

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 54.1-3482 of the Code of Virginia, relating to practice of physical
3 therapy.

4 [H 2359]
5 Approved

6 Be it enacted by the General Assembly of Virginia:

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

8 § 54.1-3482. Practice of physical therapy; certain experience and referrals required; physical
9 therapist assistants.

10 A. It shall be unlawful for a person to engage in the practice of physical therapy except as a licensed
11 physical therapist, upon the referral and direction of a licensed doctor of medicine, osteopathy,
12 chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the
13 provisions of § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed
14 physician, except as provided in this section.

15 B. A physical therapist who has completed a doctor of physical therapy program approved by the
16 Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of
17 authorization pursuant to § 54.1-3482.1 may evaluate and treat a patient for no more than 60 consecutive
18 days after an initial evaluation without a referral under the following conditions: (i) the patient is not
19 receiving care from any licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental
20 surgery, a licensed nurse practitioner practicing in accordance with the provisions of § 54.1-2957, or a
21 licensed physician assistant acting under the supervision of a licensed physician for the symptoms giving
22 rise to the presentation at the time of the presentation to the physical therapist for physical therapy
23 services or (ii) the patient is receiving care from a licensed doctor of medicine, osteopathy, chiropractic,
24 podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the provisions of
25 § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed physician at the
26 time of his presentation to the physical therapist for the symptoms giving rise to the presentation for
27 physical therapy services and (a) the patient identifies a licensed doctor of medicine, osteopathy,
28 chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the
29 provisions of § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed
30 physician from whom he is currently receiving care; (b) the patient gives written consent for the
31 physical therapist to release all personal health information and treatment records to the identified
32 practitioner; and (c) the physical therapist notifies the practitioner identified by the patient no later than
33 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation
34 along with a copy of the patient history obtained by the physical therapist. Treatment for more than 60
35 consecutive days after evaluation of such patient shall only be upon the referral and direction of a
36 licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse
37 practitioner practicing in accordance with the provisions of § 54.1-2957, or a licensed physician assistant
38 acting under the supervision of a licensed physician. A physical therapist may contact the practitioner
39 identified by the patient at the end of the 60-day period to determine if the practitioner will authorize
40 additional physical therapy services until such time as the patient can be seen by the practitioner. After
41 discharging a patient, a physical therapist shall not perform an initial evaluation of a patient under this
42 subsection without a referral if the physical therapist has performed an initial evaluation of the patient
43 under this subsection for the same condition within the immediately preceding 60 days.

44 C. A physical therapist who has not completed a doctor of physical therapy program approved by the
45 Commission on Accreditation of Physical Therapy Education or who has not obtained a certificate of
46 authorization pursuant to § 54.1-3482.1 may conduct a one-time evaluation that does not include
47 treatment of a patient without the referral and direction of a licensed doctor of medicine, osteopathy,
48 chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in accordance with the
49 provisions of § 54.1-2957, or a licensed physician assistant acting under the supervision of a licensed
50 physician; if appropriate, the physical therapist shall immediately refer such patient to the appropriate
51 practitioner.

52 D. Invasive procedures within the scope of practice of physical therapy, except for the practice of dry
53 needling, shall at all times be performed only under the referral and direction of a licensed doctor of
54 medicine, osteopathy, chiropractic, podiatry, or dental surgery, a licensed nurse practitioner practicing in
55 accordance with the provisions of § 54.1-2957, or a licensed physician assistant acting under the
56 supervision of a licensed physician. Nothing in this section shall be construed to authorize a physical

57 *therapist in the practice of dry needling to fail to comply with the provisions of § 54.1-2956.9.*

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

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

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

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