



March 2, 1999

HOUSE BILL No. 1512

DIGEST OF HB 1512 (Updated February 25, 1999 6:33 pm - DI 77)

Citations Affected: IC 25-27.

Synopsis: Physical therapists. Amends practices that are prohibited for a physical therapist. Requires that a physical therapist adhere to the profession's standard of ethics. Provides conditions that a physical therapist must refer a patient to certain health care providers. Allows a physical therapist to subsequently treat a previously referred patient for the same condition. Makes conforming amendments.

Effective: July 1, 1999.

Hasler, Frizzell, Stilwell, Whetstone

January 19, 1999, read first time and referred to Committee on Public Health.
March 1, 1999, amended, reported — Do Pass.

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HB 1512—LS 7785/DI 100+



March 2, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1512

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-27-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. For the purposes of
3 this chapter:
4 (1) "Physical therapy" means the evaluation of, administration of,
5 or instruction in physical rehabilitative and habilitative techniques
6 and procedures to evaluate, prevent, correct, treat, alleviate, and
7 limit physical disability, pathokinesiological function, bodily
8 malfunction, pain from injury, disease, and any other physical
9 disability or mental disorder, including:
10 (A) the use of physical measures, agents, and devices for
11 preventive and therapeutic purposes;
12 (B) neurodevelopmental procedures;
13 (C) the performance, interpretation, and evaluation of physical
14 therapy tests and measurements; and
15 (D) the provision of consultative, educational, and other
16 advisory services for the purpose of preventing or reducing the
17 incidence and severity of physical disability, bodily

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- 1 malfunction, and pain.
- 2 (2) "Physical therapist" means a person who practices physical
- 3 therapy as defined in this chapter.
- 4 (3) "Physical ~~therapist's~~ **therapist** assistant" means a person who
- 5 assists in the practice of physical therapy as defined in this
- 6 chapter.
- 7 (4) "Board" refers to the medical licensing board.
- 8 (5) "Committee" refers to the Indiana physical therapy committee
- 9 established under section 4 of this chapter.
- 10 (6) "Person" means an individual.

11 SECTION 2. IC 25-27-1-2 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as

13 otherwise provided in this chapter, it is unlawful for a person to

14 practice physical therapy or to profess to be a physical therapist,

15 physiotherapist, or physical therapy technician or to use the initials

16 "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations,

17 or insignia indicating that the person is a physical therapist, or to

18 practice or to assume the duties incident to physical therapy without

19 first obtaining from the board a license authorizing the person to

20 practice physical therapy in this state.

21 (b) It is unlawful for a person to practice physical therapy other than

22 upon the order or referral of a physician, podiatrist, psychologist,

23 chiropractor, or dentist holding an unlimited license to practice

24 medicine, podiatric medicine, psychology, chiropractic, or dentistry;

25 respectively. It is unlawful for a physical therapist to **do any of the**

26 **following:**

- 27 (1) Use the services of a physical ~~therapist's~~ **therapist** assistant
- 28 except as provided under this chapter. ~~For the purposes of this~~
- 29 ~~subsection, the function of:~~
- 30 (1) teaching;
- 31 (2) doing research;
- 32 (3) providing advisory services; or
- 33 (4) conducting seminars on physical therapy;
- 34 is not considered to be a practice of physical therapy:
- 35 (2) Practice or offer to practice beyond the scope of the
- 36 practice of physical therapy.
- 37 (3) Fail to adhere to the standards of ethics of the physical
- 38 therapy profession established in the rules adopted by the
- 39 board.
- 40 (4) Promote an unnecessary device, treatment intervention, or
- 41 service for the financial gain of the practitioner or of a third
- 42 party.

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- 1 **(5) Provide treatment intervention unwarranted by the**
 2 **condition of the patient.**
- 3 **(c) A physical therapist shall refer a person under the**
 4 **therapist's care to a physician, podiatrist, psychologist,**
 5 **chiropractor, or dentist:**
- 6 **(1) if the physical therapist has reasonable cause to believe**
 7 **that symptoms or conditions are present that require services**
 8 **beyond the therapist's scope of practice;**
 9 **(2) if physical therapy is contraindicated; or**
 10 **(3) if the person came to the physical therapist without a**
 11 **referral and sixty (60) days have elapsed since the person's**
 12 **initial visit to the physical therapist.**
- 13 **(d) A person who was previously referred to a physical therapist**
 14 **may receive subsequent treatment from the physical therapist for**
 15 **the same condition:**
- 16 **(1) without an additional referral; and**
 17 **(2) without regard to the sixty (60) day limitation described in**
 18 **subsection (c)(3).**
- 19 ~~(c)~~ **(e) Except as otherwise provided in this chapter, it is unlawful**
 20 **for a person to act as a physical therapist's therapist assistant or to use**
 21 **initials, letters, words, abbreviations, or insignia indicating that the**
 22 **person is a physical therapist's therapist assistant without first**
 23 **obtaining from the board a certificate authorizing the person to act as**
 24 **a physical therapist's therapist assistant. It is unlawful for the person**
 25 **to act as a physical therapist's assistant other than under the direct**
 26 **supervision of a licensed physical therapist who is in responsible**
 27 **charge of a patient. ~~or under the direct supervision of a physician.~~**
 28 **However, nothing in this chapter prohibits a person licensed or**
 29 **registered in this state under another law from engaging in the practice**
 30 **for which the person is licensed or registered. These exempted persons**
 31 **include persons engaged in the practice of osteopathy, chiropractic, or**
 32 **podiatric medicine.**
- 33 **(f) This chapter does not authorize a person who is licensed as**
 34 **a physical therapist to:**
- 35 **(1) practice medicine, surgery (as described in**
 36 **IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy,**
 37 **psychology, chiropractic, or podiatric medicine; or**
 38 **(2) prescribe a drug or other remedial substance used in**
 39 **medicine.**
- 40 ~~(d)~~ **(g) This chapter does not authorize a person who is licensed as**
 41 **a physical therapist or certified as a physical therapist's therapist**
 42 **assistant to:**

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1 (1) evaluate any physical disability or mental disorder; ~~except~~
 2 ~~upon the order or referral of a physician, podiatrist, psychologist,~~
 3 ~~chiropractor, or dentist;~~

4 (2) practice medicine, surgery (as described in
 5 IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy,
 6 psychology, chiropractic, or podiatric medicine; or

7 (3) prescribe a drug or other remedial substance used in medicine.

8 SECTION 3. IC 25-27-1-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) There is created
 10 a five (5) member Indiana physical therapy committee to assist the
 11 board in carrying out this chapter regarding the qualifications and
 12 examinations of physical therapists and physical ~~therapist's~~ **therapist**
 13 assistants. The committee is comprised of:

14 (1) three (3) physical therapists;

15 (2) a licensed physician; and

16 (3) one (1) member who is a resident of the state and who is not
 17 associated with physical therapy in any way, other than as a
 18 consumer.

19 (b) The governor shall make each appointment for a term of three
 20 (3) years. Each physical therapist appointed must:

21 (1) be a licensed physical therapist meeting the requirements of
 22 this chapter;

23 (2) have had not less than three (3) years experience in the actual
 24 practice of physical therapy immediately preceding appointment;
 25 and

26 (3) be a resident of the state and actively engaged in this state in
 27 the practice of physical therapy during incumbency as a member
 28 of the committee.

29 SECTION 4. IC 25-27-1-5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The committee
 31 shall:

32 (1) pass upon the qualifications of physical therapists who apply
 33 for licensure and physical ~~therapist's~~ **therapist** assistants who
 34 apply for certification;

35 (2) provide all examinations either directly or by delegation under
 36 subsection (c);

37 (3) determine the applicants who successfully pass examinations;

38 (4) license qualified applicants; and

39 (5) propose rules concerning the competent practice of physical
 40 therapy to the board.

41 (b) The board shall adopt rules, considering the committee's
 42 proposed rules, establishing standards for the competent practice of

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1 physical therapy.

2 (c) The committee may approve and utilize the services of a testing
3 company or agent to prepare, conduct, and score examinations.

4 SECTION 5. IC 25-27-1-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Each applicant
6 for a license as a physical therapist or certification as a physical
7 ~~therapist's therapist~~ assistant must present satisfactory evidence that
8 the applicant:

9 (1) does not have a conviction for a crime that has a direct bearing
10 on the applicant's ability to practice competently; and

11 (2) has not been the subject of a disciplinary action initiated by
12 the licensing agency of another state or jurisdiction on the
13 grounds that the applicant was unable to practice as a physical
14 therapist or physical ~~therapist's therapist~~ assistant without
15 endangering the public.

16 (b) Each applicant for a license as a physical therapist must submit
17 proof to the committee of the applicant's graduation from a school or
18 program of physical therapy that meets standards set by the committee.
19 Each applicant for a certificate as a physical ~~therapist's therapist~~
20 assistant must present satisfactory evidence that the applicant is a
21 graduate of a two (2) year college level education program for physical
22 ~~therapist's therapist~~ assistants that meets the standards of the
23 committee. At the time of making application, each applicant must pay
24 a fee determined by the board after consideration of any
25 recommendation of the committee.

26 (c) An applicant may appeal the committee's decision to deny
27 licensure to the committee within fifteen (15) days after the applicant
28 receives notification of the committee's decision. Upon receiving an
29 appeal under this subsection, the committee shall set the matter for an
30 administrative hearing under IC 4-21.5.

31 SECTION 6. IC 25-27-1-7 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) All examinations
33 of the applicants for licensure as physical therapists or for certification
34 as physical ~~therapist's therapist~~ assistants shall be held in Indiana at
35 least twice a year.

36 (b) Examinations shall include a written or computer examination
37 which must test the applicant's knowledge of the basic and clinical
38 sciences as they relate to physical therapy, physical therapy theory and
39 procedures, and such other subjects as the committee may deem useful
40 to test the applicant's fitness to practice physical therapy or to act as a
41 physical ~~therapist's therapist~~ assistant.

42 (c) Any qualified applicant who fails an examination and is refused



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1 a license or certificate may take another examination within the time
 2 limits set by the committee upon payment of an additional fee
 3 determined by the board after consideration of any recommendation of
 4 the committee.

5 (d) Nothing in this section shall be construed as a prohibition
 6 against any qualified applicant who has failed an examination from
 7 making further application for a license to practice physical therapy or
 8 for a certificate to act as a physical ~~therapist's~~ **therapist** assistant when
 9 the application is accompanied by the fee determined by the board after
 10 consideration of any recommendation of the committee.

11 SECTION 7. IC 25-27-1-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The committee
 13 shall license as a physical therapist each applicant who:

14 (1) successfully passes the examination provided for in this
 15 chapter; and

16 (2) is otherwise qualified as required by this chapter.

17 (b) All licenses and certificates issued by the committee expire on
 18 the date of each even-numbered year specified by the health
 19 professions bureau under IC 25-1-5-4. A renewal fee established by the
 20 board after consideration of any recommendation of the committee
 21 must be paid biennially on or before the date specified by the health
 22 professions bureau, and, if not paid on or before that date, the license
 23 or certificate becomes invalid without further action by the committee.
 24 A penalty fee set by the board after consideration of any
 25 recommendation of the committee shall be in effect for any
 26 reinstatement within three (3) years from the original date of
 27 expiration.

28 (c) An expired license or certificate may be reinstated by the
 29 committee up to three (3) years after the expiration date if the holder
 30 of the expired license or certificate:

31 (1) pays a penalty fee set by the board after consideration of any
 32 recommendation of the committee; and

33 (2) pays the renewal fees for the biennium.

34 If more than three (3) years have elapsed since expiration of the license
 35 or certificate, the holder may be reexamined by the committee. The
 36 board may adopt, after consideration of any recommendation of the
 37 committee, rules setting requirements for reinstatement of an expired
 38 license.

39 (d) The committee may issue not more than two (2) temporary
 40 permits to a physical therapist or physical ~~therapist's~~ **therapist**
 41 assistant. A person with a temporary permit issued under this
 42 subsection may practice physical therapy only under the direct



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1 supervision of a licensed physical therapist who is responsible for the
 2 patient. A temporary permit may be issued to any person who has paid
 3 a fee set by the board after consideration of any recommendation of the
 4 committee and who:

5 (1) has a valid license from another state to practice physical
 6 therapy, or has a valid certificate from another state to act as a
 7 physical ~~therapist's~~ **therapist** assistant; or

8 (2) has applied for and been approved by the committee to take
 9 the examination for licensure or certification, has not previously
 10 failed the licensure or certification examination in Indiana or any
 11 other state, and has:

12 (A) graduated from a school or program of physical therapy;
 13 or

14 (B) graduated from a two (2) year college level education
 15 program for physical therapist's assistants that meets the
 16 standards set by the committee.

17 The applicant must take the examination within the time limits set by
 18 the committee.

19 (e) A temporary permit issued under subsection (d) expires when
 20 the applicant becomes licensed or certified, or approved for
 21 endorsement licensing or certification by the committee, or when the
 22 application for licensure has been disapproved, whichever occurs first.
 23 An application for licensure or certification is disapproved and any
 24 temporary permit based upon the application expires when the
 25 applicant fails to take the examination within the time limits set by the
 26 committee or when the committee receives notification of the
 27 applicant's failure to pass any required examination in Indiana or any
 28 other state.

29 (f) A holder of a license or certificate under this chapter who intends
 30 to retire from practice shall notify the committee in writing. Upon
 31 receipt of the notice, the committee shall record the fact that the holder
 32 of the license or certificate is retired and release the person from
 33 further payment of renewal fees. If a holder of the license or certificate
 34 surrenders a license or certificate, reinstatement of the license or
 35 certificate may be considered by the committee upon written request.
 36 The committee may impose conditions it considers appropriate to the
 37 surrender or reinstatement of a surrendered license or certificate. A
 38 license or certificate may not be surrendered to the committee without
 39 the written consent of the committee if any disciplinary proceedings are
 40 pending against a holder of a license or certificate under this chapter.

41 SECTION 8. IC 25-27-1-9 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The committee

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1 may register and furnish a license **to** or certify by endorsement any
 2 applicant who presents evidence satisfactory to the committee of being
 3 duly licensed to practice physical therapy or to act as a physical
 4 ~~therapist's~~ **therapist** assistant in another state if the applicant is
 5 otherwise qualified as required in section 6 of this chapter. However,
 6 the committee shall register and furnish a license or certificate by
 7 endorsement to any applicant who is licensed to practice physical
 8 therapy or to act as a physical ~~therapist's~~ **therapist** assistant in another
 9 state if:

10 (1) the applicant is otherwise qualified as required under section
 11 6(a) and 6(b) of this chapter; and

12 (2) the applicant has successfully passed a licensure examination
 13 in another state equal to or exceeding the examination standards
 14 of Indiana.

15 At the time of making an application, the applicant shall pay a fee
 16 determined by the board after consideration of any recommendation of
 17 the committee.

18 (b) The committee may license as a physical therapist or certify as
 19 a physical ~~therapist's~~ **therapist** assistant any person who has graduated
 20 as a physical therapist or physical ~~therapist's~~ **therapist** assistant,
 21 whichever is appropriate, in a foreign country from an educational
 22 program approved by the committee if the applicant presents
 23 satisfactory evidence to the committee that the applicant:

24 (1) does not have a conviction for:

25 (A) an act that would constitute a ground for disciplinary
 26 sanction under IC 25-1-9; or

27 (B) a crime that has a direct bearing on the applicant's ability
 28 to practice competently; and

29 (2) has not been the subject of a disciplinary action initiated by
 30 the licensing agency of another state or jurisdiction on the
 31 grounds that the applicant was unable to practice as a physical
 32 therapist or physical ~~therapist's~~ **therapist** assistant without
 33 endangering the public;

34 and that the applicant has successfully passed the physical therapy
 35 licensure or physical ~~therapist's~~ **therapist** assistant certification
 36 examination provided for by this chapter. However, the committee, in
 37 evaluating an educational program under this subsection, shall approve
 38 at least three (3) credential evaluating agencies acceptable to the board
 39 for the purpose of evaluating educational programs.

40 (c) At the time of making an application under subsection (b), the
 41 applicant shall pay a fee determined by the board after consideration of
 42 any recommendation of the committee.



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1 SECTION 9. IC 25-27-1-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. A person who
3 violates this chapter commits a Class B misdemeanor. In addition, the
4 board may, in the name of the state, through the attorney general, apply
5 in any court to enjoin any person from practicing physical therapy or
6 acting as a physical ~~therapist's~~ **therapist** assistant in violation of
7 IC 25-27-1-2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1512, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiological function, bodily malfunction, pain from injury, disease, and any other physical disability or mental disorder, including:

(A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;

(B) neurodevelopmental procedures;

(C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical ~~therapist's~~ **therapist** assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

SECTION 2. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to practice physical therapy or to profess to be a physical therapist, physiotherapist, or physical therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is a physical therapist, or to practice or to assume the duties incident to physical therapy without

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first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) It is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, or dentistry, respectively. It is unlawful for a physical therapist to **do any of the following:**

- (1) Use the services of a physical therapist's **therapist** assistant except as provided under this chapter. ~~For the purposes of this subsection, the function of:~~
 - (1) teaching;
 - (2) doing research;
 - (3) providing advisory services; or
 - (4) conducting seminars on physical therapy;

is not considered to be a practice of physical therapy:

- (2) Practice or offer to practice beyond the scope of the practice of physical therapy.
- (3) Fail to adhere to the standards of ethics of the physical therapy profession established in the rules adopted by the board.
- (4) Promote an unnecessary device, treatment intervention, or service for the financial gain of the practitioner or of a third party.
- (5) Provide treatment intervention unwarranted by the condition of the patient.

(c) A physical therapist shall refer a person under the therapist's care to a physician, podiatrist, psychologist, chiropractor, or dentist:

- (1) if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the therapist's scope of practice;
- (2) if physical therapy is contraindicated; or
- (3) if the person came to the physical therapist without a referral and sixty (60) days have elapsed since the person's initial visit to the physical therapist.

(d) A person who was previously referred to a physical therapist may receive subsequent treatment from the physical therapist for the same condition:

- (1) without an additional referral; and
- (2) without regard to the sixty (60) day limitation described in subsection (c)(3).



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~~(c)~~ (e) Except as otherwise provided in this chapter, it is unlawful for a person to act as a physical ~~therapist's~~ **therapist** assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical ~~therapist's~~ **therapist** assistant without first obtaining from the board a certificate authorizing the person to act as a physical ~~therapist's~~ **therapist** assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient. ~~or under the direct supervision of a physician.~~ However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

~~(d)~~ (f) **This chapter does not authorize a person who is licensed as a physical therapist to:**

- (1) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or**
- (2) prescribe a drug or other remedial substance used in medicine.**

~~(d)~~ (g) This chapter does not authorize a person who is ~~licensed as a physical therapist~~ or certified as a physical ~~therapist's~~ **therapist** assistant to:

- ~~(1) evaluate any physical disability or mental disorder; except upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist;~~
- ~~(2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or~~
- ~~(3) prescribe a drug or other remedial substance used in medicine."~~

Delete pages 2 through 4

Page 5, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1512 as introduced.)

BROWN C, Chair

Committee Vote: yeas 8, nays 2.

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