

By Senator Grimsley

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1 A bill to be entitled
 2 An act relating to physical therapy practice; amending
 3 s. 486.021, F.S.; redefining the terms "physical
 4 therapist," "physical therapy practitioner," "physical
 5 therapy" or "physiotherapy," and "practice of physical
 6 therapy"; amending s. 486.025, F.S.; providing
 7 additional powers to the Board of Physical Therapy
 8 Practice; amending s. 486.081, F.S.; providing
 9 restrictions on the use of the title "doctor";
 10 amending s. 486.135, F.S.; prohibiting a person who is
 11 not licensed as a physical therapist from using
 12 certain designations for false representation;
 13 providing restrictions on the use of the title
 14 "doctor"; reenacting ss. 1002.385(5)(c) and
 15 1002.66(2)(d), F.S., to incorporate the amendment made
 16 to s. 486.021, F.S., in references thereto; reenacting
 17 ss. 486.021(4) and 486.031(3)(c), F.S., to incorporate
 18 the amendment made to s. 486.081, F.S., in references
 19 thereto; providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Subsections (5), (7), (8), and (11) of section
 24 486.021, Florida Statutes, are amended to read:

25 486.021 Definitions.—In this chapter, unless the context
 26 otherwise requires, the term:

27 (5) "Physical therapist" means a person who is licensed and
 28 who engages in the practice of ~~practices~~ physical therapy ~~in~~
 29 ~~accordance with the provisions of this chapter.~~ A physical

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30 therapist is fully responsible for managing all aspects of the
31 physical therapy care of each patient and shall:

32 (a) Provide the initial evaluation, determination of
33 diagnosis, prognosis, and plan of treatment intervention for
34 each patient.

35 (b) Provide documentation of each encounter with a patient.

36 (c) Provide periodic reevaluation and documentation of each
37 patient.

38 (d) Provide documentation of the discharge of each patient,
39 including the patient's response to treatment intervention at
40 the time of discharge.

41 (e) Communicate the overall plan of care with the patient
42 or the patient's legally authorized representative.

43 (f) Refer the patient to, or consult with, a practitioner
44 of record if the patient's condition is determined to be outside
45 the scope of physical therapy or fails to improve within a
46 reasonable timeframe. For purposes of this paragraph, a health
47 care practitioner licensed under chapter 458, chapter 459,
48 chapter 460, chapter 461, or chapter 466 and engaged in active
49 practice is eligible to serve as a practitioner of record.

50 (7) "Physical therapy practitioner" means a physical
51 therapist or a physical therapist assistant who is licensed and
52 who engages in the practice of ~~practices~~ physical therapy ~~in~~
53 ~~accordance with the provisions of this chapter.~~

54 (8) "Physical therapy" or "physiotherapy" ~~"physiotherapy,"~~
55 ~~each of which terms is deemed identical and interchangeable with~~
56 ~~each other,~~ means a health care profession in which the provider
57 engages in the practice of physical therapy.

58 (11) "Practice of physical therapy" means:

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59 (a) Examining, evaluating, and testing patients who have
60 mechanical, physiological, or developmental impairments,
61 functional limitations, disabilities, or other health and
62 movement-related conditions in order to determine a diagnosis,
63 prognosis, and plan of treatment intervention and to assess the
64 ongoing effects of such intervention;

65 (b) Alleviating impairments, functional limitations,
66 disabilities, and other health and movement-related conditions
67 by designing, implementing, and modifying treatment
68 interventions that may include, but are not limited to,
69 therapeutic exercise; functional training in self-care and in
70 home, community, or work integration or reintegration; manual
71 therapy, including soft tissue and joint mobilization and
72 manipulation but not including specific chiropractic
73 manipulation; therapeutic massage; prescription application; as
74 appropriate, fabrication of assistive, adaptive, orthotic,
75 prosthetic, protective, and supportive devices and equipment;
76 airway clearance techniques; integumentary protection and repair
77 techniques; debridement and wound care; physical agents or
78 modalities; mechanical and electrotherapeutic modalities; and
79 patient-related instruction;

80 (c) Reducing the risk of injury, impairment, functional
81 limitation, and disability, including the promotion and
82 maintenance of fitness, health, and wellness, in populations of
83 all ages; and

84 (d) Engaging in the administration of, and consultation,
85 education, and research on, physical therapy ~~the performance of~~
86 ~~physical therapy assessments and the treatment of any~~
87 ~~disability, injury, disease, or other health condition of human~~

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88 ~~beings, or the prevention of such disability, injury, disease,~~
89 ~~or other condition of health, and rehabilitation as related~~
90 ~~thereto by the use of the physical, chemical, and other~~
91 ~~properties of air; electricity; exercise; massage; the~~
92 ~~performance of acupuncture only upon compliance with the~~
93 ~~criteria set forth by the Board of Medicine, when no penetration~~
94 ~~of the skin occurs; the use of radiant energy, including~~
95 ~~ultraviolet, visible, and infrared rays; ultrasound; water; the~~
96 ~~use of apparatus and equipment in the application of the~~
97 ~~foregoing or related thereto; the performance of tests of~~
98 ~~neuromuscular functions as an aid to the diagnosis or treatment~~
99 ~~of any human condition; or the performance of electromyography~~
100 ~~as an aid to the diagnosis of any human condition only upon~~
101 ~~compliance with the criteria set forth by the Board of Medicine.~~

102 ~~(a) A physical therapist may implement a plan of treatment~~
103 ~~developed by the physical therapist for a patient or provided~~
104 ~~for a patient by a practitioner of record or by an advanced~~
105 ~~registered nurse practitioner licensed under s. 464.012. The~~
106 ~~physical therapist shall refer the patient to or consult with a~~
107 ~~practitioner of record if the patient's condition is found to be~~
108 ~~outside the scope of physical therapy. If physical therapy~~
109 ~~treatment for a patient is required beyond 21 days for a~~
110 ~~condition not previously assessed by a practitioner of record,~~
111 ~~the physical therapist shall obtain a practitioner of record who~~
112 ~~will review and sign the plan. For purposes of this paragraph, a~~
113 ~~health care practitioner licensed under chapter 458, chapter~~
114 ~~459, chapter 460, chapter 461, or chapter 466 and engaged in~~
115 ~~active practice is eligible to serve as a practitioner of~~
116 ~~record.~~

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~~(b) The term does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes and the use of electricity for surgical purposes, including cauterization, are not "physical therapy" for purposes of this chapter.~~

~~(c) The practice of physical therapy does not authorize a physical therapy practitioner to practice chiropractic medicine as defined in chapter 460, including specific spinal manipulation. For the performance of specific chiropractic spinal manipulation, a physical therapist shall refer the patient to a health care practitioner licensed under chapter 460.~~

~~(d) This subsection does not authorize a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed pursuant to chapter 395.~~

Section 2. Section 486.025, Florida Statutes, is amended to read:

486.025 Powers and duties of the Board of Physical Therapy Practice.—The board may administer oaths, summon witnesses, take testimony in all matters relating to its duties under this chapter, establish or modify minimum standards of practice, and adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer ~~implement the provisions of~~ this chapter. The board may regulate the practice of physical therapy by interpreting and enforcing this chapter and may issue advisory opinions regarding this chapter upon request. The board may also review the standing and reputability of any school or college offering courses in physical therapy and whether the courses of such school or college in physical therapy meet the standards established by

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146 the appropriate accrediting agency referred to in s.
147 486.031(3) (a). In determining the standing and reputability of
148 any such school and whether the school and courses meet such
149 standards, the board may investigate and make personal
150 inspection of the same.

151 Section 3. Subsection (1) of section 486.081, Florida
152 Statutes, is amended to read:

153 486.081 Physical therapist; issuance of license without
154 examination to person passing examination of another authorized
155 examining board; fee.—

156 (1) The board may cause a license to be issued through the
157 department without examination to any applicant who presents
158 evidence satisfactory to the board of having passed the American
159 Registry Examination before ~~prior to~~ 1971 or an examination in
160 physical therapy before a similar lawfully authorized examining
161 board of another state, the District of Columbia, a territory,
162 or a foreign country, if the standards for licensure in physical
163 therapy in such other state, district, territory, or foreign
164 country are determined by the board to be as high as those of
165 this state, as established by rules adopted pursuant to this
166 chapter. Any person who holds a license pursuant to this section
167 may use the words "physical therapist" or "physiotherapist," or
168 the letters "P.T.," in connection with her or his name or place
169 of business to denote her or his licensure hereunder. A physical
170 therapist holding a doctor of physical therapy (D.P.T.) or other
171 doctoral degree may not use the title "doctor" without also
172 clearly informing the public of his or her profession as a
173 physical therapist.

174 Section 4. Subsection (1) of section 486.135, Florida

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175 Statutes, is amended to read:

176 486.135 False representation of licensure, or willful
177 misrepresentation or fraudulent representation to obtain
178 license, unlawful.—

179 (1) (a) It is unlawful for any person who is not licensed
180 under this chapter as a physical therapist, or whose license has
181 been suspended or revoked, to use in connection with her or his
182 name or place of business the words "physical therapist,"
183 "physiotherapist," "physical therapy," "physiotherapy,"
184 "registered physical therapist," or "licensed physical
185 therapist"; ~~or~~ the letters "P.T." ~~"P.T.," "Ph.T.," "R.P.T.,"~~ or
186 "D.P.T." ~~"L.P.T.";~~ or any other words, letters, abbreviations,
187 or insignia indicating or implying that she or he is a physical
188 therapist or to represent herself or himself as a physical
189 therapist in any other way, orally, in writing, in print, or by
190 sign, directly or by implication, unless physical therapy
191 services are provided or supplied by a physical therapist
192 licensed in accordance with this chapter. A physical therapist
193 holding a D.P.T or other doctoral degree may not use the title
194 "doctor" without also clearly informing the public of his or her
195 profession as a physical therapist.

196 (b) It is unlawful for any person who is not licensed under
197 this chapter as a physical therapist assistant, or whose license
198 has been suspended or revoked, to use in connection with her or
199 his name the words "physical therapist assistant," ~~"licensed~~
200 ~~physical therapist assistant," "registered physical therapist~~
201 ~~assistant,"~~ or ~~"physical therapy technician";~~ or the letters
202 "P.T.A.," ~~"L.P.T.A.," "R.P.T.A.,"~~ or ~~"P.T.T.";~~ or any other
203 words, letters, abbreviations, or insignia indicating or

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204 implying that she or he is a physical therapist assistant or to
205 represent herself or himself as a physical therapist assistant
206 in any other way, orally, in writing, in print, or by sign,
207 directly or by implication.

208 Section 5. Paragraph (c) of subsection (5) of s. 1002.385
209 and paragraph (d) of subsection (2) of s. 1002.66, Florida
210 Statutes, are reenacted for the purpose of incorporating the
211 amendment made by this act to s. 486.021, Florida Statutes, in
212 references thereto.

213 Section 6. Subsection (4) of s. 486.021 and paragraph (c)
214 of subsection (3) of s. 486.031, Florida Statutes, are reenacted
215 for the purpose of incorporating the amendment made by this act
216 to s. 486.081, Florida Statutes, in references thereto.

217 Section 7. This act shall take effect July 1, 2015.