January 28, 2000

SENATE BILL No. 321

DIGEST OF SB 321 (Updated January 26, 2000 2:32 PM - DI 88)

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 that certain restrictions apply if a person goes to a physical therapist without a referral, including the following: (1) The physical therapist must refer the person to a physician if 30 days have elapsed since the person's initial visit to any physical therapist for the same condition. (2) The physical therapist may not perform spinal manipulation. (3) The physical therapist may only perform sharp debridement without referral in a facility that is accredited by the Joint Commission on the Accreditation of Health Organizations. (4) The physical therapist may not render a medical diagnosis. (5) If the person is currently receiving postsurgical care from a physician, dentist, or podiatrist, the physical therapist must consult with the physician, dentist, or podiatrist before initiating treatment. Allows a physical therapist to subsequently treat a previously referred patient for the same condition. Makes conforming amendments.

Effective: July 1, 2000.

Miller, Simpson

January 10, 2000, read first time and referred to Committee on Health and Provider Services.
January 27, 2000, amended, reported favorably — Do Pass.

C o p y

January 28, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

C o p y

SENATE BILL No. 321

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:

SECTION 1. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: 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, 2000]: 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 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 rules adopted by the board.

(4) Promote an unnecessary device, a treatment intervention, or a service for the financial gain of:

(A) the practitioner; or

(B) a third party.

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(5) Provide treatment intervention unwarranted by the patient's condition.

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

(1) the physical therapist has a reasonable belief that symptoms or conditions are present that require services beyond the physical therapist's scope of practice; or

(2) physical therapy is contraindicated.

(d) If a person goes to a physical therapist without a referral, the following restrictions apply:

(1) The physical therapist must refer the person to a physician licensed under IC 25-22.5 if thirty (30) days have elapsed since the person's initial visit to any physical therapist for the same condition.

(2) The physical therapist may not perform spinal manipulation.

(3) The physical therapist may perform sharp debridement only in a facility that is accredited by the Joint Commission on the Accreditation of Health Organizations.

(4) The physical therapist may not render a medical diagnosis, but must evaluate the person to identify the person's impairments, functional limitations, and disabilities that may benefit from physical therapy.

(5) If the person seeks physical therapy for a condition for which the person is currently receiving postsurgical care from a physician, dentist, or podiatrist, the physical therapist must consult with the physician, dentist, or podiatrist before initiating treatment.

(e) A person previously referred to a physical therapist may receive subsequent treatment from the physical therapist for the same condition for not more than twelve (12) months without another referral.

~~(c)~~ **(f)** 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~~ **therapist** 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.~~

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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.

(g) 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)~~ **(h)** 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.

SECTION 3. IC 25-27-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) There is created a five (5) member Indiana physical therapy committee to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical ~~therapist's~~ **therapist** assistants. The committee is comprised of:

(1) three (3) physical therapists;

(2) a licensed physician; and

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

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

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

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

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

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of the committee.

SECTION 4. IC 25-27-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The committee shall:

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

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

(3) determine the applicants who successfully pass examinations;

(4) license qualified applicants; and

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

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

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

SECTION 5. IC 25-27-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) Each applicant for a license as a physical therapist or certification as a physical ~~therapist's~~ **therapist** assistant must present satisfactory evidence that the applicant:

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

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

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

(c) An applicant may appeal the committee's decision to deny licensure to the committee within fifteen (15) days after the applicant

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receives notification of the committee's decision. Upon receiving an appeal under this subsection, the committee shall set the matter for an administrative hearing under IC 4-21.5.

SECTION 6. IC 25-27-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) All examinations of the applicants for licensure as physical therapists or for certification as physical ~~therapist's~~ **therapist** assistants shall be held in Indiana at least twice a year.

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

(c) Any qualified applicant who fails an examination and is refused a license or certificate may take another examination within the time limits set by the committee u~~pon payment of~~ **after paying** an additional fee determined by the board after ~~consideration of~~ **considering** any recommendation of the committee.

(d) ~~Nothing in~~ This section shall **not** be construed as ~~a prohibition against any~~ **prohibiting a** qualified applicant who has failed an examination from making further application for a license to practice physical therapy or for a certificate to act as a physical ~~therapist's~~ **therapist** assistant when the application is accompanied by the fee determined by the board after ~~consideration of~~ **considering** any recommendation of the committee.

SECTION 7. IC 25-27-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The committee shall license as a physical therapist each applicant who:

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

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

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

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expiration.

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

(1) pays a penalty fee set by the board after ~~consideration of~~ **considering** any recommendation of the committee; and

(2) pays the renewal fees for the biennium.

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

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

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

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

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

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

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

(e) A temporary permit issued under subsection (d) expires when the applicant becomes licensed or certified, or approved for endorsement licensing or certification by the committee, or when the application for licensure has been disapproved, whichever occurs first. An application for licensure or certification is disapproved and any temporary permit based upon the application expires when the applicant fails to take the examination within the time limits set by the committee or when the committee receives notification of the

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applicant's failure to pass any required examination in Indiana or any other state.

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

SECTION 8. IC 25-27-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. (a) The committee may register and furnish a license **to** or certify by endorsement any applicant who presents evidence satisfactory to the committee of being duly licensed to practice physical therapy or to act as a physical ~~therapist's~~ **therapist** assistant in another state if the applicant is otherwise qualified as required in section 6 of this chapter. However, the committee shall register and furnish a license or certificate by endorsement to any applicant who is licensed to practice physical therapy or to act as a physical ~~therapist's~~ **therapist** assistant in another state if:

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

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

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

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

(1) does not have a conviction for:

(A) an act that would constitute a ground for disciplinary

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sanction under IC 25-1-9; or

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

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

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

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

SECTION 9. IC 25-27-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. A person who violates this chapter commits a Class B misdemeanor. In addition, the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical ~~therapist's~~ **therapist** assistant in violation of ~~IC 25-27-1-2.~~ **section 2 of this chapter.**

C o p y

COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 321, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 8, after ";" insert "**or**".

Page 3, line 9, delete "; or" and insert "**.**".

Page 3, delete lines 10 through 12, begin a new paragraph and insert:

"**(d) If a person goes to a physical therapist without a referral, the following restrictions apply:**

(1) The physical therapist must refer the person to a physician licensed under IC 25-22.5 if thirty (30) days have elapsed since the person's initial visit to any physical therapist for the same condition.

(2) The physical therapist may not perform spinal manipulation.

(3) The physical therapist may perform sharp debridement only in a facility that is accredited by the Joint Commission on the Accreditation of Health Organizations.

(4) The physical therapist may not render a medical diagnosis, but must evaluate the person to identify the person's impairments, functional limitations, and disabilities that may benefit from physical therapy.

(5) If the person seeks physical therapy for a condition for which the person is currently receiving postsurgical care from a physician, dentist, or podiatrist, the physical therapist must consult with the physician, dentist, or podiatrist before initiating treatment.".

Page 3, line 13, delete "(d)" and insert "**(e)**".

Page 3, line 15, delete ":" and insert "**for not more than twelve (12) months without another referral.**".

Page 3, delete lines 16 through 18.

Page 3, line 19, delete "(e)" and insert "**(f)**".

Page 3, line 33, delete "(f)" and insert "**(g)**".

Page 3, line 40, delete "(g)" and insert "**(h)**".

Page 4, delete lines 8 through 12.

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Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 321 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 1.

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