

No. 110

AN ACT

SB 195

Relating to the practice of physical therapy.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Physical Therapy Practice Act.”

Section 2. Definitions.—The following definitions shall apply, when used in this act, unless otherwise expressed therein:

“Board” means the State Board of Physical Therapy Examiners established in accordance with the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929.”

“Healing arts” shall mean the science and skill of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body.

“Physical therapist” shall mean a person who practices physical therapy in some or all respects as defined in “physical therapy,” subject to section 9 and has met all requirements as stated in this act.

“Physical therapy” means the evaluation and treatment of any person by the utilization of the effective properties of physical measures such as mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage, mobilization and the use of therapeutic exercises and rehabilitative procedures including training in functional activities, with or without assistive devices, for the purpose of limiting or preventing disability and alleviating or correcting any physical or mental conditions, and the performance of tests and measurements as an aid in diagnosis or evaluation of function.

“Physician” means a person who has received formal and recognized training in the art and science of medicine and is qualified to seek or has acquired an unlimited license to practice medicine and surgery as provided by law.

Section 3. Powers and Duties of Board.—The board shall elect annually from its membership a chairman and a vice-chairman and shall select a secretary who need not be a member of the board. It shall be the duty of the board to pass upon the qualifications of applicants for licensure, to conduct examinations, to issue and renew licenses to physical therapists who qualify under this act, and in proper cases to suspend or revoke the license of any physical therapist. The board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties and the proper administration of this law. The board is authorized and empowered to

conduct investigations and hearings upon charges for discipline of a licensee or for violations of this act, and to cause, through the office of the Attorney General, the prosecution and enjoinder of persons violating this act. The board shall maintain a register listing the name of every living physical therapist licensed to practice in this State, his last known place of business and last known place of residence, and the date and number of his license.

Section 4. Training and License Required; Exceptions.—(a) From and after one year from the effective date of this act, it shall be unlawful for any person to practice or hold himself out as being able to practice physical therapy in this State unless he is trained and licensed in accordance with the provisions of this act. Nothing in this act, however, shall prohibit any person trained and licensed to practice in this State under any other law, from engaging in the practice for which he is trained and licensed.

(b) This act shall not prohibit students who are enrolled in schools of physical therapy approved by the board, from performing acts of physical therapy as is incidental to their course of study; nor shall it prevent any student in any educational program in the healing arts approved or accredited under the laws of Pennsylvania in carrying out prescribed courses of study. Nothing in this act shall apply to any person employed by an agency, bureau, or division of the Federal Government while in the discharge of official duties, however, if such individual engages in the practice of physical therapy outside the scope of official duty, he must be trained and licensed as herein provided. The provisions of this act are not intended to limit the activities of persons legitimately engaged in the nontherapeutic administration of baths, massage, and normal exercise.

(c) The practice of physical therapy shall not include the practice of chiropractic as defined by the act of August 10, 1951 (P.L.1182, No.264), known as the "Chiropractic Registration Act of 1951."

Section 5. Application for License.—Unless entitled to licensure without examination under the provisions of section 6, a person who desires and applies to be licensed as a physical therapist shall apply to the board in writing, on forms furnished by the board, and such application blanks shall embody evidence satisfactory to the board of the applicant's possessing the qualifications preliminary to examination required by this act. At the time of forwarding such application to the board, an applicant for licensure as a physical therapist shall pay a fee of \$50, which shall not be refundable.

Section 6. Qualifications for License; Examinations; Failure of Examinations; Licensure Without Examination; Issuing of License; Foreign Applicants for Licensure; Temporary License; Perjury.—(a) To be eligible for licensure as a physical therapist, an applicant must be at least 20 years of age unless otherwise determined by the board in its discretion, be of good moral character, not be addicted to the habitual

use of alcohol or narcotics or other habit-forming drugs, and have an education of not less than 60 semester hours of college credits or the equivalent thereof including courses in biological, physical and social studies at an accredited college or university and has attended an accredited physical therapy course of not less than 12 months, in a school of physical therapy established in a fully accredited medical school, hospital, college or university which course has provided curricula and training, the requirements of which shall be approved from time to time by the board with advice and consultation with recognized national accrediting agencies and professional organizations including the American Physical Therapy Association. By the time of completion of the professional study of physical therapy, a physical therapist must hold a minimum of a baccalaureate degree from a regionally accredited institution of higher education. In the case of those applicants who have completed requirements prior to the first day of January, 1967, but who may not technically or totally fulfill the above requirements, the board at its discretion and by the majority vote of all members present may accept evidence of satisfactory equivalence.

(b) An applicant for licensure must pass, to the satisfaction of the board, a written examination which shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy theory and physical therapy procedures and such other subjects as the board may deem necessary to test the applicant's fitness to practice physical therapy. Such examination may also include an oral examination or practical examination or both at the discretion of the board. The examination shall be held within the Commonwealth of Pennsylvania twice a year at such time and place as the board shall determine.

(c) In case of failure at the first examination, the applicant for licensure shall have, after the expiration of six months and within two years from the first failure, the privilege of a second examination. In case of failure in a second examination, any further examinations shall be given at the discretion of the board, but in any such case the applicant must make a new application, and otherwise qualify under the conditions in force at the time of the application for a third or successive examinations.

(d) On payment to the board of a fee of \$15 for applicants subject to paragraph (1) of this subsection and \$75 for applicants subject to paragraph (2) of this subsection, and on submission of a written application on forms provided by the board, the board shall issue a license without examination to:

(1) A person filing said application within one year from the effective date of this act who presents evidence satisfactory to the board that he meets the qualifications set forth in subsection (a) and that he has a valid license to practice physical therapy in the Commonwealth of Pennsylvania on the effective date of this act.

(2) A person who is a licensed or otherwise registered as a physical therapist by another state or territory of the United States of America, or the District of Columbia, if the requirements for license or registration, as the case may be, in such state, territory, or district were at the date of his license or registration by such state, substantially equal to the requirements set forth in this act: Provided, That such person has not taken and failed, one or more times, the examination referred to in subsection (b), in which case, the issuance of a license under this paragraph shall be at the discretion of the board.

(e) The board shall issue a license to a physical therapist who successfully establishes his eligibility under the terms of this act and any person who holds a license pursuant to this section may use the words physical therapist or licensed physical therapist and he may use the letters LPT in connection with his name or place of business to denote his licensure hereunder.

(f) Foreign trained physical therapists who desire and apply to be licensed as a physical therapist by the board shall, before examination, furnish proof as to age, moral character, no addiction to the use of alcohol or narcotics or other habit-forming drugs, shall present proof indicating the completion of educational requirements substantially equal to those in subsection (a). In addition thereto, the foreign trained applicant must complete, at the board's discretion, up to one year of supervised clinical experience as prescribed by the board prior to taking the examination for licensure.

(g) On payment to the board of a fee of \$25, and the submission of a written application on forms provided by it, the board, in its discretion, shall issue without examination a temporary license to practice physical therapy in this State for a period not to exceed one year to any person who meets the qualifications set forth in clause (2) of subsection (d) of this section upon submission by such person of evidence satisfactory to the board and verified by oath that he is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project. A temporary license, as described above, may be renewed for one additional year at the board's discretion, and upon expiration must be surrendered to the board.

(h) Upon the submission of a written application on forms provided by it, the board shall also issue a temporary license to a person who has applied for a license under the provisions of subsection (a) and who is, in the judgment of the board, eligible to take the examination provided for in subsection (b). Such temporary license shall be available to an applicant with respect to his application for a license under subsection (a), but the applicant may only use the temporary license while under the direct supervision of a licensed physical therapist. Such temporary license shall expire upon the failure of the first examination and upon expiration the license must be surrendered to the board.

(i) Any applicant who knowingly or willfully makes a false statement of fact in any application shall be subject to prosecution for perjury.

Section 7. Renewal of License.—(a) Each license issued under the provisions of this act shall be renewed biennially, except as provided in subsection (b). On or before November 1 of each renewal year, the board shall mail an application for renewal of license to each person to whom a license was issued or renewed during the current licensing period, which application shall be mailed to the most recent address of said person as it appears on the records of the board. Such person shall complete the renewal application and return it to the board with a renewal fee before December 31 of the year in which said application was received. Upon receipt of any such application and fee, the board shall verify the accuracy of such application and issue to the applicant a certificate of renewal of license for the next licensing period as described above. The renewal fee shall be \$10 for each licensing period as described in this subsection.

(b) If any person shall not so renew his or her license such license shall automatically expire. A license which has thus expired may, within three years of its expiration date, be renewed on the payment to the board of the fee for each licensing period or part thereof, pro rata, during which the license was ineffective and the payment of a restoration fee of \$5. After said three years period such license shall be renewed only by complying with the provisions in subsections (a) and (b) of section 6 relating to obtaining an original license.

Section 8. Fees and Fines for Board.—All fees and fines collected under the provisions of this act shall be paid into the State Treasury for the use of the Commonwealth.

Section 9. Referrals by Physicians.—Any person licensed under this act as a physical therapist shall not treat human ailments by physical therapy or otherwise except by the referral of a person licensed in this State as a physician; however, a physical therapist shall be permitted to accept the referral of a dentist or podiatrist licensed in this State, for the treatment of a condition that is within the scope of practice of dentistry or podiatry. Nothing in this act shall be construed as authorization for a physical therapist to practice any branch of the healing arts except as described in this act. Any person violating the provisions of this act shall be guilty of a misdemeanor as described in section 12.

Section 10. Acts and Services Performed by an Assistant to a Physical Therapist.—The board shall have the power to adopt and revise rules and regulations governing supportive personnel who assist physical therapists. In the absence of standards established by the board, nothing in this act shall be construed as to prohibit services and acts relating to physical therapy rendered by a physical therapist assistant or supportive personnel if such services and acts are rendered under the direct on-premise supervision of a licensed physical therapist who is acting in accordance with the provisions of this act.

Section 11. Refusal or Suspension or Revocation of License.—(a) The board shall refuse to issue a license to any person and after notice and hearing in accordance with rules and regulations, may suspend or revoke the license of any person who has:

- (1) practiced physical therapy other than upon the referral of a physician or as set forth in section 9;
- (2) attempted to or obtained licensure by fraud or misrepresentation;
- (3) committed repeated occasions of negligence or incompetence in the practice of physical therapy;
- (4) been convicted of a felony in the courts of this Commonwealth or any other state, territory or country. Conviction, as used in this paragraph, shall include a finding or verdict of guilt, an admission of guilt or a plea of *nolo contendere*;
- (5) habitually indulged in the use of narcotics or other habit-forming drugs, or excessively indulged in the use of alcoholic liquors;
- (6) been guilty of unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;
- (7) been adjudged mentally incompetent by a court of competent jurisdiction;
- (8) treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this act; and
- (9) had his license to practice physical therapy revoked or suspended or having other disciplinary action taken, or his application for a license refused, revoked or suspended by the proper licensing authority of another state, territory or country.

(b) All actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law."

Section 12. Penalties; Injunctive Relief.—(a) Any person who violates any provision of this act shall be guilty of a misdemeanor, as herein set forth, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not less than 30 days nor more than 90 days, or by both such fine and imprisonment; and on each additional offense shall be subject to a fine of not less than \$1,000 and imprisonment of not less than six months nor more than one year, at the discretion of the court.

(b) The board may, in the name of the people of the Commonwealth of Pennsylvania, through the Attorney General's Office, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this act. Such injunction

proceedings shall be in addition to, and in lieu of, all penalties and other remedies in this act.

APPROVED—The 10th day of October, A. D. 1975.

MILTON J. SHAPP