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SFA**BILL ANALYSIS**

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Senate Bill 620 (as introduced 7-12-01)
Sponsor: Senator John J. H. Schwarz, M.D.
Committee: Health Policy

Date Completed: 11-12-02

CONTENT

The bill would amend the Public Health Code to revise regulations pertaining to the practice of physical therapy. The bill would do all of the following:

- Revise the physical therapy scope of practice and require that physical therapists adhere to recognized standards of ethics and standards of practice.**
- Add to the list of restricted words, titles, and letters relative to the practice of physical therapy.**
- Increase the annual license fee for physical therapists, and eliminate the designation and fee for a temporary license.**
- Require the Michigan Board of Physical Therapy to establish continuing education requirements for renewal of a physical therapy license.**
- Create the "Physical Therapy Professional Fund" to provide for the establishment and operation of a physical therapy continuing education program.**

Scope of Practice/Standards of Ethics & Practice

Scope of Practice. The Code prohibits a person from engaging in the practice of physical therapy unless licensed or otherwise authorized by Article 15 of the Code (Occupations). The bill would delete a provision allowing a person to engage in the actual treatment of an individual only upon the prescription of a person licensed in dentistry, medicine, osteopathic medicine and surgery, or podiatric medicine and surgery.

Under the Code, "practice of physical therapy" means the evaluation of, education of, consultation with, or treatment of an individual by the employment of effective properties of physical measures and the use of therapeutic exercises and rehabilitative procedures for the purpose of preventing, correcting, or alleviating a physical or mental disability. The practice includes treatment planning, performance of tests and measurements, interpretation of referrals, instruction, consultative services, and supervision of personnel.

Under the bill, "practice of physical therapy" would mean the evaluation of, education of, consultation with, or treatment of an individual by or under the direction and responsibility of a physical therapist. The practice would include all of the methods currently listed in the definition as well as interpretation and labeling of test and measurement results and intervention selection.

The Code currently specifies that the practice of physical therapy does not include the identification of underlying medical problems or etiologies, establishment of medical diagnoses, or the prescribing of treatment. The bill would delete "identification of underlying medical problems or etiologies" from that provision and would exclude from the scope of practice the prescribing of "medical" treatment.

The bill specifies that Part 178 of the Code (Physical Therapy) would not restrict a person licensed or registered under any other Michigan law from engaging in the profession or practice for which that person was licensed or registered, if that person did not represent, imply, or claim that he or she was a physical therapist or a provider of physical therapy or otherwise represent the services he or she provided as physical therapy.

Standards of Ethics and Practice. The bill would require that physical therapists adhere to the recognized standards of ethics and standards of practice that may be established by the physical therapy profession and by rules of the Michigan Board of Physical Therapy.

A person or its employees, agents, or representatives could not imply, directly or indirectly, that physical therapy was provided or supplied, including the billing of services labeled as physical therapy, unless the services were provided by or under the direction of a physical therapist.

Restricted Titles

The Code provides that certain words, titles, and letters are restricted in use only to people authorized under Article 15 to use those terms in a way prescribed under the article. Among those words, titles, and letters are the following: physical therapy, physical therapist, physiotherapist, registered physical therapist, licensed physical therapist, physical therapy technician, p.t., r.p.t., l.p.t., and p.t.t. The bill would add to that list "doctor of physiotherapy", "doctor of physical therapy", "physiotherapy", "physical therapist assistant", "physical therapy assistant", "physiotherapist assistant", "physiotherapy assistant", "p.t. assistant", "c.p.t.", "d.p.t.", "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.", "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", and "r.p.t.a."

Under the bill, "physical therapist assistant" would mean an individual who assisted a physical therapist in physical therapy intervention and who was a graduate of a nationally accredited physical therapist assistant education program.

Physical Therapy Fees

Under the Code, fees for a person licensed or seeking licensure to engage in the practice of physical therapy are as follows:

- \$20 for an application processing fee.
- \$25 for a jurisprudence examination.
- \$50 for an annual license fee.
- \$20 for a temporary license fee.
- \$25 annually for a limited license fee.

The bill would increase the annual license fee from \$50 to \$60, and would eliminate the amount and designation of a temporary license fee.

Continuing Education

The bill would require the Michigan Board of Physical Therapy to require a licensee seeking renewal of a physical therapy license to furnish the Board with satisfactory evidence that, during the two years immediately preceding an application for renewal, the licensee had attended continuing education courses or programs approved by the Board and totaling at least 40 hours in subjects related to the practice of physical therapy and designed to educate licensees further. The Board would have to promulgate rules requiring each applicant for license renewal to complete, as part of this continuing education requirement, an appropriate number of hours or courses in pain and symptom management.

Physical Therapy Professional Fund

The bill would establish the "Physical Therapy Professional Fund" in the State Treasury. The State Treasurer would have to credit to the Fund 10% of each individual annual fee for a physical therapist license. Money in the Fund could be spent only for the establishment and operation of a physical therapy continuing education program established under the bill.

The Treasurer would have to direct the investment of the Fund and credit to it interest and earnings from the investment of the Fund. The Fund could receive gifts and devises and other money, as provided by law.

The unencumbered balance in the Fund at the close of a fiscal year would have to remain in the Fund and could not revert to the State's General Fund.

MCL 333.16263 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

According to the Department of Consumer and Industry Services, this bill would increase licensing revenue to support the proposed Physical Therapy Professional Fund. There are currently 6,000 licensed therapists, of whom the bill would require a \$10 increase in the annual license fee, raising it to \$60. Of this annual fee, 10% or \$6 would be credited to the Fund, totaling \$36,000. These funds would then be used to support the creation and implementation of a continuing education program for these licensees. In addition, the other \$4 would be used for administration of this licensure program, which would increase revenue to the program by \$24,000 per year.

Fiscal Analyst: Maria Tyszkiewicz