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HOUSE BILL NO. 2359

House Amendments in [] - February 3, 2023

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

Patron Prior to Engrossment—Delegate Fariss

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. 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 practicing in accordance with the provisions of § 54.1-2957, 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 60 consecutive 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 the provisions of § 54.1-2957, 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 is receiving care from a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the provisions of § 54.1-2957, 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 practicing in accordance with the provisions of § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed physician 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 (c) the physical therapist notifies the practitioner identified by the patient no later than 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. ~~Treatment for more than 60 consecutive 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 practicing in accordance with the provisions of § 54.1-2957, 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 60-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. After discharging a patient, a physical therapist shall not perform an initial evaluation of a patient under this subsection without a referral if the physical therapist has performed an initial evaluation of the patient under this subsection for the same condition within the immediately preceding 60 days.~~

C. A physical therapist who has not completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education 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 without the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the provisions of § 54.1-2957, 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, *except for the practice of dry needling*, 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 practicing in accordance with the provisions of § 54.1-2957, or a licensed physician assistant acting under the

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59 supervision of a licensed physician. [*Nothing in this section shall be construed to authorize a physical*
60 *therapist in the practice of dry needling to fail to comply with the provisions of § 54.1-2956.9.*]

61 E. It shall be unlawful for any licensed physical therapist to fail to immediately refer any patient to a
62 licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, or a licensed nurse
63 practitioner practicing in accordance with the provisions of § 54.1-2957 when such patient's medical
64 condition is determined, at the time of evaluation or treatment, to be beyond the physical therapist's
65 scope of practice. Upon determining that the patient's medical condition is beyond the scope of practice
66 of a physical therapist, a physical therapist shall immediately refer such patient to an appropriate
67 practitioner.

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

70 G. However, a licensed physical therapist may provide, without referral or supervision, physical
71 therapy services to (i) a student athlete participating in a school-sponsored athletic activity while such
72 student is at such activity in a public, private, or religious elementary, middle or high school, or public
73 or private institution of higher education when such services are rendered by a licensed physical
74 therapist who is certified as an athletic trainer by the National Athletic Trainers' Association Board of
75 Certification or as a sports certified specialist by the American Board of Physical Therapy Specialties;
76 (ii) employees solely for the purpose of evaluation and consultation related to workplace ergonomics;
77 (iii) ~~special education students who, by virtue of their individualized education plans (IEPs), need~~
78 ~~physical therapy services to fulfill the provisions of their IEPs~~ [*infants and toddlers, from birth to age*
79 *three, who require physical therapy services to fulfill the provisions of their individualized services plan*
80 *under Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.) and] students*
81 *with disabilities who require physical therapy services to fulfill the provisions of their individualized*
82 *education plan or physical therapy services provided under § 504 of the federal Rehabilitation Act of*
83 *1973 (29 U.S.C. § 794 et seq.);* (iv) the public for the purpose of wellness, fitness, and health
84 screenings; (v) the public for the purpose of health promotion and education; and (vi) the public for the
85 purpose of prevention of impairments, functional limitations, and disabilities.

86 **2. That, by December 1, 2024, the Board of Physical Therapy shall report to the Chairmen of the**
87 **Senate Committee on Education and Health and the House Committee on Health, Welfare and**
88 **Institutions a summary of disciplinary actions taken against physical therapists whose conduct**
89 **resulted in physical harm to a patient when such patient received [dry needling treatment or]**
90 **more than 60 consecutive days of physical therapy treatment without a physician referral.**