SENATE BILL No. 224

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-27-1.

Synopsis: Physical therapists. Allows a physical therapist to evaluate a patient without a referral, but requires the physical therapist to contact the patient's appropriate provider and obtain a referral before providing treatment. Allows a physical therapist to provide treatment to a patient who was previously referred to the physical therapist for the same condition if: (1) the referral was given not more than three months before the request for the later treatment; and (2) the physical therapist consults with the referring provider within three days. Requires a physical therapist to have additional specified education in order to perform a spinal manipulation. Prohibits a physical therapist from performing sharp debridement unless acting on the order of a physician or podiatrist.

Effective: July 1, 2011.

Miller

January 5, 2011, read first time and referred to Committee on Health and Provider Services.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 224

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, 2011]: 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 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.

(7) "Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:

(A) a sterile scalpel;

(B) scissors;

(C) forceps;

(D) tweezers; or

(E) other sharp medical instruments;

in order to expose healthy tissue, prevent infection, and promote healing.

SECTION 2. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to:

(1) practice physical therapy; ~~or to~~

(2) 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~~

(3) 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) **Except as provided in section 2.5 of this chapter,** 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 use the services of a physical therapist's 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;

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is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for a person to act as a physical therapist's assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant without first obtaining from the board a certificate authorizing the person to act as a physical therapist's 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) **Except as provided in section 2.5 of this chapter,** this chapter does not authorize a person who is licensed as a physical therapist or certified as a physical therapist's 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 25-27-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) A physical therapist may evaluate, but may not treat, an individual without a referral from a provider described in section 2(b) of this chapter. However, the physical therapist:**

(1) shall contact the individual's appropriate provider for a referral not later than three (3) business days after the physical therapist evaluates the individual; and

(2) shall obtain a referral from the individual's appropriate provider before providing treatment to the individual.

(b) Notwithstanding subsection (a), a physical therapist may provide treatment of a condition to an individual who was previously referred to the physical therapist for the same condition if the referral that authorized the previous treatment under section 2(b) of this chapter was given not more than three (3) months before the date the individual requests the later treatment from the physical therapist. However, the physical therapist shall consult

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with the individual's original referring provider not later than three (3) days after the physical therapist provides the later treatment to the individual under this subsection.

SECTION 4. IC 25-27-1-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.3. (a) As used in this section, "spinal manipulation", "spinal adjustment", or "grade 5 mobilization" means a method of skillful and beneficial treatment by which a practitioner uses direct thrust to move a joint of the patient's spine beyond the joint's normal range of motion, but without exceeding the limits of anatomical integrity.**

(b) A physical therapist may not perform a spinal manipulation, spinal adjustment, or grade 5 mobilization unless the physical therapist has received an endorsement to perform the procedure by completing the additional education required in this section.

(c) The board shall issue an endorsement to a physical therapist to perform a spinal manipulation, spinal adjustment, or grade 5 manipulation if the physical therapist meets the additional requirements in this section.

(d) A physical therapist may not perform spinal manipulation, spinal adjustment, or grade 5 mobilization unless the physical therapist has received at least:

(1) four hundred (400) hours of classroom instruction in spinal manipulation or spinal adjustment; and

(2) eight hundred (800) hours of supervised clinical training at a facility where spinal manipulation, spinal adjustment, or grade 5 mobilization is a primary method of treatment.

(e) In addition to the actions listed under IC 25-1-9-4 that subject a practitioner to disciplinary sanctions, a physical therapist is subject to the exercise of disciplinary sanctions under IC 25-1-9-9 if, after a hearing, the board finds that the physical therapist has violated this section.

SECTION 5. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. A physical therapist may not perform sharp debridement unless the physical therapist performing the sharp debridement is acting on the order of a physician licensed under:**

(1) IC 25-22.5; or

(2) IC 25-29.

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