15100821D

SENATE BILL NO. 776

Offered January 14, 2015

Prefiled December 29, 2014

A BILL to amend and reenact §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia, relating to direct access to physical therapy.

Patrons—Newman; Delegate: Kory

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3482 and 54.1-3482.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3482. Practice of physical therapy; certain experience and referrals required; physical therapist assistants.

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, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement*, or a licensed physician assistant acting under the supervision of a licensed physician, except as provided in this section.

B. A physical therapist who has *completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has* obtained a certificate of authorization pursuant to § 54.1-3482.1 may evaluate and treat a patient for no more than ~~14~~ *30* consecutive ~~business~~ days after *an initial* evaluation without a referral under the following conditions: (i) *the patient is not receiving care from any licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving rise to the presentation at the time of the presentation to the physical therapist for physical therapy services or (ii)* the patient ~~at the time of presentation to a physical therapist for physical therapy services is not being currently cared for, as attested to in writing by the patient, by~~ *is receiving care from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies* a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement*, or a licensed physician assistant acting under the supervision of a licensed physician ~~for the symptoms giving rise to the presentation; (ii) the patient identifies a practitioner from whom the patient intends to seek treatment if the condition for which he is seeking treatment does not improve after evaluation and treatment by the physical therapist during the 14-day period of treatment; (iii)~~ *from whom he is currently receiving care; (b)* the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and ~~(iv)~~ *(c)* the physical therapist notifies the practitioner identified by the patient no later than ~~three~~ *14* days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. ~~Evaluation and treatment may not be initiated by a physical therapist if the patient does not identify 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 to manage the patient's condition.~~ Treatment for more than ~~14~~ *30* consecutive ~~business~~ days after evaluation of such patient shall only be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement*, or a licensed physician assistant acting under the supervision of a licensed physician. A physical therapist may contact the practitioner identified by the patient at the end of the ~~14-day~~ *30-day* period to determine if the practitioner will authorize additional physical therapy services until such time as the patient can be seen by the practitioner. A physical therapist shall not perform an initial evaluation of a patient under this subsection if the physical therapist has performed an initial evaluation of the patient under this subsection *for the same condition* within the immediately preceding ~~three months~~ *60 days*. ~~For the purposes of this subsection, business days means Monday through Friday of each week excluding state holidays.~~

INTRODUCED

SB776

8/26/22 18:34

C. ~~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~~ *A* physical therapist *who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or who has not obtained a certificate of authorization pursuant to § 54.1-3482.1* 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) of subsection B~~ without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement,* 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.

D. 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, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement,* or a licensed physician assistant acting under the supervision of a licensed physician.

E. 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~~ *practicing* in *accordance with* his practice ~~protocol, whose~~ *agreement when such patient's* 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.

F. Any person licensed as a physical therapist assistant shall perform his duties only under the direction and control of a licensed physical therapist.

G. However, a licensed physical therapist may provide, without referral or supervision, physical therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such student is at such activity in a public, private, or religious elementary, middle or high school, or public or private institution of higher education when such services are rendered by a licensed physical therapist who is certified as an athletic trainer by the National Athletic Trainers' Association Board of Certification or as a sports certified specialist by the American Board of Physical Therapy Specialties; (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics; (iii) special education students who, by virtue of their individualized education plans (IEPs), need physical therapy services to fulfill the provisions of their IEPs; (iv) the public for the purpose of wellness, fitness, and health screenings; (v) the public for the purpose of health promotion and education; and (vi) the public for the purpose of prevention of impairments, functional limitations, and disabilities.

§ 54.1-3482.1. Certain certification required.

A. The Board shall promulgate regulations establishing criteria for certification of physical therapists to provide certain physical therapy services pursuant to subsection B of § 54.1-3482~~,~~ without referral from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, *or* dental surgery, *a* licensed nurse practitioner ~~as authorized~~ *practicing* in *accordance with* his practice ~~protocol~~ *agreement,* or a licensed physician assistant acting under the supervision of a licensed physician. The regulations shall include but not be limited to provisions for (i) the promotion of patient safety; (ii) an application process for *a one-time* certification to perform such procedures; *and* (iii) minimum education, training, and experience requirements for certification to perform such procedures~~; and (iv) continuing education requirements relating to carrying out direct access duties under § 54.1-3482~~.

B. The minimum education, training, and experience requirements for certification shall include evidence that the applicant has successfully completed (i) ~~a doctor of physical therapy program approved by the American Physical Therapy Association;~~ ~~(ii)~~ a transitional program in physical therapy as recognized by the Board~~;~~ or ~~(iii)~~ *(ii)* at least three years of active practice with evidence of continuing education relating to carrying out direct access duties under § 54.1-3482.

~~C. In promulgating minimum education, training, and experience criteria, the Board shall consult with an advisory committee comprised of three members selected by the Medical Society of Virginia and three members selected by the Virginia Physical Therapy Association. All members of the advisory committee shall be licensed by the Board of Physical Therapy or the Board of Medicine and shall engage in clinical practice. The committee shall have a duty to act collaboratively and in good faith to recommend the education, training, and experience necessary to promote patient safety. The advisory committee shall prepare a written report of its recommendations and shall submit this report to the Board of Physical Therapy and shall also submit its recommendations to the Board of Medicine for such comments as may be deemed appropriate, prior to the promulgation of draft regulations. The advisory~~

committee may meet periodically to advise the Board on the regulation of such procedures.

D. In promulgating the regulations required by this section, the Board shall take due consideration of the education, training, and experience requirements adopted by the American Physical Therapy Association and the American Medical Association. ldtitle>

INTRODUCED

SB776