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HOUSE BILL NO. 1112

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact §§ 54.1-3473, 54.1-3481 and 54.1-3482 of the Code of Virginia, relating to physical therapy.

Patrons—Athey and Hugo

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3473, 54.1-3481 and 54.1-3482 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3473. Definitions.

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

"Board" means the Board of Physical Therapy.

"Physical therapist" means any person licensed by the Board to engage in the practice of physical therapy.

"Physical therapist assistant" means any person licensed by the Board to assist a physical therapist in the practice of physical therapy.

"Practice of physical therapy" means that branch of the healing arts that is concerned with, ~~upon~~ ~~medical referral and direction,~~ the evaluation, testing, treatment, reeducation and rehabilitation by physical, mechanical or electronic measures and procedures of individuals who, because of trauma, disease or birth defect, present physical and emotional disorders. The practice of physical therapy also includes the administration, interpretation, documentation, and evaluation of tests and measurements of bodily functions and structures within the scope of practice of the physical therapist. However, the practice of physical therapy does not include the medical diagnosis of disease or injury, the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the use of electricity for shock therapy and surgical purposes including cauterization.

§ 54.1-3481. Unlawful designation as physical therapist or physical therapist assistant; use of "physical therapy" in advertising.

A. It shall be unlawful for any person who is not licensed under this chapter, or whose license has been suspended or revoked or who licensure has lapsed and has not been renewed, to use in conjunction with his name the letters or words "R.P.T.," "Registered Physical Therapist," "L.P.T.," "Licensed Physical Therapist," "P.T.," "Physical Therapist," "Physio-therapist," "P.T.T.," "Physical Therapy Technician," "P.T.A.," "Physical Therapist Assistant," "Licensed Physical Therapist Assistant," or to otherwise by letters, words, representations or insignias assert or imply that he is a licensed physical therapist. The title to designate a licensed physical therapist shall be "P.T." The title to designate a physical therapist assistant shall show such fact plainly on its face.

B. *It shall be unlawful for any person to advertise or promote services as "physical therapy" unless he is licensed as a physical therapist under this chapter.*

§ 54.1-3482. Certain 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, 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 14 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, 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

59 indicated in the referral of the licensed doctor of medicine, osteopathy, chiropractic, podiatry, dental
60 surgery, or licensed physician assistant acting under the supervision of a licensed physician; and (iv) the
61 physical therapist notifies the practitioner identified by the patient no later than three days after
62 treatment commences. Treatment for more than 14 consecutive calendar days of such patient shall only
63 be upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry,
64 dental surgery, licensed nurse practitioner as authorized in his practice protocol, or a licensed physician
65 assistant acting under the supervision of a licensed physician.

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

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

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

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

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