

PHYSICAL THERAPY ASSISTANT LICENSURE

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Senate Bill 151 as reported from House Committee

Sponsor: Sen. Bruce Patterson

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 4-27-09

A SUMMARY OF SENATE BILL 151 AS REPORTED BY THE HOUSE HEALTH POLICY COMMITTEE 4-21-09

The bill would amend the Public Health Code to do the following:

- Require physical therapy assistants to be licensed, and establish minimum standards for licensure.
- Increase license fees for physical therapists (PTs) from \$50 to \$90 and extend the fee to physical therapist assistants (PTAs).
- Require the DCH to promulgate rules establishing professional development requirements for both PTs and PTAs.
- Require PTs to consult with or refer patients back to the prescribing physician under certain circumstances.
- Add a PTA to the Board of Physical Therapy and increase the PT members by one.

Senate Bill 151 would amend Part 163 (General Provisions) and Part 178 (Physical Therapy) of the Public Health Code to provide for the licensure of physical therapist assistants, and make other changes regarding physical therapists and PTAs.

Physical Therapist Assistant Licensure

Under the bill, a person could not practice as a physical therapy assistant without a license. "Physical therapist assistant" would mean an individual with a health profession subfield license under Part 178 who assists a physical therapist in physical therapy intervention. "Practice as physical therapist assistant" would mean the practice of physical therapy performed under the supervision of a licensed physical therapist.

An applicant for licensure as a physical therapist assistant would have to meet the requirements of Section 16174 and, except as otherwise provided, all of the following requirements, as applicable:

- 1) Be a graduate of a program for the training of PTAs approved by the Board.
- 2) If graduated after January 1, 2008, passed an examination approved by the Board

For the purposes of the first requirement, the Michigan Board of Physical Therapy would have to approve a PTA training program from the U.S. military or from outside of the United States if the program were determined to be substantially equivalent to PTA entry-level training in the U.S. by a credentials evaluation organization approved by the American Physical Therapy Association or were listed as a credentialing organization in 8 CFR 212.15(e), (which applies to foreign health care workers).

(Section 16174 requires an individual who is licensed or registered under Article 15 (health occupations) to be 18 years of age or older; be of good moral character; have a specific education or experience in the health profession or health profession subfield or health profession specialty field of the health profession, or equivalent training, or both, necessary to promote safe and competent practice and informed consumer choice; have a working knowledge of the English language; pay the appropriate fees; establish that disciplinary proceedings before a similar licensure or certification board are not pending; establish that no sanctions are in force at the time of application; file a consent to the release of information regarding a disciplinary investigation; and submit fingerprints for a criminal history check.)

Limited PTA License

Beginning on the bill's effective date and ending on the effective date of the rules promulgated regarding the issuance of licenses to PTAs under Part 178, the board would have to grant a limited license to an applicant who was a graduate of a PTA education program accredited by the Commission on Accreditation in Physical Therapy Education. A limited license would be effective until the board formally issued or denied a license to the applicant.

Professional Development

In consultation with the board, the Department of Community Health (DCH) would have to promulgate rules establishing professional development requirements for physical therapists and physical therapist assistants, as well as rules to require licensees seeking renewal to furnish evidence acceptable to the DCH and the board of the successful completion, during the proceeding license term, of the requirements. Beginning the license year after the rules' effective date, an individual would have to meet the professional development requirements.

Standards of Practice for PTs

A physical therapist would have to refer a patient back to the health care professional who issued the prescription for treatment if the therapist had reasonable cause to believe that there were symptoms or conditions requiring services beyond the scope of practice of physical therapy.

A physical therapist would have to consult with the health care professional who issued the prescription for treatment if a patient did not show reasonable response to treatment in a time period consistent with the standards of practice as determined by the board.

Miscellaneous Provisions

Currently, the annual license fee for a physical therapist is \$50. The bill would increase the fee to \$90 and extend it to PTAs.

The Board of Physical Therapy consists of nine members – five physical therapists and four public members. The bill would increase the board membership to eleven by adding one physical therapist assistant and increasing the physical therapist members from five to six.

Part 178 lists words, titles, and letters whose use is restricted to those individuals authorized to use them. The bill would add the following to this list: 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.

The bill specifies that Part 178 would not require new or additional third party reimbursement or mandated workers' compensation benefits for physical therapy services, and would not preclude a third-party payer from requiring a member or enrollee to fulfill benefit requirements for physical therapy services, including prescription, referral, or preapproval when services were rendered by an individual licensed or otherwise authorized under Part 178.

MCL 333.16335 et al.

FISCAL IMPACT:

The bill will create state costs to develop and administer the licensing, regulation, and complaint review for the licensure of the profession of physical therapist assistant. Up to 2.0 new FTE positions may be needed to carry out these responsibilities in the Department of Community Health at a cost of \$75,000 to \$150,000. Annual licensing fees of \$90 and one-time application processing fees of \$20 per individual are established in the bill with the intent that they will fully support the state licensing system costs for this profession. The Michigan Physical Therapy Association and the Department of Community Health estimate about 4,000 physical therapy assistants practice in Michigan who may meet the licensing requirements of the bill.

Average annual program revenue from 4,000 licensees would be \$360,000. The bill also increases the annual licensing fee for the licensed profession of physical therapist from \$40 to \$90. With 8,000 licensed physical therapists in Michigan, the additional revenue from this increase is approximately \$400,000.

Licensed physical therapist assistants will be subject to discipline under Part 161 of the Public Health Code for licensure violations or for unlawful practice without licensure, which may include fines.

BACKGROUND INFORMATION:

Currently, the state of Michigan is one of only four states that does not regulate the practice of physical therapy assistant. However, recent changes to federal Medicare rules that will take effect January 1, 2010 will require, for the purpose of reimbursement, physical therapy assistants to be licensed or otherwise regulated by the state in which they practice. If a state does not regulate the profession, the PTA would have to meet educational and examination requirements listed in federal law (at 42 CFR 484.4). The bill would address this concern by establishing a licensure structure for PTAs.

The bill would also require the Department of Community Health to develop professional development standards for the practice of physical therapy assistants. Professional standards encompass continuing education courses, but also include participation in a broader range of activities that many believe more effectively demonstrate competency on the part of the professional. More and more professions are, on a national level, embracing professional standards as a more comprehensive measure of a licensee's or registrant's training and competency over the traditional practice of requiring only continuing education courses as a condition of license or registration renewal.

POSITIONS:

The Department of Community Health indicated support for the bill. (4-21-09)

The Michigan Physical Therapy Association indicated support for the bill. (4-21-09)

The Michigan Health & Hospital Association indicated support for the bill. (4-21-09)

Trinity Health indicated support for the bill. (4-21-09)

The Michigan Board of Physical Therapy indicated support for the bill. (4-21-09)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.