

SENATE BILL No. 1167

March 4, 2008, Introduced by Senators PATTERSON, KUIPERS, WHITMER, BIRKHOLZ, KAHN, OLSHOVE and BRATER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16265, 16315, 16335, 17801, 17820, 17821, and 17822 (MCL 333.16265, 333.16315, 333.16335, 333.17801, 333.17820, 333.17821, and 333.17822), section 16315 as amended by 2007 PA 166, section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, sections 17820 and 17821 as amended by 2006 PA 387, and section 17822 as amended by 2005 PA 281, and by adding sections 17808, 17823, 17824, 17825, 17849, 17850, 17854, 17856, 17862, 17864, 17866, 17868, 17870, 17872, 17878, 17882, and 17884.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16265. (1) An individual licensed under this article to
2 engage in the practice of chiropractic, dentistry, medicine,
3 optometry, osteopathic medicine and surgery, **PHYSICAL THERAPY**,
4 podiatric medicine and surgery, psychology, or veterinary
5 medicine shall not use the terms "doctor" or "dr." in any written
6 or printed matter or display without adding thereto "of
7 chiropractic", "of dentistry", "of medicine", "of optometry", "of
8 osteopathic medicine and surgery", "**OF PHYSICAL THERAPY**", "of
9 podiatric medicine and surgery", "of psychology", "of veterinary
10 medicine" or a similar term, respectively.

11 (2) An individual licensed under part 182 shall not use the
12 terms "doctor" or "dr." without having been granted a doctoral
13 degree in psychology from a regionally or nationally accredited
14 college or university.

15 **(3) AN INDIVIDUAL LICENSED UNDER PART 178 SHALL NOT USE THE**
16 **TERMS "DOCTOR" OR "DR." WITHOUT HAVING BEEN GRANTED A DOCTORAL**
17 **DEGREE FROM A REGIONALLY OR NATIONALLY ACCREDITED COLLEGE OR**
18 **UNIVERSITY.**

19 Sec. 16315. (1) The health professions regulatory fund is
20 established in the state treasury. Except as otherwise provided
21 in this section, the state treasurer shall credit the fees
22 collected under sections 16319 to 16349 to the health professions
23 regulatory fund. The money in the health professions regulatory
24 fund shall be expended only as provided in subsection (5).

25 (2) The state treasurer shall direct the investment of the
26 health professions regulatory fund. Interest and earnings from
27 health professions regulatory fund investment shall be credited

1 to the health professions regulatory fund.

2 (3) The unencumbered balance in the health professions
3 regulatory fund at the close of the fiscal year shall remain in
4 the health professions regulatory fund and shall not revert to
5 the general fund.

6 (4) The health professions regulatory fund may receive gifts
7 and devises and other money as provided by law.

8 (5) The department of community health shall use the health
9 professions regulatory fund to carry out its powers and duties
10 under this article and article 7 including, but not limited to,
11 reimbursing the department of attorney general for the reasonable
12 cost of services provided to the department of community health
13 under this article and article 7. For the fiscal year ending
14 September 30, 2007 only, subject to appropriations by the
15 legislature and approval by the governor, the department of
16 community health may also use the health professions regulatory
17 fund to support health information technology initiatives.

18 (6) The nurse professional fund is established in the state
19 treasury. Of the money that is attributable to per-year license
20 fees collected under section 16327, the state treasurer shall
21 credit \$2.00 of each individual annual license fee collected to
22 the nurse professional fund. The money in the nurse professional
23 fund shall be expended only as provided in subsection (9).

24 (7) The state treasurer shall direct the investment of the
25 nurse professional fund, and shall credit interest and earnings
26 from the investment to the nurse professional fund. The nurse
27 professional fund may receive gifts and devises and other money

1 as provided by law.

2 (8) The unencumbered balance in the nurse professional fund
3 at the close of the fiscal year shall remain in the nurse
4 professional fund and shall not revert to the general fund.

5 (9) The department of community health shall use the nurse
6 professional fund each fiscal year only as follows:

7 (a) The department may use not more than 1/3 of the nurse
8 professional fund for the establishment and operation of a nurse
9 continuing education program.

10 (b) The department may use not more than 1/3 of the nurse
11 professional fund to perform research and development studies to
12 promote and advance the nursing profession.

13 (c) The department shall use not less than 1/3 of the nurse
14 professional fund to establish and operate a nursing scholarship
15 program.

16 (10) The pain management education and controlled substances
17 electronic monitoring and antidiversion fund is established in
18 the state treasury.

19 (11) The state treasurer shall direct the investment of the
20 pain management education and controlled substances electronic
21 monitoring and antidiversion fund. Interest and earnings from
22 investment of the pain management education and controlled
23 substances electronic monitoring and antidiversion fund shall be
24 credited to the pain management education and controlled
25 substances electronic monitoring and antidiversion fund.

26 (12) The unencumbered balance in the pain management
27 education and controlled substances electronic monitoring and

1 antidiversion fund at the close of the fiscal year shall remain
2 in the pain management education and controlled substances
3 electronic monitoring and antidiversion fund and shall not revert
4 to the general fund. The pain management education and controlled
5 substances electronic monitoring and antidiversion fund may
6 receive gifts and devises and other money as provided by law.
7 Twenty dollars of the license fee received by the department of
8 community health under section 16319 shall be deposited with the
9 state treasurer to the credit of the pain management education
10 and controlled substances electronic monitoring and antidiversion
11 fund. The department shall use the pain management education and
12 controlled substances electronic monitoring and antidiversion
13 fund only in connection with programs relating to pain management
14 education for health professionals, preventing the diversion of
15 controlled substances, and development and maintenance of the
16 electronic monitoring system for controlled substances data
17 required by section 7333a.

18 **(13) THE PHYSICAL THERAPY PROFESSIONAL FUND IS ESTABLISHED**
19 **IN THE STATE TREASURY. OF THE MONEY THAT IS ATTRIBUTED TO PER-**
20 **YEAR LICENSE FEES COLLECTED UNDER SECTION 16335, THE STATE**
21 **TREASURER SHALL CREDIT 10% OF EACH INDIVIDUAL ANNUAL LICENSE FEE**
22 **COLLECTED TO THE PHYSICAL THERAPY PROFESSIONAL FUND. THE MONEY IN**
23 **THE PHYSICAL THERAPY PROFESSIONAL FUND SHALL BE EXPENDED ONLY FOR**
24 **THE ESTABLISHMENT AND OPERATION OF A PHYSICAL THERAPY**
25 **PROFESSIONAL DEVELOPMENT PROGRAM ESTABLISHED UNDER SECTION 17823.**

26 **(14) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE**
27 **PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL CREDIT INTEREST AND**

1 EARNINGS FROM THE INVESTMENT TO THE PHYSICAL THERAPY PROFESSIONAL
2 FUND. THE PHYSICAL THERAPY PROFESSIONAL FUND MAY RECEIVE GIFTS
3 AND DEVICES AND OTHER MONEY AS PROVIDED BY LAW. THE UNENCUMBERED
4 BALANCE IN THE PHYSICAL THERAPY PROFESSIONAL FUND AT THE CLOSE OF
5 THE FISCAL YEAR SHALL REMAIN IN THE PHYSICAL THERAPY PROFESSIONAL
6 FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE DEPARTMENT
7 SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

8 Sec. 16335. Fees for a person licensed or seeking licensure
9 to engage in the practice of physical therapy **OR PRACTICE AS A**
10 **PHYSICAL THERAPIST ASSISTANT** under part 178 are as follows:

- 11 (a) Application processing fee..... \$ 20.00
- 12 (b) Examination fees:
- 13 Jurisprudence examination only..... 25.00
- 14 (c) License fee, per year.....~~50.00~~ **90.00**
- 15 ~~(d) Temporary license..... 20.00~~
- 16 (D) ~~(e)~~-Limited license, per year..... 25.00

17 Sec. 17801. (1) As used in this part:

18 (a) "Physical therapist" means an individual licensed under
19 this article to engage in the practice of physical therapy.

20 (B) "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WITH
21 A HEALTH PROFESSION SUBFIELD LICENSE UNDER THIS PART WHO ASSISTS
22 A PHYSICAL THERAPIST IN PHYSICAL THERAPY INTERVENTION.

23 (C) "PRACTICE AS PHYSICAL THERAPIST ASSISTANT" MEANS THE
24 PRACTICE OF PHYSICAL THERAPY PERFORMED UNDER THE SUPERVISION OF A
25 PHYSICAL THERAPIST LICENSED UNDER THIS PART.

26 (D) ~~(b)~~"Practice of physical therapy" means the evaluation

1 of, education of, consultation with, or treatment of an
2 individual by the employment of effective properties of physical
3 measures and the use of therapeutic exercises and rehabilitative
4 procedures, with or without ~~assistant~~ **ASSISTIVE** devices, for the
5 purpose of preventing, correcting, or alleviating a physical or
6 mental disability. ~~It~~ **PHYSICAL THERAPY** includes treatment
7 planning, performance of tests and measurements, interpretation
8 of referrals, initiation of referrals, instruction, consultative
9 services, and supervision of personnel. Physical measures include
10 massage, mobilization, heat, cold, air, light, water,
11 electricity, and sound. Practice of physical therapy does not
12 include the identification of underlying medical problems or
13 etiologies, establishment of medical diagnoses, or the
14 prescribing of treatment.

15 (2) In addition to the definitions in this part, article 1
16 contains general definitions and principles of construction
17 applicable to all articles in this code and part 161 contains
18 definitions applicable to this part.

19 **SEC. 17808. PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IS A**
20 **HEALTH PROFESSION SUBFIELD OF THE PRACTICE OF PHYSICAL THERAPY.**

21 Sec. 17820. (1) A person shall not engage in the practice of
22 physical therapy **OR PRACTICE AS A PHYSICAL THERAPIST ASSISTANT**
23 unless licensed or otherwise authorized by this article. A person
24 shall engage in the actual treatment of an individual only upon
25 the prescription of an individual holding a license issued under
26 part 166, 170, 175, or 180, or the equivalent license issued by
27 another state.

1 (2) The following words, titles, or letters or a combination
2 thereof, with or without qualifying words or phrases, are
3 restricted in use only to those persons authorized under this
4 part to use the terms and in a way prescribed in this part:

5 "physical therapy", "physical therapist", "**DOCTOR OF**
6 **PHYSIOTHERAPY**", "**DOCTOR OF PHYSICAL THERAPY**", "physiotherapist",
7 "**PHYSIOTHERAPY**", "registered physical therapist", "licensed
8 physical therapist", "physical therapy technician", "**PHYSICAL**
9 **THERAPIST ASSISTANT**", "**PHYSICAL THERAPY ASSISTANT**",
10 "**PHYSIOTHERAPIST ASSISTANT**", "**PHYSIOTHERAPY ASSISTANT**", "P.T.
11 ASSISTANT", "p.t.", "r.p.t.", "l.p.t.", "C.P.T.", "D.P.T.",
12 "M.P.T.", "P.T.A.", "REGISTERED P.T.A.", "LICENSED P.T.A.",
13 "CERTIFIED P.T.A.", "C.P.T.A.", "L.P.T.A.", "R.P.T.A.", and
14 "p.t.t.".

15 Sec. 17821. (1) The Michigan board of physical therapy is
16 created in the department and shall consist of the following 9
17 voting members who shall meet the requirements of part 161: 5
18 physical therapists, 1 **PHYSICAL THERAPIST ASSISTANT**, and 4-3
19 public members.

20 (2) The terms of office of the individual members of the
21 board created under this section, except those appointed to fill
22 vacancies, expire 4 years after appointment on December 31 of the
23 year in which the term expires.

24 Sec. 17822. This part does not prohibit a hospital, as a
25 condition of employment or the granting of staff privileges, from
26 requiring a physical therapist **OR PHYSICAL THERAPIST ASSISTANT** to
27 practice in the hospital only upon the prescription of an

1 individual holding a license issued under part 166, 170, 175, or
2 180 or the equivalent license issued by another state.

3 SEC. 17823. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
4 BOARD, SHALL PROMULGATE RULES TO ESTABLISH PROFESSIONAL
5 DEVELOPMENT REQUIREMENTS FOR PHYSICAL THERAPISTS AND PHYSICAL
6 THERAPIST ASSISTANTS. NOTWITHSTANDING THE REQUIREMENTS OF PART
7 161, BEGINNING THE LICENSE YEAR AFTER THE EFFECTIVE DATE OF THE
8 RULES PROMULGATED UNDER THIS SUBSECTION, AN INDIVIDUAL SHALL MEET
9 THE PROFESSIONAL DEVELOPMENT REQUIREMENTS ESTABLISHED UNDER THIS
10 SUBSECTION. THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
11 PROMULGATE RULES TO REQUIRE LICENSEES SEEKING RENEWAL TO FURNISH
12 EVIDENCE ACCEPTABLE TO THE DEPARTMENT AND THE BOARD OF THE
13 SUCCESSFUL COMPLETION, DURING THE PRECEDING LICENSE TERM, OF
14 THOSE PROFESSIONAL DEVELOPMENT REQUIREMENTS.

15 (2) AS REQUIRED UNDER SECTION 16204, THE DEPARTMENT, IN
16 CONSULTATION WITH THE BOARD, SHALL PROMULGATE RULES REQUIRING
17 EACH APPLICANT FOR LICENSE RENEWAL TO COMPLETE AS PART OF THE
18 PROFESSIONAL DEVELOPMENT REQUIREMENT OF SUBSECTION (1) AN
19 APPROPRIATE NUMBER OF HOURS OR COURSES IN PAIN AND SYMPTOM
20 MANAGEMENT.

21 (3) IN ADDITION TO THE RULES PROMULGATED UNDER SUBSECTION
22 (1), THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
23 PROMULGATE RULES TO ESTABLISH PROFESSIONAL DEVELOPMENT
24 REQUIREMENTS IN SUBJECTS RELATED TO IDENTIFYING SIGNS AND
25 SYMPTOMS OF SYSTEMIC DISEASE AND TO MAKING TIMELY REFERRALS TO AN
26 APPROPRIATE PRIMARY CARE HEALTH CARE PROFESSIONAL.

27 SEC. 17824. (1) THE DEPARTMENT, IN CONSULTATION WITH THE

1 BOARD, SHALL PROMULGATE RULES TO ESTABLISH STANDARDS OF ETHICS,
2 STANDARDS OF PRACTICE, AND STANDARDS OF SUPERVISION FOR THE
3 PRACTICE OF PHYSICAL THERAPY.

4 (2) A PHYSICAL THERAPIST SHALL ADHERE TO THE STANDARDS OF
5 ETHICS, STANDARDS OF PRACTICE, AND STANDARDS OF SUPERVISION
6 ESTABLISHED IN THE RULES PROMULGATED UNDER SUBSECTION (1).

7 (3) A PHYSICAL THERAPIST SHALL REFER A PATIENT TO AN
8 APPROPRIATE HEALTH CARE PROFESSIONAL IF THE PHYSICAL THERAPIST
9 HAS REASONABLE CAUSE TO BELIEVE THAT SYMPTOMS OR CONDITIONS ARE
10 PRESENT THAT REQUIRE SERVICES BEYOND THE SCOPE OF PRACTICE OF
11 PHYSICAL THERAPY.

12 (4) TO THE EXTENT THAT A PARTICULAR PHYSICAL THERAPY SERVICE
13 REQUIRES EXTENSIVE PROFESSIONAL TRAINING, EDUCATION, OR ABILITY
14 OR POSES SERIOUS RISKS TO THE HEALTH AND SAFETY OF PATIENTS, THE
15 BOARD MAY PROHIBIT OR OTHERWISE RESTRICT THE DELEGATION OF THAT
16 PHYSICAL THERAPY SERVICE OR MAY REQUIRE HIGHER LEVELS OF
17 SUPERVISION.

18 (5) A PHYSICAL THERAPIST SHALL NOT DELEGATE ULTIMATE
19 RESPONSIBILITY FOR THE QUALITY OF PHYSICAL THERAPY SERVICES, EVEN
20 IF THE PHYSICAL THERAPY SERVICES ARE PROVIDED BY A PHYSICAL
21 THERAPIST ASSISTANT.

22 (6) A PHYSICAL THERAPIST SHALL CONSULT WITH AN APPROPRIATE
23 HEALTH CARE PROFESSIONAL IF A PATIENT DOES NOT SHOW REASONABLE
24 RESPONSE TO TREATMENT IN A TIME PERIOD CONSISTENT WITH THE
25 STANDARDS OF PRACTICE ESTABLISHED IN THE RULES PROMULGATED UNDER
26 SUBSECTION (1).

27 SEC. 17825. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL

1 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
2 BENEFITS FOR PHYSICAL THERAPY SERVICES AND DOES NOT PRECLUDE A
3 THIRD PARTY PAYER FROM REQUIRING A MEMBER OR ENROLLEE TO FULFILL
4 BENEFIT REQUIREMENTS FOR PHYSICAL THERAPY SERVICES, INCLUDING,
5 BUT NOT LIMITED TO, PRESCRIPTION, REFERRAL, OR PREAPPROVAL WHEN
6 SERVICES ARE RENDERED BY AN INDIVIDUAL LICENSED OR OTHERWISE
7 AUTHORIZED UNDER THIS ARTICLE.

8 SEC. 17849. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF
9 THIS SECTION AND SUBJECT TO SUBSECTION (4), A PHYSICAL THERAPIST
10 WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT IS RESPONSIBLE FOR
11 ALL OF THE FOLLOWING:

12 (A) VERIFICATION OF THE PHYSICAL THERAPIST ASSISTANT'S
13 CREDENTIALS.

14 (B) EVALUATION OF THE PHYSICAL THERAPIST ASSISTANT'S
15 PERFORMANCE.

16 (C) MONITORING THE PHYSICAL THERAPIST ASSISTANT'S PRACTICE
17 AND PROVISION OF PHYSICAL THERAPY SERVICES.

18 (2) SUBJECT TO SECTION 17824, A PHYSICAL THERAPIST WHO
19 SUPERVISES A PHYSICAL THERAPIST ASSISTANT MAY DELEGATE TO THE
20 PHYSICAL THERAPIST ASSISTANT THE PERFORMANCE OF PHYSICAL THERAPY
21 SERVICES FOR A PATIENT WHO IS UNDER THE CASE MANAGEMENT
22 RESPONSIBILITY OF THE PHYSICAL THERAPIST, IF THE DELEGATION IS
23 CONSISTENT WITH THE PHYSICAL THERAPIST ASSISTANT'S TRAINING. A
24 PHYSICAL THERAPIST WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT
25 IS RESPONSIBLE FOR THE CLINICAL SUPERVISION OF EACH PHYSICAL
26 THERAPIST ASSISTANT TO WHOM THE PHYSICAL THERAPIST DELEGATES THE
27 PERFORMANCE OF PHYSICAL THERAPY SERVICES UNDER THIS SUBSECTION.

1 (3) SUBJECT TO SUBSECTION (4), A PHYSICAL THERAPIST WHO
2 SUPERVISES A PHYSICAL THERAPIST ASSISTANT SHALL KEEP ON FILE IN
3 THE PHYSICAL THERAPIST'S OFFICE OR IN THE HEALTH FACILITY OR
4 AGENCY OR CORRECTIONAL FACILITY IN WHICH THE PHYSICAL THERAPIST
5 SUPERVISES THE PHYSICAL THERAPIST ASSISTANT A PERMANENT, WRITTEN
6 RECORD THAT INCLUDES THE PHYSICAL THERAPIST'S NAME AND LICENSE
7 NUMBER AND THE NAME AND LICENSE NUMBER OF EACH PHYSICAL THERAPIST
8 ASSISTANT SUPERVISED BY THE PHYSICAL THERAPIST.

9 (4) A GROUP OF PHYSICAL THERAPISTS PRACTICING OTHER THAN AS
10 SOLE PRACTITIONERS MAY DESIGNATE 1 OR MORE PHYSICAL THERAPISTS IN
11 THE GROUP TO FULFILL THE REQUIREMENTS OF SUBSECTIONS (1) AND (3).

12 (5) NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A
13 PHYSICAL THERAPIST IS NOT REQUIRED TO COUNTERSIGN DOCUMENTATION
14 WRITTEN IN A PATIENT'S CLINICAL RECORD BY A PHYSICAL THERAPIST
15 ASSISTANT TO WHOM THE PHYSICAL THERAPIST HAS DELEGATED THE
16 PERFORMANCE OF PHYSICAL THERAPY SERVICES FOR A PATIENT.

17 SEC. 17850. IN ADDITION TO ITS OTHER POWERS AND DUTIES UNDER
18 THIS ARTICLE, THE BOARD MAY PROHIBIT A PHYSICAL THERAPIST FROM
19 SUPERVISING 1 OR MORE PHYSICAL THERAPIST ASSISTANTS FOR ANY OF
20 THE GROUNDS SET FORTH IN SECTION 16221 OR FOR FAILURE TO
21 SUPERVISE A PHYSICAL THERAPIST ASSISTANT AS REQUIRED IN THIS PART
22 AND RULES PROMULGATED UNDER THIS PART.

23 SEC. 17854. THE BOARD SHALL DETERMINE CRITERIA FOR THE
24 LICENSURE OF PHYSICAL THERAPIST ASSISTANTS AND FOR THE EVALUATION
25 OF PHYSICAL THERAPIST ASSISTANT TRAINING PROGRAMS.

26 SEC. 17856. THIS PART DOES NOT APPLY TO A STUDENT IN
27 TRAINING TO BECOME A PHYSICAL THERAPIST OR PHYSICAL THERAPIST

1 ASSISTANT WHILE PERFORMING DUTIES ASSIGNED AS PART OF THE
2 TRAINING.

3 SEC. 17862. AN APPLICANT FOR LICENSURE AS A PHYSICAL
4 THERAPIST ASSISTANT SHALL MEET THE REQUIREMENTS OF SECTION 16174
5 AND BE A GRADUATE OF A PROGRAM FOR THE TRAINING OF PHYSICAL
6 THERAPIST ASSISTANTS APPROVED BY THE BOARD OR BE A LICENSED,
7 CERTIFIED, REGISTERED, APPROVED, OR OTHER LEGALLY RECOGNIZED
8 PHYSICAL THERAPIST ASSISTANT IN ANOTHER STATE WITH QUALIFICATIONS
9 SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED BY THE BOARD.

10 SEC. 17864. (1) TO DETERMINE WHETHER AN APPLICANT FOR
11 INITIAL LICENSURE AS A PHYSICAL THERAPIST ASSISTANT HAS THE
12 APPROPRIATE LEVEL OF SKILL AND KNOWLEDGE AS REQUIRED BY THIS
13 PART, THE BOARD SHALL REQUIRE THE APPLICANT TO SUBMIT TO AN
14 EXAMINATION THAT INCLUDES THOSE SUBJECTS THE GENERAL KNOWLEDGE OF
15 WHICH IS COMMONLY AND GENERALLY REQUIRED OF A GRADUATE OF AN
16 ACCREDITED PHYSICAL THERAPIST ASSISTANT EDUCATION PROGRAM IN THE
17 UNITED STATES. THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENT
18 FOR A GRADUATE OF AN APPROVED PROGRAM IF THE APPLICANT HAS TAKEN
19 A NATIONAL EXAMINATION AND ACHIEVED A SCORE ACCEPTABLE TO THE
20 BOARD AS DEMONSTRATING THE LEVEL OF SKILL AND KNOWLEDGE REQUIRED
21 BY THIS PART. THE BOARD MAY WAIVE THE EXAMINATION FOR AN
22 APPLICANT WHO IS LICENSED, CERTIFIED, REGISTERED, APPROVED, OR
23 OTHERWISE LEGALLY RECOGNIZED AS A PHYSICAL THERAPIST ASSISTANT IN
24 ANOTHER STATE, WHEN THE BOARD DETERMINES THAT THE OTHER STATE HAS
25 QUALIFICATIONS, INCLUDING COMPLETION OF A NATIONAL OR STATE
26 APPROVED EXAMINATION FOR PHYSICAL THERAPIST ASSISTANTS, THAT ARE
27 SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED BY THIS PART.

1 (2) THE BOARD SHALL DETERMINE THE NATURE OF AN EXAMINATION
2 UNDER THIS PART AND MAY INCLUDE THE USE AND ACCEPTANCE OF
3 NATIONAL EXAMINATIONS WHERE APPROPRIATE. THE BOARD SHALL NOT
4 ALLOW THE USE OF EXAMINATIONS OR THE REQUIREMENTS FOR SUCCESSFUL
5 COMPLETION TO RESULT IN DISCRIMINATORY TREATMENT OF APPLICANTS.

6 (3) THE BOARD SHALL PROVIDE FOR THE RECOGNITION OF THE
7 CERTIFICATION OR EXPERIENCE CONSISTENT WITH THIS PART ACQUIRED BY
8 PHYSICAL THERAPIST ASSISTANTS IN OTHER STATES WHO WISH TO
9 PRACTICE IN THIS STATE.

10 (4) THE BOARD MAY CAUSE AN INVESTIGATION TO BE CONDUCTED
11 WHEN NECESSARY TO DETERMINE THE QUALIFICATIONS OF AN APPLICANT
12 FOR LICENSURE. AN APPLICANT MAY BE REQUIRED TO FURNISH ADDITIONAL
13 DOCUMENTATION AND INFORMATION UPON A DETERMINATION BY THE BOARD
14 THAT THE DOCUMENTATION OR INFORMATION IS NECESSARY TO EVALUATE
15 THE APPLICANT'S QUALIFICATIONS.

16 SEC. 17866. THE BOARD SHALL ESTABLISH THE STANDARDS AND
17 DECISIONS REGARDING THE QUALIFICATIONS OF PHYSICAL THERAPIST
18 ASSISTANTS TO DETERMINE THAT EACH PHYSICAL THERAPIST ASSISTANT
19 HAS THE NECESSARY KNOWLEDGE AND SKILL TO PERFORM IN A SAFE AND
20 COMPETENT MANNER WITH DUE REGARD TO THE COMPLEXITY AND RISKS
21 ATTENDANT TO ACTIVITIES THAT MAY BE DELEGATED BY A PHYSICAL
22 THERAPIST TO A PHYSICAL THERAPIST ASSISTANT.

23 SEC. 17868. (1) A PHYSICAL THERAPIST ASSISTANT SHALL APPLY
24 FOR LICENSURE OR RENEWAL OF LICENSURE ON A FORM PROVIDED BY THE
25 DEPARTMENT.

26 (2) THE BOARD MAY RELICENSE A PHYSICAL THERAPIST ASSISTANT
27 WHO HAS FAILED TO RENEW A LICENSE UPON THE ASSISTANT'S SHOWING

1 THAT HE OR SHE MEETS THE CURRENT REQUIREMENTS FOR LICENSURE UNDER
2 THIS PART AND RULES PROMULGATED UNDER THIS PART. IN RELICENSING
3 AN INDIVIDUAL UNDER THIS SECTION, THE BOARD MAY ESTABLISH
4 STANDARDS FOR TRAINING, EDUCATION, OR EXPERIENCE EQUIVALENT TO
5 CURRENT EDUCATIONAL AND PRACTICE REQUIREMENTS. AN INTERIM LICENSE
6 UNDER SECTION 17872 MAY BE ISSUED PENDING THE RESULTS OF ACTION
7 TAKEN UNDER THIS SUBSECTION.

8 SEC. 17870. (1) IF THE APPLICANT MEETS THE REQUIREMENTS FOR
9 RENEWAL AS SET FORTH IN THIS PART OR RULES PROMULGATED UNDER THIS
10 PART, THE BOARD SHALL ISSUE A RENEWAL LICENSE.

11 (2) IF THE BOARD DETERMINES THAT AN APPLICANT HAS NOT MET
12 THE REQUIREMENTS FOR RENEWAL, THE APPLICANT SHALL BE NOTIFIED IN
13 WRITING OF THE REASONS FOR DENIAL AND SHALL HAVE THE RIGHT TO A
14 HEARING.

15 SEC. 17872. (1) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF
16 LICENSURE OR RENEWAL TO AN APPLICANT WHO IS GRANTED LICENSURE OR
17 RENEWAL. A CERTIFICATE ISSUED UNDER THIS PART SHALL CONTAIN THE
18 FULL NAME OF THE INDIVIDUAL LICENSED, A PERMANENT INDIVIDUAL
19 NUMBER, AND THE DATE OF EXPIRATION. THE DEPARTMENT SHALL ALSO
20 ISSUE A POCKET CARD TO LICENSEES UNDER THIS PART CONTAINING THE
21 ESSENTIAL INFORMATION OF THE LICENSE.

22 (2) THE BOARD SHALL GRANT INTERIM LICENSURE TO AN UNLICENSED
23 INDIVIDUAL WHO IS A GRADUATE OF A PHYSICAL THERAPIST ASSISTANT
24 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
25 IN PHYSICAL THERAPY EDUCATION AND WHO WAS EMPLOYED AS A PHYSICAL
26 THERAPIST ASSISTANT ON THE EFFECTIVE DATE OF THIS SECTION. AN
27 INTERIM LICENSE ISSUED UNDER THIS SUBSECTION IS EFFECTIVE UNTIL

1 THE BOARD FORMALLY ISSUES OR DENIES A LICENSE TO THE PHYSICAL
2 THERAPIST ASSISTANT PURSUANT TO THIS PART AND THE RULES
3 PROMULGATED UNDER THIS PART. UNTIL RULES ARE PROMULGATED UNDER
4 THIS PART, THE BOARD MAY ALSO GRANT INTERIM LICENSURE TO A NEW
5 APPLICANT WHO HAS GRADUATED FROM A PHYSICAL THERAPIST ASSISTANT
6 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
7 IN PHYSICAL THERAPY EDUCATION AFTER THE EFFECTIVE DATE OF THIS
8 SECTION.

9 (3) A PHYSICAL THERAPIST ASSISTANT LICENSED UNDER THIS PART
10 SHALL PUBLICLY DISPLAY THE CURRENT CERTIFICATE OF LICENSURE OR
11 RENEWAL PERMANENTLY IN THAT INDIVIDUAL'S PLACE OF PRACTICE, IF
12 FEASIBLE, AND SHALL HAVE AVAILABLE FOR INSPECTION HIS OR HER
13 POCKET CARD ISSUED BY THE DEPARTMENT. WHILE WORKING, THE
14 INDIVIDUAL SHALL WEAR APPROPRIATE IDENTIFICATION, CLEARLY
15 INDICATING THAT THE INDIVIDUAL IS A PHYSICAL THERAPIST ASSISTANT.

16 SEC. 17878. (1) A PHYSICAL THERAPIST ASSISTANT IS THE AGENT
17 OF THE SUPERVISING PHYSICAL THERAPIST OR GROUP OF PHYSICAL
18 THERAPISTS. A COMMUNICATION MADE TO A PHYSICAL THERAPIST
19 ASSISTANT THAT WOULD BE A PRIVILEGED COMMUNICATION IF MADE TO THE
20 SUPERVISING PHYSICAL THERAPIST IS A PRIVILEGED COMMUNICATION TO
21 THE PHYSICAL THERAPIST ASSISTANT AND THE SUPERVISING PHYSICAL
22 THERAPIST TO THE SAME EXTENT AS IF THE COMMUNICATION WERE MADE TO
23 THE SUPERVISING PHYSICAL THERAPIST.

24 (2) A PHYSICAL THERAPIST ASSISTANT SHALL CONFORM TO MINIMAL
25 STANDARDS OF ACCEPTABLE AND PREVAILING PRACTICE FOR THE
26 SUPERVISING PHYSICAL THERAPIST.

27 SEC. 17882. (1) THE BOARD MAY CONDUCT OR CAUSE TO BE

1 CONDUCTED INVESTIGATIONS AND EVALUATIONS NECESSARY TO DETERMINE
2 WHETHER A PROGRAM MEETS THE CRITERIA ESTABLISHED BY THIS PART AND
3 RULES PROMULGATED UNDER THIS PART.

4 (2) AT TIMES THE BOARD DETERMINES APPROPRIATE, THE BOARD MAY
5 REVISE THE CRITERIA FOR THE EDUCATION AND TRAINING OF GRADUATES
6 TO DETERMINE WHETHER THE GRADUATES MEET THE REQUIREMENTS FOR
7 PRACTICE AND USE OF THE TITLE PHYSICAL THERAPIST ASSISTANT IN
8 THIS STATE.

9 SEC. 17884. THE DEPARTMENT SHALL KEEP A REGISTER OF PROGRAMS
10 MEETING THE CRITERIA ESTABLISHED BY THE BOARD. THE REGISTER OF
11 PROGRAMS SHALL INCLUDE THE FULL TITLE OF THE PROGRAM, THE
12 INSTITUTION OF WHICH IT IS A PART, AND ITS ADDRESS. A COPY OF THE
13 REGISTER OR THE INFORMATION CONTAINED IN THE REGISTER SHALL BE
14 AVAILABLE FOR PUBLIC INSPECTION.