

By Senator Lawson

6-01591-10

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1 A bill to be entitled
2 An act relating to physical therapy; amending s.
3 486.021, F.S.; redefining the term "physical therapy
4 assistant"; deleting the term "physical therapy
5 practitioner" and defining the term "physical therapy
6 aide"; deleting the term "physical therapy
7 assessment"; redefining the terms "direct supervision"
8 and "practice of physical therapy"; creating s.
9 486.0211, F.S.; providing the scope of practice for a
10 physical therapist; amending s. 486.031, F.S.;
11 requiring that an applicant for a license as a
12 physical therapist must be a graduate of a school of
13 physical therapy that has been approved by an
14 accrediting agency approved and recognized by the
15 Board of Physical Therapy Practice, which is not
16 limited to the Commission on Recognition of
17 Postsecondary Accreditation or the United States
18 Department of Education; amending s. 486.123, F.S.;
19 prohibiting sexual misconduct between a physical
20 therapist assistant and a patient; amending s.
21 486.125, F.S.; revising the acts that constitute
22 grounds for denial of a license to practice physical
23 therapy or for disciplinary actions as a licensed
24 physical therapist; amending s. 486.135, F.S.;
25 providing that it is unlawful for a person who is not
26 licensed as a physical therapist to use certain
27 letters in connection with his or her name or place of
28 business to indicate that he or she is licensed as a
29 physical therapist; amending s. 486.161, F.S.;

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30 providing additional circumstances under which a
31 physical therapist is exempt from licensure; providing
32 an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 486.021, Florida Statutes, is amended to
37 read:

38 486.021 Definitions.—In this chapter, unless the context
39 otherwise requires, the term:

40 (1) "Board" means the Board of Physical Therapy Practice.

41 (2) "Department" means the Department of Health.

42 (3) "License" means the document of authorization granted
43 by the board and issued by the department for a person to engage
44 in the practice of physical therapy.

45 (4) "Endorsement" means licensure granted by the board
46 pursuant to the provisions of s. 486.081 or s. 486.107.

47 (5) "Physical therapist" means a person who is licensed and
48 who practices physical therapy in accordance with the provisions
49 of this chapter.

50 (6) "Physical therapist assistant" means a person who is
51 licensed in accordance with the provisions of this chapter to
52 perform patient-related activities, including the use of
53 physical agents, whose license is in good standing, and whose
54 activities are performed under the direction of a physical
55 therapist as set forth in rules adopted pursuant to this
56 chapter. ~~Patient-related activities performed by a physical~~
57 ~~therapist assistant for a board-certified orthopedic physician~~
58 ~~or physiatrist licensed pursuant to chapter 458 or chapter 459~~

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59 ~~or a practitioner licensed under chapter 460 shall be under the~~
60 ~~general supervision of a physical therapist, but shall not~~
61 ~~require onsite supervision by a physical therapist. Patient-~~
62 ~~related activities performed for all other health care~~
63 ~~practitioners licensed under chapter 458 or chapter 459 and~~
64 ~~those patient-related activities performed for practitioners~~
65 ~~licensed under chapter 461 or chapter 466 shall be performed~~
66 ~~under the onsite supervision of a physical therapist.~~

67 (7) "Physical therapy aide practitioner" means a person
68 trained under the direction of a physical therapist who performs
69 designated and supervised routine tasks that are related to
70 physical therapy services ~~physical therapist or a physical~~
71 ~~therapist assistant who is licensed and who practices physical~~
72 ~~therapy in accordance with the provisions of this chapter.~~

73 (8) "Physical therapy" or "physiotherapy," each of which
74 terms is deemed identical and interchangeable with each other,
75 means a health care profession.

76 (9) "Direct supervision" means supervision by a physical
77 therapist who is licensed pursuant to this chapter. Except in a
78 case of emergency, direct supervision requires the physical
79 presence of the licensed physical therapist for consultation and
80 direction of the actions of a physical therapist or physical
81 therapist assistant who is practicing under a temporary permit
82 and who is a candidate for licensure by examination.

83 (10) "Physical therapy assessment" means ~~observational,~~
84 ~~verbal, or manual determinations of the function of the~~
85 ~~musculoskeletal or neuromuscular system relative to physical~~
86 ~~therapy, including, but not limited to, range of motion of a~~
87 ~~joint, motor power, postural attitudes, biomechanical function,~~

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88 ~~locomotion, or functional abilities, for the purpose of making~~
89 ~~recommendations for treatment.~~

90 (10) ~~(11)~~ "Practice of physical therapy" means:

91 (a) Examining, evaluating, and testing individuals who have
92 mechanical, physiological, and developmental impairments,
93 functional limitations and disabilities, or other health and
94 movement-related conditions in order to determine a diagnosis,
95 prognosis, and a plan-of-treatment intervention and to assess
96 the ongoing effects of intervention.

97 (b) Alleviating impairments, functional limitations, and
98 disabilities by designing, implementing, and modifying treatment
99 interventions that may include, but are not limited to,
100 therapeutic exercise; functional training in self-care and in
101 the home; community or work integration or reintegration; manual
102 therapy techniques; therapeutic massage; application or, as
103 appropriate, fabrication of assistive, adaptive, protective and
104 supportive devices and equipment; airway clearance techniques;
105 integumentary protection and repair techniques; debridement and
106 wound care; physical agents or modalities; mechanical and
107 electrotherapeutic modalities; and patient-related instruction;
108 ~~the performance of physical therapy assessments and the~~
109 ~~treatment of any disability, injury, disease, or other health~~
110 ~~condition of human beings, or the prevention of such disability,~~
111 ~~injury, disease, or other condition of health, and~~
112 ~~rehabilitation as related thereto by the use of the physical,~~
113 ~~chemical, and other properties of air; electricity; exercise;~~
114 ~~massage; the performance of acupuncture only upon compliance~~
115 ~~with the criteria set forth by the Board of Medicine, when no~~
116 ~~penetration of the skin occurs; the use of radiant energy,~~

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117 ~~including ultraviolet, visible, and infrared rays; ultrasound;~~
118 ~~water; the use of apparatus and equipment in the application of~~
119 ~~the foregoing or related thereto; the performance of tests of~~
120 ~~neuromuscular functions as an aid to the diagnosis or treatment~~
121 ~~of any human condition; or the performance of electromyography~~
122 ~~as an aid to the diagnosis of any human condition only upon~~
123 ~~compliance with the criteria set forth by the board of Medicine.~~
124 ~~A physical therapist may implement a plan of treatment for a~~
125 ~~patient. The physical therapist shall refer the patient to or~~
126 ~~consult with a health care practitioner licensed under chapter~~
127 ~~458, chapter 459, chapter 460, chapter 461, or chapter 466, if~~
128 ~~the patient's condition is found to be outside the scope of~~
129 ~~physical therapy. If physical therapy treatment for a patient is~~
130 ~~required beyond 21 days for a condition not previously assessed~~
131 ~~by a practitioner of record, the physical therapist shall obtain~~
132 ~~a practitioner of record who will review and sign the plan. A~~
133 ~~health care practitioner licensed under chapter 458, chapter~~
134 ~~459, chapter 460, chapter 461, or chapter 466 and engaged in~~
135 ~~active practice is eligible to serve as a practitioner of~~
136 ~~record. The use of roentgen rays and radium for diagnostic and~~
137 ~~therapeutic purposes and the use of electricity for surgical~~
138 ~~purposes, including cauterization, are not authorized under the~~
139 ~~term "physical therapy" as used in this chapter. The practice of~~
140 ~~physical therapy as defined in this chapter does not authorize a~~
141 ~~physical therapy practitioner to practice chiropractic medicine~~
142 ~~as defined in chapter 460, including specific spinal~~
143 ~~manipulation. For the performance of specific chiropractic~~
144 ~~spinal manipulation, a physical therapist shall refer the~~
145 ~~patient to a health care practitioner licensed under chapter~~

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146 ~~460. Nothing in this subsection authorizes a physical therapist~~
147 ~~to implement a plan of treatment for a patient currently being~~
148 ~~treated in a facility licensed pursuant to chapter 395.~~

149 Section 2. Section 486.0211, Florida Statutes, is created
150 to read:

151 486.0211 Scope of practice.-

152 (1) A physical therapist or physical therapist assistant
153 shall provide direct supervision of a physical therapist aide
154 who performs designated and supervised routine tasks that are
155 related to physical therapy services.

156 (2) A physical therapist may implement a plan of treatment
157 for a patient. The physical therapist shall refer the patient to
158 or consult with a health care practitioner licensed under
159 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
160 466 if the patient's condition is found to be outside the scope
161 of physical therapy. If physical therapy treatment for a patient
162 is required beyond 21 days for a condition not previously
163 assessed by a practitioner of record, the physical therapist
164 shall obtain a practitioner of record who shall review and sign
165 the plan. A health care practitioner who is licensed under
166 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
167 466 and who is engaged in active practice may serve as a
168 practitioner of record. The use of roentgen rays and radium for
169 diagnostic and therapeutic purposes and the use of electricity
170 for surgical purposes, including cauterization, are not
171 authorized under the term "physical therapy" as used in this
172 chapter. The practice of physical therapy as defined in this
173 chapter does not authorize a physical therapy aide to practice
174 chiropractic medicine as defined in chapter 460, including

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175 specific spinal manipulation. For the performance of specific
176 chiropractic spinal manipulation, a physical therapist shall
177 refer the patient to a health care practitioner licensed under
178 chapter 460. This subsection does not authorizes a physical
179 therapist to implement a plan of treatment for a patient
180 currently being treated in a facility licensed under chapter
181 395.

182 Section 3. Section 486.031, Florida Statutes, is amended to
183 read:

184 486.031 Physical therapist; licensing requirements.—To be
185 eligible for licensing as a physical therapist, an applicant
186 must:

- 187 (1) Be at least 18 years old;
- 188 (2) Be of good moral character; and
- 189 (3) (a) Have been graduated from a school of physical
190 therapy which has been approved for the educational preparation
191 of physical therapists by the appropriate accrediting agency
192 approved and recognized by the board, including, but not limited
193 to, the Commission on Recognition of Postsecondary Accreditation
194 or the United States Department of Education at the time of her
195 or his graduation and have passed, to the satisfaction of the
196 board, the American Registry Examination prior to 1971 or a
197 national examination approved by the board to determine her or
198 his fitness for practice as a physical therapist as hereinafter
199 provided;
- 200 (b) Have received a diploma from a program in physical
201 therapy in a foreign country and have educational credentials
202 deemed equivalent to those required for the educational
203 preparation of physical therapists in this country, as

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204 recognized by the appropriate agency as identified by the board,
205 and have passed to the satisfaction of the board an examination
206 to determine her or his fitness for practice as a physical
207 therapist ~~as hereinafter provided~~; or

208 (c) Be entitled to licensure without examination as
209 provided in s. 486.081.

210 Section 4. Section 486.123, Florida Statutes, is amended to
211 read:

212 486.123 Sexual misconduct in the practice of physical
213 therapy.—The ~~physical therapist-patient~~ relationship between a
214 patient and a physical therapist or a physical therapist
215 assistant is founded on mutual trust. Sexual misconduct in the
216 practice of physical therapy means violation of this the
217 ~~physical therapist-patient~~ relationship through which the
218 physical therapist or the physical therapist assistant uses that
219 relationship to induce or attempt to induce the patient to
220 engage, or to engage or attempt to engage the patient, in sexual
221 activity outside the scope of practice or the scope of generally
222 accepted examination or treatment of the patient. Sexual
223 misconduct in the practice of physical therapy is prohibited.

224 Section 5. Paragraph (j) of subsection (1) of section
225 486.125, Florida Statutes, is amended to read:

226 486.125 Refusal, revocation, or suspension of license;
227 administrative fines and other disciplinary measures.—

228 (1) The following acts constitute grounds for denial of a
229 license or disciplinary action, as specified in s. 456.072(2):

230 (j) Attempting to engage in conduct that subverts or
231 undermines the integrity of the examination or examination
232 process. ~~Practicing or offering to practice beyond the scope~~

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233 ~~permitted by law or accepting and performing professional~~
234 ~~responsibilities which the licensee knows or has reason to know~~
235 ~~that she or he is not competent to perform, including, but not~~
236 ~~limited to, specific spinal manipulation.~~

237 Section 6. Section 486.135, Florida Statutes, is amended to
238 read:

239 486.135 False representation of licensure, or willful
240 misrepresentation or fraudulent representation to obtain
241 license, unlawful.—

242 (1)(a) It is unlawful for any person who is not licensed
243 under this chapter as a physical therapist, or whose license has
244 been suspended or revoked, to use in connection with her or his
245 name or place of business the words "physical therapist,"
246 "physiotherapist," "physical therapy," "physiotherapy,"
247 "registered physical therapist," or "licensed physical
248 therapist"; or the letters "D.P.T.," "P.T.," "Ph.T.," "R.P.T.,"
249 or "L.P.T."; or any other words, letters, abbreviations, or
250 insignia indicating or implying that she or he is a physical
251 therapist or to represent herself or himself as a physical
252 therapist in any other way, orally, in writing, in print, or by
253 sign, directly or by implication, unless physical therapy
254 services are provided or supplied by a physical therapist
255 licensed in accordance with this chapter and by rule.

256 (b) It is unlawful for any person who is not licensed under
257 this chapter as a physical therapist assistant, or whose license
258 has been suspended or revoked, to use in connection with her or
259 his name the words "physical therapist assistant," "licensed
260 physical therapist assistant," "registered physical therapist
261 assistant," or "physical therapy technician"; or the letters

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262 "P.T.A.," "L.P.T.A.," "R.P.T.A.," or "P.T.T."; or any other
263 words, letters, abbreviations, or insignia indicating or
264 implying that she or he is a physical therapist assistant or to
265 represent herself or himself as a physical therapist assistant
266 in any other way, orally, in writing, in print, or by sign,
267 directly or by implication, or as defined by rule.

268 (2) It is unlawful for any person to obtain or attempt to
269 obtain a license under this chapter by any willful
270 misrepresentation or any fraudulent representation.

271 Section 7. Section 486.161, Florida Statutes, is amended to
272 read:

273 486.161 Exemptions.—

274 (1) ~~No provision of~~ This chapter does not ~~shall be~~
275 ~~construed to~~ prohibit any person licensed in this state from
276 using any physical agent as a part of, or incidental to, the
277 lawful practice of her or his profession under the statutes
278 applicable to the profession of chiropractic physician,
279 podiatric physician, doctor of medicine, massage therapist,
280 nurse, osteopathic physician or surgeon, occupational therapist,
281 or naturopath.

282 (2) ~~No provision of~~ This chapter does not ~~shall be~~
283 ~~construed to~~ prohibit:

284 (a) Any student who is enrolled in a school or course of
285 physical therapy approved by the board from performing such acts
286 of physical therapy as are incidental to her or his course of
287 study; or

288 (b) Any physical therapist from another state from
289 performing physical therapy incidental to a course of study when
290 taking or giving a postgraduate course or other course of study

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291 in this state, provided such physical therapist is licensed in
292 another jurisdiction or holds an appointment on the faculty of a
293 school approved for training physical therapists or physical
294 therapist assistants.

295 (3) ~~No provision of~~ This chapter does not prohibit
296 ~~prohibits~~ a licensed physical therapist from delegating, to a
297 person qualified by training, experience, or education, specific
298 patient care activities, as defined and limited by board rule,
299 to assist the licensed physical therapist in performing duties
300 in compliance with the standards of the practice of physical
301 therapy. Specific patient care activities, as defined and
302 limited by board rule, must be performed under the direct
303 supervision of the licensed physical therapist or physical
304 therapist assistant in the immediate area, if the person is not
305 a licensed physical therapist assistant.

306 (4) This chapter does not prohibit:

307 (a) A physical therapist from practicing physical therapy
308 in the United States Armed Services, the United States Public
309 Health Service, or the United States Department of Veterans
310 Affairs pursuant to federal regulations for state licensure of
311 health care providers.

312 (b) A physical therapist or physical therapist assistant
313 licensed in a jurisdiction of the United States who is forced to
314 leave his or her residence or place of employment due to a
315 declared local, state, or national disaster or emergency and due
316 to such displacement from seeking to practice physical therapy.
317 This exemption applies for no more than 60 days after the
318 declaration of the emergency. In order to be eligible for this
319 exemption, the physical therapist or physical therapist

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320 assistant shall notify the board of his or her intent to
321 practice.

322 Section 8. This act shall take effect July 1, 2010.