

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 225

As Amended by House Committee on
Health and Human Services

Brief*

SB 225, as amended, amends a number of the statutes that make up the act under which physical therapists are registered and physical therapists assistants are certified by the Board of Healing Arts (Board). In general, the amendments change the level of credentialing from registration to licensure without the protection of a scope of practice.

The amendments expand the definition of physical therapy to mean:

- ! examining, evaluating, and testing individuals with mechanical, anatomical, physiological, and developmental impairments, functional limitations and disabilities, or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention, and assess the ongoing effects of physical therapy intervention;
- ! alleviating impairments, functional limitations, and disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise, functional training in community or work integration or reintegration;
- ! manual therapy;
- ! therapeutic massage;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

- ! prescription, application and fabrication of assistive, adaptive, orthotic, prosthetic, protective, and supportive devices and equipment;
- ! airway clearance techniques;
- ! integumentary protection and repair techniques;
- ! debridement and wound care;
- ! physical agents or modulation;
- ! mechanical and electrotherapeutic modalities;
- ! patient-related instruction;
- ! reducing the risk of injury, impairments, functional limitations, and disability, including the promotion and maintenance of fitness, health, and quality of life in all age populations;
- ! engaging in administration, consultation, education, and research; and
- ! the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist licensed pursuant to the act.

Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, the practice of medicine and surgery, and the making of a medical diagnosis.

The amendments continue to protect the titles used by physical therapist but do not provide or protect a physical therapy scope of practice. The licensure provisions of the bill do not limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession, and, the provisions of Article 29 of Chapter 65 do not apply to those persons, specifically exempted in the bill. Violation of this section is a class B nonperson misdemeanor.

The bill changes the name of the current State Examining Committee for Physical Therapy to Physical Therapy Advisory Council, but makes no change in the purpose or composition of the group, except the Council is not given authority to conduct examinations. Members serving on the Examining Committee on the effective date of SB 225 will continue to serve on the Council until the completion of their appointed terms.

Pursuant to the provisions of SB 225, the Board may issue temporary permits to applicants for a license to practice physical therapy or a certificate to practice as a physical therapy assistant who meet the requirements for a license or certification or who meet all of the requirements except successful completion of an examination. Any temporary permit will expire three months from the date of issue or on the date the Board approves the application. No more than one temporary permit may be granted to an individual.

Obsolete language relating to the maintenance of professional liability insurance is deleted from the physical therapy laws. (Physical therapists have not been required to maintain liability insurance and participate in the Health Care Stabilization Fund since the mid-1990s.) Several statutes that pertain not to the practice of physical therapy, but to the definition of health care provider for the purpose of the Health Care Provider Insurance Availability Act are amended to delete references to physical therapists.

The bill does require physical therapists, as a condition to rendering professional services, to maintain a policy of professional liability insurance. The Board shall adopt rules and regulations that fix a minimum level of coverage for such insurance.

New authority is given to the Board to seek an injunction against violations of the act and to assess civil fines against a licensee in an amount not to exceed \$5,000 for a first violation and not to exceed \$10,000 and \$15,000 for a second and third violation, respectively.

Amendments arising from SB 225 create a statutory maximum fee schedule which reflects fees now set by rule and regulation.

In addition to amending statutes that make up the act under which physical therapists and physical therapist assistants are regulated, SB 225 amends a number of other statutes in which the term "regis-

tered” physical therapist appears in order to change the reference to “licensed.”

Finally, the bill adds licensed chiropractors and therapeutic licensed optometrist to those who may refer patients to physical therapists.

Background

SB 225 was introduced at the request of a representative of the Kansas Physical Therapy Association who, along with several members of the Association, appeared in support of the bill. A representative of the Department of Health and Environment explained the credentialing process as it was applied to the applicant physical therapist group, several physical therapy patients appeared in support of the bill, and written testimony in support was received by the Senate Committee. Representatives of the Kansas Chiropractic Association and the Kansas Occupational Therapy Association expressed opposition. Several conferees appeared to request amendments.

The House Committee amendments strike from the bill language that creates a protected scope of practice, and adds licensed chiropractors and therapeutic licensed optometrists to the list of those who may refer patients to physical therapists.

The fiscal note for SB 225 indicates implementation of SB 225 would increase the Board of Healing Arts operating expenditures by \$5,150 in FY 2004, including expenses for licensure certificates, updating booklets, and postage. The Board could absorb the costs within its existing resources.