

HOUSE BILL No. 2868

By Committee on Health and Human Services

2-13

9 AN ACT concerning physical therapy; amending K.S.A. 2003 Supp. 65-
10 2901 and 65-2912 and repealing the existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2003 Supp. 65-2901 is hereby amended to read as
14 follows: 65-2901. (a) As used in article 29 of chapter 65 of the Kansas
15 Statutes Annotated and acts amendatory of the provisions thereof or sup-
16 plemental thereto:

17 ~~(a)~~ (1) “Physical therapy” means examining, evaluating and testing
18 individuals with mechanical, anatomical, physiological and developmental
19 impairments, functional limitations and disabilities or other health and
20 movement-related conditions in order to determine a diagnosis solely for
21 physical therapy, prognosis, plan of therapeutic intervention and to assess
22 the ongoing effects of physical therapy intervention. Physical therapy also
23 includes alleviating impairments, functional limitations and disabilities by
24 designing, implementing and modifying therapeutic interventions that
25 may include, but are not limited to, therapeutic exercise; functional train-
26 ing in community or work integration or reintegration; manual therapy;
27 therapeutic massage; prescription, application and, as appropriate, fab-
28 rication of assistive, adaptive, orthotic, prosthetic, protective and suppor-
29 tive devices and equipment; airway clearance techniques; integumentary
30 protection and repair techniques; debridement and wound care; physical
31 agents or modalities; mechanical and electrotherapeutic modalities; pa-
32 tient-related instruction; reducing the risk of injury, impairments, func-
33 tional limitations and disability, including the promotion and maintenance
34 of fitness, health and quality of life in all age populations and engaging in
35 administration, consultation, education and research. Physical therapy
36 also includes the care and services provided by a physical therapist or a
37 physical therapist assistant under the direction and supervision of a phys-
38 ical therapist that is licensed pursuant to this act. Physical therapy does
39 not include the use of roentgen rays and radium for diagnostic and ther-
40 apeutic purposes, the use of electricity for surgical purposes, including
41 cauterization, the practice of any branch of the healing arts and the mak-
42 ing of a medical diagnosis.

43 ~~(b)~~ (2) “Physical therapist” means a person who is licensed to practice

1 physical therapy pursuant to this act. Any person who successfully meets
2 the requirements of K.S.A. 65-2906 and amendments thereto shall be
3 known and designated as a physical therapist and may designate or de-
4 scribe oneself as a physical therapist, physiotherapist, licensed physical
5 therapist, P.T., Ph. T., M.P.T., D.P.T. or L.P.T. ~~Physical therapists may
6 evaluate patients without physician referral but may initiate treatment
7 only after consultation with and approval by a physician licensed to prac-
8 tice medicine and surgery, a licensed podiatrist, a licensed chiropractor
9 or a licensed dentist in appropriately related cases or a therapeutic li-
10 censed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and
11 amendments thereto.~~

12 ~~(e)~~ (3) “Physical therapist assistant” means a person who is certified
13 pursuant to this act and who works under the direction of a physical
14 therapist, and who assists the physical therapist in selected components
15 of physical therapy intervention. Any person who successfully meets the
16 requirements of K.S.A. 65-2906 and amendments thereto shall be known
17 and designated as a physical therapist assistant, and may designate or
18 describe oneself as a physical therapist assistant, certified physical ther-
19 apist assistant, P.T.A., C.P.T.A. or P.T. Asst.

20 ~~(d)~~ (4) “Board” means the state board of healing arts.

21 ~~(e)~~ (5) “Council” means the physical therapy advisory council.

22 (b) (1) *Physical therapists may evaluate patients without physician
23 referral but, except as otherwise provided in this subsection (b), may in-
24 itiate treatment only after consultation with and approval by a physician
25 licensed to practice medicine and surgery, a licensed podiatrist, a licensed
26 physician assistant, an advanced registered nurse practitioner, a licensed
27 chiropractor or a licensed dentist in appropriately related cases or a ther-
28 apeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501,
29 and amendments thereto.*

30 (2) *Physical therapists may initiate treatment without consultation
31 and approval as otherwise required under paragraph (b)(1) if the physical
32 therapist provides physical therapy services:*

33 (A) *For children with disabilities or developmental delays in educa-
34 tional settings in schools;*

35 (B) *as part of a home health care agency plan of care;*

36 (C) *to a patient in an adult care home pursuant to the patient’s plan
37 of care as established by the adult care home facility;*

38 (D) *as part of a program aimed at reducing the risk of injury, im-
39 pairments, functional limitations and disabilities including the promotion
40 and maintenance of fitness, health and quality of life in all age populations;*

41 *or*

42 (E) *to an individual for an injury or condition that was the subject of
43 a prior physical therapy referral, with notification to the physician li-*

1 *censed to practice medicine and surgery, licensed podiatrist, licensed phy-*
2 *sician assistant, advanced registered nurse practitioner, licensed chiro-*
3 *practor, licensed dentist, or therapeutic licensed optometrist who*
4 *provided the previous referral within five business days of the commence-*
5 *ment of the services.*

6 Sec. 2. K.S.A. 2003 Supp. 65-2912 is hereby amended to read as
7 follows: 65-2912. (a) The board may refuse to grant a license to any phys-
8 ical therapist or a certificate to any physical therapist assistant, or may
9 suspend or revoke the license of any licensed physical therapist or certifi-
10 cate of any certified physical therapist assistant, or may limit the license
11 of any licensed physical therapist or certificate of any certified physical
12 therapist assistant or may censure a licensed physical therapist or certified
13 physical therapist assistant for any of the following grounds:

14 (1) Addiction to or distribution of intoxicating liquors or drugs for
15 other than lawful purposes;

16 (2) conviction of a felony if the board determines, after investigation,
17 that the physical therapist or physical therapist assistant has not been
18 sufficiently rehabilitated to warrant the public trust;

19 (3) obtaining or attempting to obtain licensure or certification by
20 fraud or deception;

21 (4) finding by a court of competent jurisdiction that the physical ther-
22 apist or physical therapist assistant is a disabled person and has not there-
23 after been restored to legal capacity;

24 (5) unprofessional conduct as defined by rules and regulations
25 adopted by the board;

26 (6) the treatment or attempt to treat ailments or other health con-
27 ditions of human beings other than by physical therapy and as authorized
28 by this act;

29 (7) failure to refer patients to other health care providers if symptoms
30 are present for which physical therapy treatment is inadvisable or if symp-
31 toms indicate conditions for which treatment is outside the scope of
32 knowledge of the licensed physical therapist;

33 (8) *except as provided in subsection (b) of K.S.A. 65-2901 and amend-*
34 *ments thereto*, initiating treatment without prior consultation and ap-
35 proval by a physician licensed to practice medicine and surgery, by a
36 licensed podiatrist, *by a licensed physician assistant, by an advanced reg-*
37 *istered nurse practitioner*, by a licensed chiropractor, by a licensed dentist
38 or by a therapeutic licensed optometrist pursuant to subsection (e) of
39 K.S.A. 65-1501, and amendments thereto; and

40 (9) knowingly submitting any misleading, deceptive, untrue or fraud-
41 ulent misrepresentation on a claim form, bill or statement.

42 (b) All proceedings pursuant to article 29 of chapter 65 of the Kansas
43 Statutes Annotated, and acts amendatory of the provisions thereof or sup-

1 plemental thereto, shall be conducted in accordance with the provisions
2 of the Kansas administrative procedure act and shall be reviewable in
3 accordance with the act for judicial review and civil enforcement of
4 agency actions.

5 Sec. 3. K.S.A. 2003 Supp. 65-2901 and 65-2912 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.