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HOUSE BILL NO. 1933

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact § 54.1-3482 of the Code of Virginia, relating to physical therapist assistants; supervision.

 Patron—Nixon

 Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3482 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-3482. Certain experience and referrals required; unlawful to practice physical therapist assistance except under the direction and control of a licensed physical therapist.

A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician, except as provided in this section.

B. After completing a three-year period of active practice upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician, a physical therapist may treat a patient for no more than fourteen consecutive calendar days without a referral under the following conditions: (i) the patient has previously been referred to a physical therapist for physical therapy services by a licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician; (ii) the patient's referral for physical therapy was made within two years from the date the physical therapist implements a program of physical therapy treatment without referral and direction; (iii) the physical therapy being provided to the patient without referral and direction is for the same injury, disease or condition as indicated in the referral of the licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery, or a licensed physician assistant acting under the supervision of a licensed physician; and (iv) the physical therapist notifies the practitioner identified by the patient no later than three days after treatment commences. Treatment for more than fourteen consecutive calendar days of such patient shall only be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician.

In addition, after completing a three-year period of active practice upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician, a physical therapist may conduct a one-time evaluation, that does not include treatment, of a patient who does not meet the conditions established in (i) through (iv) without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician; if appropriate, the physical therapist shall immediately refer such patient to the appropriate practitioner.

C. Invasive procedures within the scope of practice of physical therapy shall at all times be performed only under the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician assistant acting under the supervision of a licensed physician.

D. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse practitioner as authorized in his practice protocol, whose medical condition is determined, at the time of evaluation or treatment, to be beyond the physical therapist's scope of practice. Upon determining that the patient's medical condition is beyond the scope of practice of a physical therapist, a physical therapist shall immediately refer such patient to an appropriate practitioner.

E. Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist ~~and the patient's physician.~~

F. However, a licensed physical therapist may provide, without referral or supervision, physical

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59 therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such
60 student is at such activity in a public, private, denominational or parochial elementary, middle or high
61 school, or public or private institution of higher education when such services are rendered by a licensed
62 physical therapist who is certified as an athletic trainer by the National Athletic Trainers' Association
63 Board of Certification or as a sports certified specialist by the American Board of Physical Therapy
64 Specialties; (ii) employees solely for the purpose of evaluation and consultation related to workplace
65 ergonomics; (iii) special education students who, by virtue of their individualized education plans (IEPs),
66 need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the purpose of
67 wellness, fitness, and health screenings; (v) the public for the purpose of health promotion and
68 education; and (vi) the public for the purpose of prevention of impairments, functional limitations, and
69 disabilities.