

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 450

INTRODUCER: Senator Grimsley

SUBJECT: Physical Therapy

DATE: December 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Pace	Hrdlicka	FP	Pre-meeting

I. Summary:

SB 450 authorizes a physical therapist to implement a plan of treatment provided for a patient by a physician licensed in a state other than Florida. The bill also increases the time frame for which a physical therapist can provide physical therapy treatment to a patient for a condition not previously assessed by a practitioner of record or a physician licensed in another state. The time frame is increased from 21 days to 30 days.

The bill authorizes any person who holds a physical therapy license and obtains a degree of Doctor of Physical Therapy to use the letters "D.P.T." and "P.T." However, a physical therapist may not use the title "doctor" without also clearly informing the public of his or her profession as a physical therapist.

The bill revises terms prohibited from use by a person who is not licensed as a physical therapist or a physical therapist assistant and makes it a first degree misdemeanor to falsely represent licensure or to obtain a license by false representation.

The bill has no fiscal impact on government entities.

II. Present Situation:

Physical Therapy Practice in Florida

The Physical Therapy Practice Act (the act) is codified in ch. 486, F.S. Physical therapists (PTs) are regulated by the Board of Physical Therapy Practice (board) within the Department of

Health.¹ A licensed PT or a licensed physical therapist assistant (PTA) must practice physical therapy in accordance with the provisions of the act and board rules.²

Pursuant to s. 486.021(6), F.S., a “physical therapist assistant” means a person who is licensed to perform patient-related activities,³ including the use of physical agents, whose license is in good standing, and whose activities are performed under the direction of a PT as set forth in rules adopted pursuant to ch. 486, F.S.

Physical therapists and physical therapy assistants are required to meet specific educational requirements and pass a national exam.⁴

Currently, there are 15,234 PTs and 8,452 PTAs who hold active Florida licenses.⁵

Physical Therapy Scope of Practice

“Practice of physical therapy” is defined in s. 486.021(11), F.S., as the performance of physical therapy assessments and treatment, or prevention of, any disability, injury, disease, or other health condition of human beings and rehabilitation as it relates to the use of various modalities such as: exercise, massage, ultrasound, ice, heat, water, and equipment. A PT’s professional responsibilities include:⁶

- Interpretation of a practitioner’s referral;
- Delivery of the initial physical therapy assessment of the patient;
- Identification of and documentation of precautions, special problems, contraindications;
- Development of a treatment plan for a patient including the long and short term goals;
- Implementation of or directing implementation of the treatment plan;
- Delegation of appropriate tasks;
- Direction and supervision of supportive staff in a manner appropriate for the patient’s individual needs;
- Reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan; and
- Collaboration with members of the health care team when appropriate.

Section 486.021(11), F.S., limits treatments that PTs may provide or what procedures may be performed for diagnosing a condition. A PT must refer a patient to, or consult with, a practitioner

¹ Section 486.023, F.S.

² Sections 486.031 and 486.102, F.S.

³ See s. 486.021(6), F.S. Patient-related activities performed by a PTA for a board-certified orthopedic physician or physiatrist licensed pursuant to chs. 458 or 459, F.S., or a chiropractor licensed under ch. 460, F.S., must be under the general supervision of a PT, but do not require on-site supervision by a PT. Patient-related activities performed for all other health care practitioners licensed under chs. 458 and 459, F.S., and those patient-related activities performed for podiatrists licensed under ch. 461, F.S., or dentists licensed under ch. 466, F.S., must be performed under the onsite supervision of a PT.

⁴ See s. 486.031, F.S. for physical therapy licensing requirement and s. 486.102, F.S. for physical therapy assistant licensing requirements.

⁵ Number of active Florida licenses calculated by adding “In State Active” practitioners and “Out of State Active” practitioners. See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015: Table 1 Summary of Licensed Practitioners*, available at <http://mqawebteam.com/annualreports/1415/#16> (last visited Nov. 30, 2015).

⁶ Rule 64B17-6.001(3), F.A.C.

of record if a patient's condition is found to be outside the scope of physical therapy.⁷ Under s. 486.021(11), F.S., a "practitioner of record" is a health care practitioner licensed under chs. 458 (Medical Practice), 459 (Osteopathic Medicine), 460 (Chiropractic Medicine), 461 (Podiatric Medicine), or 466 (Dentistry), F.S., and engaged in active practice. A PT may not practice chiropractic medicine, including specific spinal manipulation, and must refer a patient with the need for such to a chiropractor licensed under ch. 460, F.S.⁸ Additionally a PT is not authorized to implement a plan for a patient being treated in a hospital or an ambulatory surgical center licensed under ch. 395, F.S.⁹

Section 486.081(1), F.S., authorizes a licensed PT to use the words "physical therapist" or "physiotherapist," or the letters "P.T." in connection with his or her name or place of business to denote his or her licensure. False representation of licensure or willful misrepresentation or false representation to obtain a PT or PTA license is unlawful.¹⁰

Physical Therapy Treatment Plan and Referral for Treatment

A PT may implement a plan of treatment developed by the PT for a patient or provided for a patient by a practitioner of record or by an advanced registered nurse practitioner licensed under s. 464.012, F.S.¹¹ Currently, a PT may implement a treatment plan for a patient without a written order from a practitioner of record if the recommended treatment plan is performed within a 21-day timeframe. If the treatment plan requires treatment beyond 21 days, the condition must be assessed by a practitioner of record who is required to review and sign the treatment plan.¹²

Physicians licensed in other states are not recognized as a "practitioner of record" and therefore patients visiting Florida must have a Florida licensed physician review the plan of treatment to continue physical therapy beyond 21 days.¹³

III. Effect of Proposed Changes:

Section 1 amends the definition of the "practice of physical therapy," under s. 486.021, F.S. Currently, a physical therapist is required to have a practitioner of record review and sign a patient's treatment plan if physical therapy treatment is required beyond 21 days. The bill expands the timeframe to 30 days.

The bill also specifies that the requirement for a physical therapist to have a practitioner of record review and sign a plan of treatment does not apply when a patient has been physically examined by physician licensed in another state, the patient has been diagnosed as having a condition for which physical therapy is required, and the physical therapist is treating the specific condition.

⁷ Section 486.021(11)(a), F.S.

⁸ Section 486.021(11)(c), F.S.

⁹ Section 486.021(11)(d), F.S.

¹⁰ See s. 486.135, F.S.

¹¹ Section 486.021(11)(a), F.S.

¹² *Id.*

¹³ Department of Health, Agency Bill Analysis Senate Bill 450, October 8, 2015 (on file with the Senate Fiscal Policy Committee).

Section 2 amends s. 486.081, F.S., authorizing a licensed physical therapist who holds a doctoral degree in physical therapy to use the letters “D.P.T.” and “P.T.” in connection with her or his name or place of business. Physical therapists may not use the title “doctor” unless he or she holds a degree of Doctor of Physical Therapy and the public is clearly informed that his or her profession as a physical therapist.

Section 3 amends s. 486.135, F.S., revising terms prohibited from use by a person who is not licensed as a PT or a PTA. The bill removes the prohibitions on unlicensed individuals to use the letters “Ph.T.,” “R.P.T.,” and “L.P.T.” to indicate that he or she is a physical therapist or to use the letters “L.P.T.A.,” “R.P.T.A.,” or “P.T.T.” to indicate that he or she is a physical therapist assistant. The bill also provides that use of the letters “D.P.T.” in connection with a name or business is unlawful for any person who is not licensed as a PT under ch. 486, F.S., and holds a doctoral degree in physical therapy.

The bill also creates a penalty for any unlawful act under s. 486.135, F.S. (false representation of licensure or willful misrepresentation or false representation to obtain a PT license). Under the bill, an unlawful act is considered a prohibited act under s. 496.151, F.S., and is a first degree misdemeanor.¹⁴

Section 4 amends s. 486.151, F.S., adding that the use of the letters “D.P.T.” is a prohibited act, subject to a first degree misdemeanor, unless the person holds a valid license under ch. 486, F.S., and has a doctoral degree in physical therapy.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁴ A first degree misdemeanor is punishable by up to 1 year of imprisonment and up to a \$1,000 fine. *See* ss. 775.082 and 775.083, F.S.

B. Private Sector Impact:

Under the bill, visitors to the state and patients who have an order for physical therapy from a practitioner licensed in another state will be able to receive the ordered physical therapy in this state without incurring additional costs for a medical examination from or assessment by a practitioner of record. Increasing the period of time in which a physical therapist may provide treatment for a patient without a practitioner of record assessing the patient may save patients the cost of examination by a practitioner of record.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 486.021, 486.081, 486.135, and 486.151

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.