acts in a treatment capacity to an impaired  
9 physical therapist in an approved treatment program is exempt  
10 from the mandatory reporting requirements of this subsection.  
11 [Any person or facility who reports pursuant to this section in  
12 good faith and without malice shall be immune from any civil or  
13 criminal liability arising from such report. Failure to provide  
14 such report within a reasonable time from receipt of knowledge  
15 of impairment shall subject the person or facility to a fine not  
16 to exceed \$1,000. The board shall levy this penalty only after  
17 affording the accused party the opportunity for a hearing, as  
18 provided in Title 2 of the Pennsylvania Consolidated Statutes  
19 (relating to administrative law and procedure).]

20 (g) An individual or facility who reports pursuant to this  
21 section in good faith and without malice shall be immune from  
22 any civil or criminal liability arising from such report.  
23 Failure to provide a report within a reasonable time from  
24 receipt of knowledge of impairment shall subject the individual  
25 or facility to a fine not to exceed \$1,000. The board shall levy  
26 this penalty only after affording the accused party the  
27 opportunity for a hearing as provided in Title 2 of the  
28 Pennsylvania Consolidated Statutes (relating to administrative  
29 law and procedure).

30 Section 16. The State Board of Physical Therapy shall

1 promulgate regulations to implement the amendment or addition of  
2 sections 2, 2.1, 3, 4, 5, 6, 7, 7.1, 7.2, 9, 9.1, 9.2, 11, 11.1,  
3 11.2, 11.3, 12 and 13 of the act within 18 months of the  
4 effective date of this section.

5 Section 17. This act shall take effect in 60 days.