

SENATE BILL No. 151

January 29, 2009, Introduced by Senators PATTERSON, KUIPERS and GARCIA and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16315, 16335, 17801, 17820, 17821, and 17822
(MCL 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. 16315. (1) The health professions regulatory fund is
2 established in the state treasury. Except as otherwise provided
3 in this section, the state treasurer shall credit the fees

1 collected under sections 16319 to 16349 to the health professions
2 regulatory fund. The money in the health professions regulatory
3 fund shall be expended only as provided in subsection (5).

4 (2) The state treasurer shall direct the investment of the
5 health professions regulatory fund. Interest and earnings from
6 health professions regulatory fund investment shall be credited
7 to the health professions regulatory fund.

8 (3) The unencumbered balance in the health professions
9 regulatory fund at the close of the fiscal year shall remain in
10 the health professions regulatory fund and shall not revert to
11 the general fund.

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

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

24 (6) The nurse professional fund is established in the state
25 treasury. Of the money that is attributable to per-year license
26 fees collected under section 16327, the state treasurer shall
27 credit \$2.00 of each individual annual license fee collected to

1 the nurse professional fund. The money in the nurse professional
2 fund shall be expended only as provided in subsection (9).

3 (7) The state treasurer shall direct the investment of the
4 nurse professional fund, and shall credit interest and earnings
5 from the investment to the nurse professional fund. The nurse
6 professional fund may receive gifts and devises and other money
7 as provided by law.

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

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

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

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

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

22 (10) The pain management education and controlled substances
23 electronic monitoring and antidiversion fund is established in
24 the state treasury.

25 (11) The state treasurer shall direct the investment of the
26 pain management education and controlled substances electronic
27 monitoring and antidiversion fund. Interest and earnings from

1 investment of the pain management education and controlled
2 substances electronic monitoring and antidiversion fund shall be
3 credited to the pain management education and controlled
4 substances electronic monitoring and antidiversion fund.

5 (12) The unencumbered balance in the pain management
6 education and controlled substances electronic monitoring and
7 antidiversion fund at the close of the fiscal year shall remain
8 in the pain management education and controlled substances
9 electronic monitoring and antidiversion fund and shall not revert
10 to the general fund. The pain management education and controlled
11 substances electronic monitoring and antidiversion fund may
12 receive gifts and devises and other money as provided by law.

13 Twenty dollars of the license fee received by the department of
14 community health under section 16319 shall be deposited with the
15 state treasurer to the credit of the pain management education
16 and controlled substances electronic monitoring and antidiversion
17 fund. The department shall use the pain management education and
18 controlled substances electronic monitoring and antidiversion
19 fund only in connection with programs relating to pain management
20 education for health professionals, preventing the diversion of
21 controlled substances, and development and maintenance of the
22 electronic monitoring system for controlled substances data
23 required by section 7333a.

24 (13) THE PHYSICAL THERAPY PROFESSIONAL FUND IS ESTABLISHED
25 IN THE STATE TREASURY. OF THE MONEY THAT IS ATTRIBUTED TO PER-
26 YEAR LICENSE FEES COLLECTED UNDER SECTION 16335, THE STATE
27 TREASURER SHALL CREDIT 10% OF EACH INDIVIDUAL ANNUAL LICENSE FEE

COLLECTED TO THE PHYSICAL THERAPY PROFESSIONAL FUND. THE MONEY IN
 THE PHYSICAL THERAPY PROFESSIONAL FUND SHALL BE EXPENDED ONLY FOR
 THE ESTABLISHMENT AND OPERATION OF A PHYSICAL THERAPY
 PROFESSIONAL DEVELOPMENT PROGRAM BASED UPON REQUIREMENTS
 ESTABLISHED UNDER SECTION 17823.

(14) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
 PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL CREDIT INTEREST AND
 EARNINGS FROM THE INVESTMENT TO THE PHYSICAL THERAPY PROFESSIONAL
 FUND. THE PHYSICAL THERAPY PROFESSIONAL FUND MAY RECEIVE GIFTS
 AND DEVICES AND OTHER MONEY AS PROVIDED BY LAW. THE UNENCUMBERED
 BALANCE IN THE PHYSICAL THERAPY PROFESSIONAL FUND AT THE CLOSE OF
 THE FISCAL YEAR SHALL REMAIN IN THE PHYSICAL THERAPY PROFESSIONAL
 FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE DEPARTMENT
 SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

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

(a) Application processing fee.....	\$ 20.00
(b) Examination fees:	
Jurisprudence examination only.....	25.00
(c) License fee, per year.....	50.00 90.00
—— (d) Temporary license.....	20.00
(D) (e) Limited license, per year.....	25.00

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

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

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

4 (C) "PRACTICE AS PHYSICAL THERAPIST ASSISTANT" MEANS THE
5 PRACTICE OF PHYSICAL THERAPY PERFORMED UNDER THE SUPERVISION OF A
6 PHYSICAL THERAPIST LICENSED UNDER THIS PART.

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

22 (2) In addition to the definitions in this part, article 1
23 contains general definitions and principles of construction
24 applicable to all articles in this code and part 161 contains
25 definitions applicable to this part.

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

1 Sec. 17820. (1) A person shall not engage in the practice of
 2 physical therapy **OR PRACTICE AS A PHYSICAL THERAPIST ASSISTANT**
 3 unless licensed or otherwise authorized ~~by~~ **UNDER** this article
 4 **PART**. A person shall engage in the actual treatment of an
 5 individual only upon the prescription of an individual holding a
 6 license issued under part 166, 170, 175, or 180, or the
 7 equivalent license issued by another state.

8 (2) The following words, titles, or letters or a combination
 9 thereof, with or without qualifying words or phrases, are
 10 restricted in use only to those persons authorized under this
 11 part to use the terms and in a way prescribed in this part:
 12 "physical therapy", "physical therapist", "physiotherapist",
 13 **"PHYSIOTHERAPY"**, "registered physical therapist", "licensed
 14 physical therapist", "physical therapy technician", **"PHYSICAL**
 15 **THERAPIST ASSISTANT"**, **"PHYSICAL THERAPY ASSISTANT"**,
 16 **"PHYSIOTHERAPIST ASSISTANT"**, **"PHYSIOTHERAPY ASSISTANT"**, **"P.T.**
 17 **ASSISTANT"**, "p.t.", "r.p.t.", "l.p.t.", "C.P.T.", "M.P.T.",
 18 **"P.T.A."**, **"REGISTERED P.T.A."**, **"LICENSED P.T.A."**, **"CERTIFIED**
 19 **P.T.A."**, **"C.P.T.A."**, **"L.P.T.A."**, **"R.P.T.A."**, and "p.t.t.".

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

25 (2) The terms of office of the individual members of the
 26 board created under this section, except those appointed to fill
 27 vacancies, expire 4 years after appointment on December 31 of the

1 year in which the term expires.

2 Sec. 17822. This part does not prohibit a hospital, as a
3 condition of employment or the granting of staff privileges, from
4 requiring a physical therapist **OR PHYSICAL THERAPIST ASSISTANT** to
5 practice in the hospital only upon the prescription of an
6 individual holding a license issued under part 166, 170, 175, or
7 180 or the equivalent license issued by another state.

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

20 (2) IN ADDITION TO THE RULES PROMULGATED UNDER SUBSECTION
21 (1), THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
22 PROMULGATE RULES TO ESTABLISH PROFESSIONAL DEVELOPMENT
23 REQUIREMENTS IN SUBJECTS RELATED TO IDENTIFYING SIGNS AND
24 SYMPTOMS OF SYSTEMIC DISEASE IN ORDER TO ENSURE COMPLIANCE WITH
25 SECTION 17824(3).

26 **SEC. 17824. (1) THE DEPARTMENT, IN CONSULTATION WITH THE**
27 **BOARD, SHALL PROMULGATE RULES TO ESTABLISH STANDARDS OF ETHICS,**

1 STANDARDS OF PRACTICE, AND STANDARDS OF SUPERVISION FOR THE
2 PRACTICE OF PHYSICAL THERAPY.

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

6 (3) A PHYSICAL THERAPIST SHALL REFER A PATIENT BACK TO THE
7 HEALTH CARE PROFESSIONAL WHO ISSUED THE PRESCRIPTION FOR
8 TREATMENT IF THE PHYSICAL THERAPIST HAS REASONABLE CAUSE TO
9 BELIEVE THAT SYMPTOMS OR CONDITIONS ARE PRESENT THAT REQUIRE
10 SERVICES BEYOND THE SCOPE OF PRACTICE OF PHYSICAL THERAPY.

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

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

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

26 SEC. 17825. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
27 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION

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

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

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

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

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

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

27 (3) SUBJECT TO SUBSECTION (4), A PHYSICAL THERAPIST WHO

1 SUPERVISES A PHYSICAL THERAPIST ASSISTANT SHALL KEEP ON FILE IN
2 THE PHYSICAL THERAPIST'S OFFICE OR IN THE HEALTH FACILITY OR
3 AGENCY OR CORRECTIONAL FACILITY IN WHICH THE PHYSICAL THERAPIST
4 SUPERVISES THE PHYSICAL THERAPIST ASSISTANT A PERMANENT, WRITTEN
5 RECORD THAT INCLUDES THE PHYSICAL THERAPIST'S NAME AND LICENSE
6 NUMBER AND THE NAME AND LICENSE NUMBER OF EACH PHYSICAL THERAPIST
7 ASSISTANT SUPERVISED BY THE PHYSICAL THERAPIST. A PHYSICAL
8 THERAPIST SHALL NOT SUPERVISE MORE THAN 4 PHYSICAL THERAPY
9 ASSISTANTS UNDER THIS SECTION. IF A PHYSICAL THERAPIST SUPERVISES
10 PHYSICAL THERAPY ASSISTANTS AT MORE THAN 1 PRACTICE SITE, THE
11 PHYSICAL THERAPIST SHALL NOT SUPERVISE MORE THAN 2 PHYSICAL
12 THERAPY ASSISTANTS BY A METHOD OTHER THAN THE PHYSICAL
13 THERAPIST'S ACTUAL PHYSICAL PRESENCE AT THE PRACTICE SITE.

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

17 (5) NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A
18 PHYSICAL THERAPIST IS NOT REQUIRED TO COUNTERSIGN DOCUMENTATION
19 WRITTEN IN A PATIENT'S CLINICAL RECORD BY A PHYSICAL THERAPIST
20 ASSISTANT TO WHOM THE PHYSICAL THERAPIST HAS DELEGATED THE
21 PERFORMANCE OF PHYSICAL THERAPY SERVICES FOR A PATIENT.

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

1 SEC. 17854. THE BOARD SHALL DETERMINE WHETHER AN APPLICANT
2 MEETS THE REQUIREMENTS FOR LICENSURE UNDER THIS PART.

3 SEC. 17856. THIS PART DOES NOT APPLY TO A STUDENT IN
4 TRAINING TO BECOME A PHYSICAL THERAPIST OR PHYSICAL THERAPIST
5 ASSISTANT WHILE PERFORMING DUTIES ASSIGNED AS PART OF THE
6 TRAINING.

7 SEC. 17862. AN APPLICANT FOR LICENSURE AS A PHYSICAL
8 THERAPIST ASSISTANT SHALL MEET THE REQUIREMENTS OF SECTION 16174
9 AND AT LEAST 1 OF THE FOLLOWING REQUIREMENTS:

10 (A) IS A GRADUATE OF A PROGRAM FOR THE TRAINING OF PHYSICAL
11 THERAPIST ASSISTANTS APPROVED BY THE BOARD.

12 (B) IF EDUCATED OUTSIDE OF THE UNITED STATES OR TRAINED IN
13 THE UNITED STATES MILITARY, IS A GRADUATE OF AN EDUCATION PROGRAM
14 THAT IS DETERMINED THROUGH A CREDENTIALS EVALUATION PROCESS
15 APPROVED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION OR OTHER
16 NATIONAL ACCREDITATION AGENCY APPROVED BY THE BOARD TO BE, AT A
17 MINIMUM, COMPARABLE TO PHYSICAL THERAPIST ASSISTANTS ENTRY LEVEL
18 EDUCATION IN THE UNITED STATES.

19 (C) IS A LICENSED, CERTIFIED, REGISTERED, APPROVED, OR OTHER
20 LEGALLY RECOGNIZED PHYSICAL THERAPIST ASSISTANT IN ANOTHER STATE
21 WITH QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED
22 BY THE BOARD.

23 SEC. 17864. (1) TO DETERMINE WHETHER AN APPLICANT FOR
24 INITIAL LICENSURE AS A PHYSICAL THERAPIST ASSISTANT HAS THE
25 APPROPRIATE LEVEL OF SKILL AND KNOWLEDGE AS REQUIRED BY THIS
26 PART, THE BOARD SHALL REQUIRE THE APPLICANT TO SUBMIT TO AN
27 EXAMINATION THAT INCLUDES THOSE SUBJECTS THE GENERAL KNOWLEDGE OF

1 WHICH IS COMMONLY AND GENERALLY REQUIRED OF A GRADUATE OF AN
2 ACCREDITED PHYSICAL THERAPIST ASSISTANT EDUCATION PROGRAM IN THE
3 UNITED STATES. THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENT
4 FOR AN APPLICANT WHO GRADUATED FROM A BOARD-APPROVED PROGRAM FOR
5 THE TRAINING OF PHYSICAL THERAPIST ASSISTANTS ON OR BEFORE
6 JANUARY 1, 2009. THE BOARD MAY WAIVE THE EXAMINATION FOR AN
7 APPLICANT WHO IS LICENSED, CERTIFIED, REGISTERED, APPROVED, OR
8 OTHERWISE LEGALLY RECOGNIZED AS A PHYSICAL THERAPIST ASSISTANT IN
9 ANOTHER STATE, WHEN THE BOARD DETERMINES THAT THE OTHER STATE HAS
10 QUALIFICATIONS, INCLUDING COMPLETION OF A NATIONAL OR STATE
11 APPROVED EXAMINATION FOR PHYSICAL THERAPIST ASSISTANTS, THAT ARE
12 SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED BY THIS PART.

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

18 (3) THE BOARD SHALL PROVIDE FOR THE RECOGNITION OF THE
19 CERTIFICATION OR EXPERIENCE CONSISTENT WITH THIS PART ACQUIRED BY
20 PHYSICAL THERAPIST ASSISTANTS IN OTHER STATES WHO WISH TO
21 PRACTICE IN THIS STATE.

22 (4) THE BOARD MAY CAUSE AN INVESTIGATION TO BE CONDUCTED
23 WHEN NECESSARY TO DETERMINE THE QUALIFICATIONS OF AN APPLICANT
24 FOR LICENSURE. AN APPLICANT MAY BE REQUIRED TO FURNISH ADDITIONAL
25 DOCUMENTATION AND INFORMATION UPON A DETERMINATION BY THE BOARD
26 THAT THE DOCUMENTATION OR INFORMATION IS NECESSARY TO EVALUATE
27 THE APPLICANT'S QUALIFICATIONS.

1 SEC. 17866. THE BOARD SHALL ESTABLISH THE STANDARDS AND
2 DECISIONS REGARDING THE QUALIFICATIONS OF PHYSICAL THERAPIST
3 ASSISTANTS TO DETERMINE THAT EACH PHYSICAL THERAPIST ASSISTANT
4 HAS THE NECESSARY KNOWLEDGE AND SKILL TO PERFORM IN A SAFE AND
5 COMPETENT MANNER WITH DUE REGARD TO THE COMPLEXITY AND RISKS
6 ATTENDANT TO ACTIVITIES THAT MAY BE DELEGATED BY A PHYSICAL
7 THERAPIST TO A PHYSICAL THERAPIST ASSISTANT.

8 SEC. 17868. (1) A PHYSICAL THERAPIST ASSISTANT SHALL APPLY
9 FOR LICENSURE OR RENEWAL OF LICENSURE ON A FORM PROVIDED BY THE
10 DEPARTMENT.

11 (2) THE BOARD MAY RELICENSE A PHYSICAL THERAPIST ASSISTANT
12 WHO HAS FAILED TO RENEW A LICENSE UPON THE ASSISTANT'S SHOWING
13 THAT HE OR SHE MEETS THE CURRENT REQUIREMENTS FOR LICENSURE UNDER
14 THIS PART AND RULES PROMULGATED UNDER THIS PART. IN RELICENSING
15 AN INDIVIDUAL UNDER THIS SECTION, THE BOARD MAY ESTABLISH
16 STANDARDS FOR TRAINING, EDUCATION, OR EXPERIENCE EQUIVALENT TO
17 CURRENT EDUCATIONAL AND PRACTICE REQUIREMENTS. AN INTERIM LICENSE
18 UNDER SECTION 17872 MAY BE ISSUED PENDING THE RESULTS OF ACTION
19 TAKEN UNDER THIS SUBSECTION.

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

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

27 SEC. 17872. (1) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF

1 LICENSURE OR RENEWAL TO AN APPLICANT WHO IS GRANTED LICENSURE OR
2 RENEWAL. A CERTIFICATE ISSUED UNDER THIS PART SHALL CONTAIN THE
3 FULL NAME OF THE INDIVIDUAL LICENSED, A PERMANENT INDIVIDUAL
4 NUMBER, AND THE DATE OF EXPIRATION. THE DEPARTMENT SHALL ALSO
5 ISSUE A POCKET CARD TO LICENSEES UNDER THIS PART CONTAINING THE
6 ESSENTIAL INFORMATION OF THE LICENSE.

7 (2) THE BOARD SHALL GRANT INTERIM LICENSURE TO AN UNLICENSED
8 INDIVIDUAL WHO IS A GRADUATE OF A PHYSICAL THERAPIST ASSISTANT
9 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
10 IN PHYSICAL THERAPY EDUCATION AND WHO WAS EMPLOYED AS A PHYSICAL
11 THERAPIST ASSISTANT ON THE EFFECTIVE DATE OF THIS SECTION. AN
12 INTERIM LICENSE ISSUED UNDER THIS SUBSECTION IS EFFECTIVE UNTIL
13 THE BOARD FORMALLY ISSUES OR DENIES A LICENSE TO THE PHYSICAL
14 THERAPIST ASSISTANT PURSUANT TO THIS PART AND THE RULES
15 PROMULGATED UNDER THIS PART. UNTIL RULES ARE PROMULGATED UNDER
16 THIS PART, THE BOARD MAY ALSO GRANT INTERIM LICENSURE TO A NEW
17 APPLICANT WHO HAS GRADUATED FROM A PHYSICAL THERAPIST ASSISTANT
18 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
19 IN PHYSICAL THERAPY EDUCATION AFTER THE EFFECTIVE DATE OF THIS
20 SECTION.

21 (3) A PHYSICAL THERAPIST ASSISTANT LICENSED UNDER THIS PART
22 SHALL PUBLICLY DISPLAY THE CURRENT CERTIFICATE OF LICENSURE OR
23 RENEWAL PERMANENTLY IN THAT INDIVIDUAL'S PLACE OF PRACTICE, IF
24 FEASIBLE, AND SHALL HAVE AVAILABLE FOR INSPECTION HIS OR HER
25 POCKET CARD ISSUED BY THE DEPARTMENT. WHILE WORKING, THE
26 INDIVIDUAL SHALL VERBALLY COMMUNICATE TO THE PATIENT THAT HE OR
27 SHE IS A PHYSICAL THERAPY ASSISTANT AND SHALL WEAR APPROPRIATE

1 IDENTIFICATION, CLEARLY INDICATING THAT THE INDIVIDUAL IS A
2 PHYSICAL THERAPIST ASSISTANT.

3 SEC. 17878. (1) A PHYSICAL THERAPIST ASSISTANT IS THE AGENT
4 OF THE SUPERVISING PHYSICAL THERAPIST OR GROUP OF PHYSICAL
5 THERAPISTS. A COMMUNICATION MADE TO A PHYSICAL THERAPIST
6 ASSISTANT THAT WOULD BE A PRIVILEGED COMMUNICATION IF MADE TO THE
7 SUPERVISING PHYSICAL THERAPIST IS A PRIVILEGED COMMUNICATION TO
8 THE PHYSICAL THERAPIST ASSISTANT AND THE SUPERVISING PHYSICAL
9 THERAPIST TO THE SAME EXTENT AS IF THE COMMUNICATION WERE MADE TO
10 THE SUPERVISING PHYSICAL THERAPIST.

11 (2) A PHYSICAL THERAPIST ASSISTANT SHALL CONFORM TO MINIMAL
12 STANDARDS OF ACCEPTABLE AND PREVAILING PRACTICE FOR THE
13 SUPERVISING PHYSICAL THERAPIST.

14 SEC. 17882. (1) THE BOARD MAY CONDUCT OR CAUSE TO BE
15 CONDUCTED INVESTIGATIONS AND EVALUATIONS NECESSARY TO DETERMINE
16 WHETHER A PROGRAM MEETS THE CRITERIA ESTABLISHED BY THIS PART AND
17 RULES PROMULGATED UNDER THIS PART.

18 (2) AT TIMES THE BOARD DETERMINES APPROPRIATE, THE BOARD MAY
19 REVISE THE CRITERIA FOR THE EDUCATION AND TRAINING OF GRADUATES
20 TO DETERMINE WHETHER THE GRADUATES MEET THE REQUIREMENTS FOR
21 PRACTICE AND USE OF THE TITLE PHYSICAL THERAPIST ASSISTANT IN
22 THIS STATE.

23 SEC. 17884. THE DEPARTMENT SHALL KEEP A REGISTER OF PROGRAMS
24 MEETING THE CRITERIA ESTABLISHED BY THE BOARD. THE REGISTER OF
25 PROGRAMS SHALL INCLUDE THE FULL TITLE OF THE PROGRAM, THE
26 INSTITUTION OF WHICH IT IS A PART, AND ITS ADDRESS. A COPY OF THE
27 REGISTER OR THE INFORMATION CONTAINED IN THE REGISTER SHALL BE

1 AVAILABLE FOR PUBLIC INSPECTION.