

1 A bill to be entitled
 2 An act relating to physical therapy practice; amending
 3 s. 486.021, F.S.; revising and providing definitions;
 4 amending s. 486.025, F.S.; revising the powers and
 5 duties of the Board of Physical Therapy Practice;
 6 creating s. 486.117, F.S.; requiring the board to
 7 establish minimum standards of practice for the
 8 performance of dry needling by physical therapists;
 9 providing construction; providing an effective date.

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

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 13 Section 1. Subsections (10) and (11) of section 486.021,
 14 Florida Statutes, are amended, and subsections (12) and (13) are
 15 added to that section, to read:

16 486.021 Definitions.—As used in this chapter, unless the
 17 context otherwise requires, the term:

18 (10) "Physical therapy assessment" means observational,
 19 verbal, or manual determinations of the function of the movement
 20 ~~musculoskeletal or neuromuscular~~ system relative to physical
 21 therapy, including, but not limited to, range of motion of a
 22 joint, motor power, motor control, posture ~~postural attitudes~~,
 23 biomechanical function, locomotion, or functional abilities, for
 24 the purpose of physical therapy ~~making recommendations for~~
 25 treatment.

26 (11) "Practice of physical therapy" means the performance
27 of physical therapy assessments and the treatment of any
28 disability, injury, disease, or other health condition of human
29 beings, or the prevention of such disability, injury, disease,
30 or other health condition ~~of health~~, and the rehabilitation of
31 such disability, injury, disease, or other health condition ~~as~~
32 related thereto by alleviating impairments, functional movement
33 limitations, and disabilities by designing, implementing, and
34 modifying treatment interventions through therapeutic exercise;
35 functional movement training in self-management and in-home,
36 community, or work integration or reintegration; manual therapy;
37 massage; airway clearance techniques; maintaining and restoring
38 the integumentary system and wound care; physical agent or
39 modality; mechanical or electrotherapeutic modality; patient-
40 related instruction ~~the use of the physical, chemical, and other~~
41 ~~properties of air; electricity; exercise; massage; the~~
42 ~~performance of acupuncture only upon compliance with the~~
43 ~~criteria set forth by the Board of Medicine, when no penetration~~
44 ~~of the skin occurs; the use of radiant energy, including~~
45 ~~ultraviolet, visible, and infrared rays; ultrasound; water; the~~
46 use of apparatus and equipment in the application of such
47 treatment, prevention, or rehabilitation ~~the foregoing or~~
48 ~~related thereto~~; the performance of tests of neuromuscular
49 functions as an aid to the diagnosis or treatment of any human
50 condition; or the performance of electromyography as an aid to

51 | the diagnosis of any human condition only upon compliance with
52 | the criteria set forth by the Board of Medicine.

53 | (a) A physical therapist may implement a plan of treatment
54 | developed by the physical therapist for a patient or provided
55 | for a patient by a practitioner of record or by an advanced
56 | practice registered nurse licensed under s. 464.012. The
57 | physical therapist shall refer the patient to or consult with a
58 | practitioner of record if the patient's condition is found to be
59 | outside the scope of physical therapy. If physical therapy
60 | treatment for a patient is required beyond 30 days for a
61 | condition not previously assessed by a practitioner of record,
62 | the physical therapist shall have a practitioner of record
63 | review and sign the plan. The requirement that a physical
64 | therapist have a practitioner of record review and sign a plan
65 | of treatment does not apply when a patient has been physically
66 | examined by a physician licensed in another state, the patient
67 | has been diagnosed by the physician as having a condition for
68 | which physical therapy is required, and the physical therapist
69 | is treating the condition. For purposes of this paragraph, a
70 | health care practitioner licensed under chapter 458, chapter
71 | 459, chapter 460, chapter 461, or chapter 466 and engaged in
72 | active practice is eligible to serve as a practitioner of
73 | record.

74 | (b) The use of roentgen rays and radium for diagnostic and
75 | therapeutic purposes and the use of electricity for surgical

76 | purposes, including cauterization, are not "physical therapy"
77 | for purposes of this chapter.

78 | (c) The practice of physical therapy does not authorize a
79 | physical therapy practitioner to practice chiropractic medicine
80 | as defined in chapter 460, including specific spinal
81 | manipulation, or acupuncture as defined in chapter 457. For the
82 | performance of specific chiropractic spinal manipulation, a
83 | physical therapist shall refer the patient to a health care
84 | practitioner licensed under chapter 460.

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

89 | (12) "Dry needling" means a skilled intervention, based on
90 | Western medicine, that uses filiform needles and other apparatus
91 | or equipment to stimulate a myofascial trigger point for the
92 | evaluation and management of neuromusculoskeletal conditions,
93 | pain, movement impairments, and disabilities.

94 | (13) "Myofascial trigger point" means an irritable section
95 | of soft tissue often associated with palpable nodules in taut
96 | bands of muscle fibers.

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

99 | 486.025 Powers and duties of the Board of Physical Therapy
100 | Practice.—The board may administer oaths, summon witnesses, take

101 testimony in all matters relating to its duties under this
102 chapter, establish or modify minimum standards of practice of
103 physical therapy as defined in s. 486.021, including, but not
104 limited to, standards of practice for the performance of dry
105 needling by physical therapists, and adopt rules pursuant to ss.
106 120.536(1) and 120.54 to implement ~~the provisions of~~ this
107 chapter. The board may also review the standing and reputability
108 of any school or college offering courses in physical therapy
109 and whether the courses of such school or college in physical
110 therapy meet the standards established by the appropriate
111 accrediting agency referred to in s. 486.031(3)(a). In
112 determining the standing and reputability of any such school and
113 whether the school and courses meet such standards, the board
114 may investigate and personally inspect the school and courses
115 ~~make personal inspection of the same.~~

116 Section 3. Section 486.117, Florida Statutes, is created
117 to read:

118 486.117 Physical therapist; performance of dry needling.-

119 (1) The board shall establish minimum standards of
120 practice for the performance of dry needling by physical
121 therapists, including, at a minimum, all of the following:

122 (a) Completion of 2 years of licensed practice as a
123 physical therapist.

124 (b) Completion of 50 hours of face-to-face continuing
125 education from an entity accredited in accordance with s.

126 486.109 on the topic of dry needling which must include a
127 determination by the physical therapist instructor that the
128 physical therapist demonstrates the requisite psychomotor skills
129 to safely perform dry needling. The continuing education must
130 include instruction in all of the following areas:

- 131 1. Theory of dry needling.
- 132 2. Selection and safe handling of needles and other
133 apparatus or equipment used in dry needling, including
134 instruction on the proper handling of biohazardous waste.
- 135 3. Indications and contraindications for dry needling.
- 136 4. Psychomotor skills needed to perform dry needling.
- 137 5. Postintervention care, including adverse responses,
138 adverse event recordkeeping, and any reporting obligations.

139 (c)1. Completion of 25 patient sessions of dry needling
140 performed under the indirect supervision of a physical therapist
141 who holds an active license to practice physical therapy in
142 another state or the District of Columbia and who has actively
143 practiced dry needling for at least 1 year; or

144 2. Completion of 25 patient sessions of dry needling
145 performed as a physical therapist licensed in another state or
146 in the United States Armed Forces.

147 (d) A requirement that dry needling may only be performed
148 with patient consent and as a part of a patient's documented
149 plan of care.

150 (e) A requirement prohibiting the delegation of dry

151 needling to any person other than a physical therapist who is
152 authorized to perform dry needling under this chapter.

153 (2) The performance of dry needling in the practice of
154 physical therapy may not be construed to limit the scope of
155 practice of other licensed health care practitioners not
156 governed by this chapter.

157 Section 4. This act shall take effect July 1, 2020.