

## HOUSE BILL No. 1512

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-27-1.

**Synopsis:** Physical therapists. Defines "practice of physical therapy". Prohibits a physical therapist from practicing beyond the scope of the practice of physical therapy or providing treatment beyond what is reasonable. Requires that a physical therapist adhere to the profession's standard of ethics. Prohibits a physical therapist from providing unnecessary treatment or services simply for the practitioner's or a third person's financial gain.

**Effective:** July 1, 1999.

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**Hasler, Frizzell, Stilwell**

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January 19, 1999, read first time and referred to Committee on Public Health.

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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.

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## 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; pathokinesiologial 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



- 1 malfunction, and pain care and services provided by or  
 2 under the direction and supervision of a licensed physical  
 3 therapist.
- 4 (2) "Physical therapist" means a person who practices physical  
 5 therapy as defined in **is licensed under this chapter to practice**  
 6 **physical therapy.**
- 7 (3) "Physical therapist's therapist assistant" means a person who  
 8 assists in the practice of physical therapy as defined in this  
 9 chapter **is certified under this chapter to perform physical**  
 10 **therapy procedures and related tasks that have been selected**  
 11 **and delegated only by the supervising physical therapist.**
- 12 (4) "Practice of physical therapy" means the following:
- 13 (A) Examining, evaluating, and testing individuals with:
- 14 (i) mechanical, physiological, and developmental  
 15 impairments, functional limitations, and disability; or  
 16 (ii) other health and movement related conditions;  
 17 to determine a physical therapy diagnosis, prognosis, and  
 18 plan of therapeutic intervention and to assess the ongoing  
 19 effects of intervention.
- 20 (B) Alleviating impairments and functional limitations by  
 21 designing, implementing, and modifying therapeutic  
 22 interventions that include:
- 23 (i) therapeutic exercise;  
 24 (ii) functional training in self care and in home,  
 25 community, or work reintegration;  
 26 (iii) manual therapy;  
 27 (iv) assistive and adaptive orthotic, prosthetic,  
 28 protective, and supportive devices and equipment;  
 29 (v) airway clearance techniques;  
 30 (vi) debridement and wound care;  
 31 (vii) physical agents or modalities; and  
 32 (viii) patient related instruction.
- 33 (C) Reducing the risk of injury, impairment, functional  
 34 limitation, and disability, including the promotion and  
 35 maintenance of fitness, health, and quality of life in all age  
 36 groups.
- 37 (D) Engaging in administration, consultation, education,  
 38 and research.
- 39 (5) "Board" refers to the medical licensing board.
- 40 ~~(5)~~ (6) "Committee" refers to the Indiana physical therapy  
 41 committee established under section 4 of this chapter.
- 42 ~~(6)~~ (7) "Person" means an individual.



1           **(8) "Supportive personnel" means trained or educated health**  
 2           **care personnel other than:**

3           **(A) physical therapists; or**

4           **(B) physical therapist assistants;**

5           **who perform specific designated tasks related to physical**  
 6           **therapy under the immediate supervision of a physical**  
 7           **therapist.**

8           SECTION 2. IC 25-27-1-2 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as  
 10          otherwise provided in this chapter, it is unlawful for a person to  
 11          practice physical therapy or to profess to be a physical therapist,  
 12          physiotherapist, or physical therapy technician or to use the initials  
 13          "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations,  
 14          or insignia indicating that the person is a physical therapist, or to  
 15          practice or to assume the duties incident to physical therapy without  
 16          first obtaining from the board a license authorizing the person to  
 17          practice physical therapy in this state.

18          (b) ~~It is unlawful for a person to practice physical therapy other than~~  
 19          ~~upon the order or referral of a physician, podiatrist, psychologist,~~  
 20          ~~chiropractor, or dentist holding an unlimited license to practice~~  
 21          ~~medicine, podiatric medicine, psychology, chiropractic, or dentistry,~~  
 22          ~~respectively. It is unlawful for a physical therapist to use the services~~  
 23          ~~of a physical therapist's assistant except as provided under this chapter.~~  
 24          ~~For the purposes of this subsection, the function of do any of the~~  
 25          ~~following:~~

26          (1) ~~teaching~~ **Use the services of a physical therapist assistant**  
 27          ~~or supportive personnel except as provided under this~~  
 28          ~~chapter.~~

29          (2) ~~doing research~~ **Practice or offer to practice beyond the**  
 30          ~~scope of the practice of physical therapy. A physical therapist~~  
 31          ~~shall refer a person under the therapist's care to the~~  
 32          ~~appropriate health care practitioner:~~

33                  **(A) if the physical therapist has reasonable cause to believe**  
 34                  **symptoms or conditions are present that require services**  
 35                  **beyond the therapist's scope of practice; or**

36                  **(B) if physical therapy is contraindicated.**

37          (3) ~~providing advisory services; or~~ **Fail to adhere to the**  
 38          ~~standards of ethics of the physical therapy profession~~  
 39          ~~established in the rules adopted by the board.~~

40          (4) ~~conducting seminars on physical therapy; is not considered to~~  
 41          ~~be a practice of physical therapy. Promote an unnecessary~~  
 42          ~~device, treatment intervention, or service for the financial~~



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1 **gain of the practitioner or of a third party.**

2 **(5) Provide treatment intervention unwarranted by the**  
 3 **condition of the patient or continue treatment beyond the**  
 4 **point of reasonable benefit.**

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

19 **(d) This chapter does not authorize a person who is licensed as**  
 20 **a physical therapist to prescribe a drug.**

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

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

27 (2) practice medicine; surgery (as described in  
 28 ~~IC 25-22.5-1-1.1(a)(1)(C)); dentistry, optometry, osteopathy,~~  
 29 ~~psychology, chiropractic, or podiatric medicine; or~~

30 (3) prescribe a drug. ~~or other remedial substance used in~~  
 31 ~~medicine.~~

32 SECTION 3. IC 25-27-1-3.1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. This chapter does  
 34 not prohibit any of the following:

35 (1) The practice of any occupation or profession for which a  
 36 person is licensed, certified, or registered in Indiana by a state  
 37 agency. The persons who are exempted by this subdivision  
 38 include persons licensed, certified, or registered to practice  
 39 osteopathy, chiropractic, or podiatric medicine.

40 (2) ~~The practice of any health care occupation or profession by a~~  
 41 ~~person who is practicing within the scope of the person's~~  
 42 ~~education and experience.~~



1           (3) The performance of any first aid procedure incidental to a  
2           person's employment or volunteer duties.

3           (4) (3) The performance of an emergency first aid procedure by  
4           any person.

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

- 11           (1) three (3) physical therapists;  
12           (2) a licensed physician; and  
13           (3) one (1) member who is a resident of the state and who is not  
14           associated with physical therapy in any way, other than as a  
15           consumer.

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

- 18           (1) be a licensed physical therapist meeting the requirements of  
19           this chapter;  
20           (2) have had not less than three (3) years experience in the actual  
21           practice of physical therapy immediately preceding appointment;  
22           and  
23           (3) be a resident of the state and actively engaged in this state in  
24           the practice of physical therapy during incumbency as a member  
25           of the committee.

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

- 29           (1) pass upon the qualifications of physical therapists who apply  
30           for licensure and physical ~~therapist's~~ **therapist** assistants who  
31           apply for certification;  
32           (2) provide all examinations either directly or by delegation under  
33           subsection (c);  
34           (3) determine the applicants who successfully pass examinations;  
35           (4) license qualified applicants; and  
36           (5) propose rules concerning the competent practice of physical  
37           therapy to the board.

38          (b) The board shall adopt rules, considering the committee's  
39          proposed rules, establishing standards for the competent practice of  
40          physical therapy.

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



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

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

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

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

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

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

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

39 (c) Any qualified applicant who fails an examination and is refused  
40 a license or certificate may take another examination within the time  
41 limits set by the committee upon payment of an additional fee  
42 determined by the board after consideration of any recommendation of

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1 the committee.

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

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

11 (1) successfully passes the examination provided for in this  
12 chapter; and

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

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

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

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

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

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

36 (d) The committee may issue not more than two (2) temporary  
37 permits to a physical therapist or physical ~~therapist's~~ **therapist**  
38 assistant. A person with a temporary permit issued under this  
39 subsection may practice physical therapy only under the direct  
40 supervision of a licensed physical therapist who is responsible for the  
41 patient. A temporary permit may be issued to any person who has paid  
42 a fee set by the board after consideration of any recommendation of the



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1 committee and who:

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

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

9 (A) graduated from a school or program of physical therapy;  
10 or

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

14 The applicant must take the examination within the time limits set by  
15 the committee.

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

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

38 SECTION 9. IC 25-27-1-9 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The committee  
40 may register and furnish a license **to** or certify by endorsement any  
41 applicant who presents evidence satisfactory to the committee of being  
42 duly licensed to practice physical therapy or to act as a physical

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

- 7 (1) the applicant is otherwise qualified as required under section  
 8 6(a) and 6(b) of this chapter; and  
 9 (2) the applicant has successfully passed a licensure examination  
 10 in another state equal to or exceeding the examination standards  
 11 of Indiana.

12 At the time of making an application, the applicant shall pay a fee  
 13 determined by the board after consideration of any recommendation of  
 14 the committee.

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

- 21 (1) does not have a conviction for:  
 22 (A) an act that would constitute a ground for disciplinary  
 23 sanction under IC 25-1-9; or  
 24 (B) a crime that has a direct bearing on the applicant's ability  
 25 to practice competently; and  
 26 (2) has not been the subject of a disciplinary action initiated by  
 27 the licensing agency of another state or jurisdiction on the  
 28 grounds that the applicant was unable to practice as a physical  
 29 therapist or physical ~~therapist's therapist~~ assistant without  
 30 endangering the public;

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

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

40 SECTION 10. IC 25-27-1-12 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. A person who  
 42 violates this chapter commits a Class B misdemeanor. In addition, the

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1 board may, in the name of the state, through the attorney general, apply  
2 in any court to enjoin any person from practicing physical therapy or  
3 acting as a physical ~~therapist's~~ **therapist** assistant in violation of  
4 IC 25-27-1-2.

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