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SENATE BILL NO. 573

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 34.2, consisting of sections numbered 54.1-3484 through 54.1-3488, relating to licensure of kinesiotherapists.*

Patrons—Ticer, Edwards, Locke, Lucas, McEachin, Miller, J.C. and Whipple; Delegates: James and McQuinn

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 34.2, consisting of sections numbered 54.1-3484 through 54.1-3488, as follows:

§ 54.1-3484. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Kinesiotherapy.

"Kinesiotherapist" means any person licensed by the Board to engage in the practice of kinesiotherapy.

"Practice of kinesiotherapy" means that branch of the healing arts that is concerned with, upon medical referral and direction, the application of scientifically based exercise principles adapted to enhance the strength, endurance, and mobility of individuals with functional limitations or those requiring extended physical conditioning.

§ 54.1-3485. Unlawful to practice without a license.

A. It shall be unlawful for any person to practice kinesiotherapy in the Commonwealth without a valid unrevoked license issued by the Board.

B. The Board shall promulgate regulations establishing requirements to ensure continuing competency of kinesiotherapists, which may include continuing education, testing, or such other requirements as the Board may determine to be necessary.

C. In promulgating continuing competency requirements, the Board shall consider (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

§ 54.1-3486. Board of Kinesiotherapy.

A. The Board of Kinesiotherapy shall regulate the practice of kinesiotherapy and carry out the provisions of this chapter regarding the qualifications, examination, licensure, and regulation of kinesiotherapists and shall have the general powers and duties of a health regulatory board pursuant to § 54.1-2400.

B. The Board shall be appointed by the Governor and shall be composed of seven members, five of whom shall be kinesiotherapists who have been in active practice for at least three years prior to appointment; one shall be a faculty member of a kinesiotherapy education program accredited by the Commission on Accreditation of Allied Health Education Programs; and one shall be a citizen member. Members shall be appointed for terms of four years and shall serve until their successors are appointed. Vacancies occurring, other than by expiration of term, shall be filled for the unexpired term. No person shall be eligible to serve on the Board for more than two successive full terms.

C. The Board shall elect a chairman and vice-chairman from among its membership. The Board shall meet at least once a year and may hold additional meetings as necessary to perform its duties. A majority of the Board shall constitute a quorum for the conduct of business.

§ 54.1-3487. Requirements for licensure as a kinesiotherapist.

An applicant for licensure as a kinesiotherapist shall submit evidence, verified by affidavit and satisfactory to the Board, that the applicant:

1. Is 18 years of age or more;

2. Is a graduate of a program of kinesiotherapy accredited by the Committee on Accreditation of Allied Health Education Programs or is a graduate of a school outside of the United States or Canada that is acceptable to the Board; and

3. Has satisfactorily passed an examination approved by the Board.

§ 54.1-3488. Unprofessional conduct.

Any kinesiotherapist licensed by the Board shall be considered guilty of unprofessional conduct if he:

1. Engages in the practice of kinesiotherapy under a false or assumed name or impersonates another

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58 practitioner of a like, similar, or different name;

59 2. Knowingly and willfully commits any act that is a felony under the laws of this Commonwealth or
60 the United States, or any act that is a misdemeanor under such laws and involves moral turpitude;

61 3. Aids or abets, has professional contact with, or lends his name to any person known to him to be
62 practicing kinesiotherapy illegally;

63 4. Conducts his practice in such a manner as to be a danger to the health and welfare of his
64 patients or to the public;

65 5. Is unable to practice with reasonable skill or safety because of illness or substance abuse;

66 6. Publishes in any manner an advertisement that violates Board regulations governing advertising;

67 7. Performs any act likely to deceive, defraud, or harm the public;

68 8. Violates any provision of statute or regulation, state or federal, relating to controlled substances;

69 9. Violates or cooperates with others in violating any of the provisions of this chapter or regulations
70 of the Board; or

71 10. Engages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient
72 relationship or otherwise engages at any time during the course of the practitioner/patient relationship
73 in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.

74 **2. That the initial terms for the members appointed to the Board of Kinesiotherapy pursuant to**
75 **§ 54.1-3486 shall be staggered as follows: two members shall be appointed for a one-year term,**
76 **two members shall be appointed for a two-year term, two members shall be appointed for a**
77 **three-year term, and one member shall be appointed for a four-year term.**