

HB 107

2016

1                                   A bill to be entitled  
2           An act relating to physical therapy; amending s.  
3           486.021, F.S.; revising the definition of the term  
4           "practice of physical therapy"; amending s. 486.081,  
5           F.S.; providing that a licensed physical therapist who  
6           holds a specified doctoral degree may use specified  
7           letters in connection with her or his name or place of  
8           business; prohibiting a physical therapist with a  
9           specified doctoral degree from using the title  
10          "doctor" without informing the public of his or her  
11          profession as a physical therapist; amending s.  
12          486.135, F.S.; revising the terms prohibited from  
13          being used by certain unlicensed persons; providing a  
14          criminal penalty; amending s. 486.151, F.S.;  
15          prohibiting an unlicensed person from using specified  
16          letters; providing an effective date.

17  
18   Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Paragraph (a) of subsection (11) of section  
21   486.021, Florida Statutes, is amended to read:

22           486.021 Definitions.—In this chapter, unless the context  
23   otherwise requires, the term:

24           (11) "Practice of physical therapy" means the performance  
25   of physical therapy assessments and the treatment of any  
26   disability, injury, disease, or other health condition of human

27 | beings, or the prevention of such disability, injury, disease,  
 28 | or other condition of health, and rehabilitation as related  
 29 | thereto by the use of the physical, chemical, and other  
 30 | properties of air; electricity; exercise; massage; the  
 31 | performance of acupuncture only upon compliance with the  
 32 | criteria set forth by the Board of Medicine, when no penetration  
 33 | of the skin occurs; the use of radiant energy, including  
 34 | ultraviolet, visible, and infrared rays; ultrasound; water; the  
 35 | use of apparatus and equipment in the application of the  
 36 | foregoing or related thereto; the performance of tests of  
 37 | neuromuscular functions as an aid to the diagnosis or treatment  
 38 | of any human condition; or the performance of electromyography  
 39 | as an aid to the diagnosis of any human condition only upon  
 40 | compliance with the criteria set forth by the Board of Medicine.

41 |       (a) A physical therapist may implement a plan of treatment  
 42 | developed by the physical therapist for a patient or provided  
 43 | for a patient by a practitioner of record or by an advanced  
 44 | registered nurse practitioner licensed under s. 464.012. The  
 45 | physical therapist shall refer the patient to or consult with a  
 46 | practitioner of record if the patient's condition is found to be  
 47 | outside the scope of physical therapy. If physical therapy  
 48 | treatment for a patient is required beyond 30 ~~21~~ days for a  
 49 | condition not previously assessed by a practitioner of record,  
 50 | the physical therapist shall have ~~obtain~~ a practitioner of  
 51 | record ~~who will~~ review and sign the plan. The requirement for a  
 52 | physical therapist to have a practitioner of record review and

53 sign a plan of treatment does not apply when a patient has been  
54 physically examined by a physician licensed in another state,  
55 the patient has been diagnosed by such physician as having a  
56 condition for which physical therapy is required, and the  
57 physical therapist is treating such condition. For purposes of  
58 this paragraph, a health care practitioner licensed under  
59 chapter 458, chapter 459, chapter 460, chapter 461, or chapter  
60 466 and engaged in active practice is eligible to serve as a  
61 practitioner of record.

62 Section 2. Subsection (1) of section 486.081, Florida  
63 Statutes, is amended to read:

64 486.081 Physical therapist; issuance of license without  
65 examination to person passing examination of another authorized  
66 examining board; fee.—

67 (1) The board may cause a license to be issued through the  
68 department without examination to any applicant who presents  
69 evidence satisfactory to the board of having passed the American  
70 Registry Examination prior to 1971 or an examination in physical  
71 therapy before a similar lawfully authorized examining board of  
72 another state, the District of Columbia, a territory, or a  
73 foreign country, if the standards for licensure in physical  
74 therapy in such other state, district, territory, or foreign  
75 country are determined by the board to be as high as those of  
76 this state, as established by rules adopted pursuant to this  
77 chapter. Any person who holds a license pursuant to this section  
78 may use the words "physical therapist" or "physiotherapist~~7~~" or

79 | the letters "P.T.~~7~~" in connection with her or his name or place  
 80 | of business to denote her or his licensure hereunder. A person  
 81 | who holds a license pursuant to this section and obtains a  
 82 | doctoral degree in physical therapy may use the letters "D.P.T."  
 83 | and "P.T." A physical therapist who holds a degree of Doctor of  
 84 | Physical Therapy may not use the title "doctor" without also  
 85 | clearly informing the public of his or her profession as a  
 86 | physical therapist.

87 | Section 3. Subsection (1) of section 486.135, Florida  
 88 | Statutes, is amended, subsection (2) is renumbered as subsection  
 89 | (3), and a new subsection (2) is added to that section, to read:

90 | 486.135 False representation of licensure, or willful  
 91 | misrepresentation or fraudulent representation to obtain  
 92 | license, unlawful.—

93 | (1) (a) It is unlawful for any person who is not licensed  
 94 | under this chapter as a physical therapist, or whose license has  
 95 | been suspended or revoked, to use in connection with her or his  
 96 | name or place of business the words "physical therapist,"  
 97 | "physiotherapist," "physical therapy," "physiotherapy,"  
 98 | "registered physical therapist," or "licensed physical  
 99 | therapist"; ~~or the letters "P.T.~~7~~" "Ph.T.," "R.P.T.," or~~  
 100 | ~~"L.P.T."~~; or any other words, letters, abbreviations, or  
 101 | insignia indicating or implying that she or he is a physical  
 102 | therapist or to represent herself or himself as a physical  
 103 | therapist in any other way, orally, in writing, in print, or by  
 104 | sign, directly or by implication, unless physical therapy

105 services are provided or supplied by a physical therapist  
 106 licensed in accordance with this chapter.

107 (b) It is unlawful for a person who is not licensed under  
 108 this chapter as a physical therapist and who does not hold a  
 109 doctoral degree in physical therapy to use the letters "D.P.T."  
 110 in connection with his or her name or place of business.

111 (c)~~(b)~~ It is unlawful for any person who is not licensed  
 112 under this chapter as a physical therapist assistant, or whose  
 113 license has been suspended or revoked, to use in connection with  
 114 her or his name the words "physical therapist assistant,"  
 115 ~~"licensed physical therapist assistant," "registered physical~~  
 116 ~~therapist assistant," or "physical therapy technician"; or the~~  
 117 letters "P.T.A.," ~~"L.P.T.A.," "R.P.T.A.," or "P.T.T.";~~ or any  
 118 other words, letters, abbreviations, or insignia indicating or  
 119 implying that she or he is a physical therapist assistant or to  
 120 represent herself or himself as a physical therapist assistant  
 121 in any other way, orally, in writing, in print, or by sign,  
 122 directly or by implication.

123 (2) An unlawful act under this section is a violation of  
 124 s. 486.151.

125 Section 4. Paragraph (d) of subsection (1) of section  
 126 486.151, Florida Statutes, is amended to read:

127 486.151 Prohibited acts; penalty.—

128 (1) It is unlawful for any person to:

129 (d) Use the name or title "Physical Therapist" or  
 130 "Physical Therapist Assistant" or any other name or title which

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131 | would lead the public to believe that the person using the name  
132 | or title is licensed to practice physical therapy, unless such  
133 | person holds a valid license; or use the letters "D.P.T.,"  
134 | unless such person holds a valid license under this chapter and  
135 | a doctoral degree in physical therapy.

136 |         Section 5. This act shall take effect upon becoming a law.