March 15, 2013

# ENGROSSED
# HOUSE BILL No. 1034

DIGEST OF HB 1034 (Updated March 13, 2013 1:58 pm - DI 104)

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

**Synopsis:** Physical therapy services without a referral. Allows a physical therapist to evaluate and treat a patient without a referral for not more than 24 days. Requires a physical therapist to obtain a referral from the patient's provider if further treatment by the physical therapist is needed. Provides that a physical therapist may not perform spinal manipulation of the spinal column or the vertebral column unless: (1) the physical therapist is acting on the order or referral of a physician, an osteopath, or a chiropractor; and (2) the referring physician, osteopath, or chiropractor has examined the patient before issuing the order or referral. Provides that a physical therapist may not perform sharp debridement unless a physical therapist has an order or referral of a licensed physician, osteopath, or podiatrist.

**Effective:** July 1, 2013.


## Frizzell, Ubelhor, Brown T, Morris, Brown C, Shackleford

(SENATE SPONSORS — MILLER PATRICIA, BECKER, YOUNG R MICHAEL)



January 7, 2013, read first time and referred to Committee on Public Health.
February 7, 2013, amended, reported — Do Pass.
February 11, 2013, read second time, ordered engrossed.
February 12, 2013, engrossed. Read third time, passed. Yeas 80, nays 18.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Health and Provider Services.
March 14, 2013, amended, reported favorably — Do Pass.


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March 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# ENGROSSED
# HOUSE BILL No. 1034

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, 2013]: 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.**

**(8) "Spinal manipulation" means a method of skillful and beneficial treatment by which a physical therapist uses direct thrust to move a joint of the patient's spine beyond its normal range of motion, but without exceeding the limits of anatomical integrity.**

SECTION 2. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, **nurse practitioner, or physician assistant** holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, ~~or~~ dentistry, **nursing, or as a physician assistant,** respectively. It is unlawful for a physical therapist to use the services

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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;

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, 2013]: **Sec. 2.5. (a) Except as provided in subsection (b), a physical therapist may evaluate and treat an individual for not more than twenty-four (24) calendar days without a referral from a provider described in section 2(b) of this chapter. However, if the individual needs additional treatment from the physical therapist after twenty-four (24) calendar days, the physical therapist shall obtain a referral from the individual's provider, as described in section 2(b) of this chapter.**

**(b) A physical therapist may not perform spinal manipulation of the spinal column or the vertebral column unless:**

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**(1) the physical therapist is acting on the order or referral of a physician, an osteopath, or a chiropractor; and**

**(2) the referring physician, osteopath, or chiropractor has examined the patient before issuing the order or referral.**

SECTION 4. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3.5. A physical therapist may not perform sharp debridement unless the physical therapist is acting on the order or referral of a:**

**(1) physician or osteopath licensed under IC 25-22.5; or**

**(2) podiatrist licensed under IC 25-29.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1034, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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**

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**promote healing.**

**(8) "Spinal manipulation" means a method of skillful and beneficial treatment by which a physical therapist uses direct thrust to move a joint of the patient's spine beyond its normal range of motion, but without exceeding the limits of anatomical integrity.**".

Page 2, line 34, delete "A" and insert "**(a) Except as provided in subsection (b), a**".

Page 2, after line 40, begin a new paragraph and insert:

"**(b) A physical therapist may not perform spinal manipulation of the spinal column or the vertebral column unless:**

**(1) the physical therapist is acting on the order or referral of a physician, an osteopath, or a chiropractor; and**

**(2) the referring physician, osteopath, or chiropractor has examined the patient before issuing the order or referral.**

SECTION 4. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3.5. A physical therapist may not perform sharp debridement unless the physical therapist is acting on the order or referral of a:**

**(1) physician or osteopath licensed under IC 25-22.5; or**

**(2) podiatrist licensed under IC 25-29.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1034 as introduced.)

CLERE, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1034, 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 35, delete "thirty (30)" and insert "**twenty-four (24)**".

Page 3, line 38, delete "thirty (30)" and insert "**twenty-four (24)**".

and when so amended that said bill do pass.

(Reference is to HB 1034 as printed February 8, 2013.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 12, Nays 0.

C o p y