



General Assembly

January Session, 2003

Raised Bill No. 1107

LCO No. 4110

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE PRACTICE OF PHYSICAL THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-66 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in this chapter:

4 (1) "Physical therapist" means a person licensed to practice physical
5 therapy in Connecticut as defined in subdivision (2) of this section;

6 (2) "Physical therapy" means the evaluation and treatment of any
7 person by the employment of the effective properties of physical
8 measures, the performance of tests and measurements as an aid to
9 evaluation of function and the use of therapeutic exercises and
10 rehabilitative procedures, with or without assistive devices, for the
11 purpose of preventing, correcting or alleviating a physical or mental
12 disability. Physical therapy includes the establishment and
13 modification of physical therapy programs, treatment planning,
14 instruction, peer review and consultative services, [. The term
15 "physical therapy"] but does not include surgery, the prescription of

16 drugs, the medical diagnosis of disease, chiropractic adjustment
17 manipulation or treatment, the use of cauterization or the use of
18 Roentgen rays or radium for diagnostic or therapeutic purposes; and

19 (3) "Physical therapist assistant" means (A) a graduate of a physical
20 therapist assistant program approved by the State Board of Examiners
21 for Physical Therapists, with the consent of the Commissioner of
22 Public Health, (B) a graduate of a United States physical therapy
23 school approved by the State Board of Examiners for Physical
24 Therapists, or (C) a person who has completed twenty years of
25 employment as a physical therapist assistant prior to October 1, 1989.

26 Sec. 2. Section 20-66 of the general statutes, as amended by section
27 12 of public act 00-226, is repealed and the following is substituted in
28 lieu thereof (*Effective the later of October 1, 2003, or the date notice is*
29 *published by the Commissioner of Public Health in the Connecticut Law*
30 *Journal indicating that the licensing of athletic trainers and physical therapist*
31 *assistants is being implemented by the commissioner):*

32 As used in this chapter, unless the context otherwise requires:

33 (1) "Physical therapist" means a person licensed to practice physical
34 therapy in this state;

35 (2) "Physical therapy" means the evaluation and treatment of any
36 person by the employment of the effective properties of physical
37 measures, the performance of tests and measurements as an aid to
38 evaluation of function and the use of therapeutic exercises and
39 rehabilitative procedures, with or without assistive devices, for the
40 purpose of preventing, correcting or alleviating a physical or mental
41 disability. "Physical therapy" includes the establishment and
42 modification of physical therapy programs, treatment planning,
43 instruction, peer review and consultative services, but does not include
44 surgery, the prescription of drugs, the medical diagnosis of disease,
45 chiropractic adjustment manipulation or treatment, the use of
46 cauterization or the use of Roentgen rays or radium for diagnostic or

47 therapeutic purposes;

48 (3) "Physical therapist assistant" means a person licensed to assist in
49 the practice of physical therapy in this state under the supervision of a
50 physical therapist. For purposes of this subdivision and subdivision (2)
51 of subsection (a) of section 20-73, as amended by this act, "supervision"
52 means the overseeing of or the participation in the work of a physical
53 therapist assistant by a licensed physical therapist, including, but not
54 limited to: (A) Continuous availability of direct communication
55 between the physical therapist assistant and a licensed physical
56 therapist; (B) availability of a licensed physical therapist on a regularly
57 scheduled basis to (i) review the practice of the physical therapist
58 assistant, and (ii) support the physical therapist assistant in the
59 performance of the physical therapist assistant's services; and (C) a
60 predetermined plan for emergency situations, including the
61 designation of an alternate licensed physical therapist in the absence of
62 the regular licensed physical therapist; and

63 (4) "Assist in the practice of physical therapy" means the treatment
64 of any person by the employment of the effective properties of
65 physical measures and the use of therapeutic exercises and
66 rehabilitative procedures, with or without assistive devices, for the
67 purpose of preventing, correcting or alleviating a physical or mental
68 disability, but does not include the interpretation of referrals, initial or
69 discharge evaluation or assessment, or determination or modification
70 of treatment or discharge plans.

71 Sec. 3. Section 20-73 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2003*):

73 (a) (1) No person may practice as a physical therapist unless
74 licensed pursuant to this chapter. No person may use the term
75 "Registered Physical Therapist", "Licensed Physical Therapist" or
76 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,
77 words or insignia indicating or implying licensure as a physical
78 therapist in this state unless the person is so licensed.

79 (2) The treatment of human ailments by physical therapy shall only
80 be performed by a person licensed under the provisions of this chapter
81 as a physical therapist upon the oral or written referral of a person
82 licensed in this state or in a bordering state having licensing
83 requirements meeting the approval of the appropriate examining
84 board in this state to practice medicine and surgery, podiatry,
85 natureopathy, chiropractic or dentistry, or an advanced practice
86 registered nurse licensed to prescribe in accordance with section 20-94a
87 or a physician assistant licensed to prescribe in accordance with section
88 20-12d, except that such treatment may be performed by a licensed
89 physical therapist without a referral for a period not to exceed thirty
90 days, provided (A) any licensed physical therapist providing such
91 treatment without a referral shall have practiced physical therapy for
92 three years or more, and (B) such physical therapist shall refer the
93 individual receiving such treatment to an appropriate health care
94 practitioner if symptoms are present for which treatment is outside the
95 physical therapist's scope of practice.

96 (3) Any person who violates the provisions of this section or who
97 obtains or attempts to obtain licensure as a physical therapist by any
98 wilful misrepresentation or any fraudulent representation shall be
99 fined not more than five hundred dollars or imprisoned not more than
100 five years, or both. A physical therapist or dentist who violates the
101 provisions of this section shall be subject to licensure revocation in the
102 same manner as is provided under section 19a-17, or in the case of a
103 healing arts practitioner, section 20-45. For purposes of this section
104 each instance of patient contact or consultation in violation of any
105 provision of this section shall constitute a separate offense. Failure to
106 renew a license in a timely manner shall not constitute a violation for
107 the purposes of this section.

108 (b) Each physical [therapy] therapist assistant who is assisting in the
109 practice of physical therapy under the supervision of a licensed
110 physical therapist, as defined in section 20-66, as amended by this act,
111 shall, upon payment of an application fee of twenty-five dollars,

112 register with the Department of Public Health on a form furnished by
113 the department, giving [his] the physical therapist assistant's name in
114 full, [his] the physical therapist assistant's residence and business
115 addresses and such other information as the department requests.
116 Each physical [therapy] therapist assistant shall notify the department
117 in writing [within] no later than thirty days after the date of any
118 change in [his] such name or residence or business addresses. A
119 physical [therapy] therapist assistant shall not practice physical
120 therapy assisting without registering with the department pursuant to
121 this section. The commissioner may, upon receipt of notification and
122 investigation, assess a civil penalty of not more than one hundred
123 dollars against any physical [therapy] therapist assistant who has
124 practiced physical therapy assisting without first registering with
125 [said] the department.

126 Sec. 4. Section 20-73 of the general statutes, as amended by section
127 15 of public act 00-226, is repealed and the following is substituted in
128 lieu thereof (*Effective the later of October 1, 2003, or the date notice is*
129 *published by the Commissioner of Public Health in the Connecticut Law*
130 *Journal indicating that the licensing of athletic trainers and physical therapist*
131 *assistants is being implemented by the commissioner):*

132 (a) (1) No person may practice as a physical therapist unless
133 licensed pursuant to this chapter. No person may use the term
134 "Registered Physical Therapist", "Licensed Physical Therapist" or
135 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,
136 words or insignia indicating or implying licensure as a physical
137 therapist in this state unless the person is so licensed.

138 (2) No person may practice as a physical therapist assistant unless
139 such person is licensed pursuant to this chapter and is under the
140 supervision of a physical therapist licensed pursuant to this chapter.
141 No person may use the term "Registered Physical Therapist Assistant",
142 "Licensed Physical Therapist Assistant" or "Physical Therapist
143 Assistant", or the letters "P.T.A." to represent or imply the term

144 "Physical Therapist Assistant", or any other letters, words or insignia
145 indicating or implying licensure as a physical therapist assistant in this
146 state unless the person is so licensed.

147 (b) The treatment of human ailments by physical therapy shall only
148 be performed by a person licensed under the provisions of this chapter
149 as a physical therapist or physical therapist assistant upon the oral or
150 written referral of a person licensed in this state, or in a bordering state
151 having licensing requirements meeting the approval of the appropriate
152 examining board in this state, to practice medicine and surgery,
153 podiatry, natureopathy, chiropractic or dentistry, or an advanced
154 practice registered nurse licensed to prescribe in accordance with
155 section 20-94a or a physician assistant licensed to prescribe in
156 accordance with section 20-12d, except that such treatment may be
157 performed by a licensed physical therapist without a referral for a
158 period not to exceed thirty days, provided (1) any licensed physical
159 therapist providing such treatment without a referral shall have
160 practiced physical therapy for three years or more, and (2) such
161 physical therapist shall refer the individual receiving such treatment to
162 an appropriate health care practitioner if symptoms are present for
163 which treatment is outside the physical therapist's scope of practice.
164 Nothing in this section shall prevent a physical therapist from
165 providing wellness care within the scope of physical therapy practice
166 to asymptomatic persons for longer than the thirty-day period without
167 a referral.

168 (c) Any person who violates the provisions of this section or who
169 obtains or attempts to obtain licensure as a physical therapist or
170 physical therapist assistant by any wilful misrepresentation or any
171 fraudulent representation shall be fined not more than five hundred
172 dollars or imprisoned not more than five years, or both. A physical
173 therapist, physical therapist assistant or dentist who violates the
174 provisions of this section shall be subject to licensure revocation in the
175 same manner as is provided under section 19a-17, or in the case of a
176 healing arts practitioner, section 20-45. For purposes of this section

177 each instance of patient contact or consultation in violation of any
178 provision of this section shall constitute a separate offense. Failure to
179 renew a license in a timely manner shall not constitute a violation for
180 the purposes of this section.

181 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) Notwithstanding the
182 provisions of section 20-73 of the general statutes, as amended by this
183 act, no payments shall be made under the Medicaid program pursuant
184 to Title XIX of the Social Security Act, the state-administered general
185 assistance program, or the HUSKY Plan, Part B, administered pursuant
186 to Title XXI of the Social Security Act, for services of a physical
187 therapist or physical therapist assistant rendered to a recipient under
188 any such program unless the recipient has been referred, orally or in
189 writing, for such services by a person licensed in this state, or in a
190 bordering state having licensure requirements that are substantially
191 similar to or higher than those of this state, to practice medicine and
192 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
193 advanced practice registered nurse licensed to prescribe in accordance
194 with section 20-94s of the general statutes, or a physician assistant
195 licensed to prescribe in accordance with section 20-12d of the general
196 statutes.

197 (b) Notwithstanding the provisions of section 20-73 of the general
198 statutes, as amended by this act, no employer or insurer shall be liable
199 under chapter 568 of the general statutes for services of a physical
200 therapist or physical therapist assistant rendered to an employee
201 unless the employee has been referred, orally or in writing, for such
202 services by a person licensed in this state, or in a bordering state
203 having licensure requirements that are substantially similar to or
204 higher than those of this state, to practice medicine and surgery,
205 podiatry, natureopathy, chiropractic or dentistry, or an advanced
206 practice registered nurse licensed to prescribe in accordance with
207 section 20-94s of the general statutes, or a physician assistant licensed
208 to prescribe in accordance with section 20-12d of the general statutes.

209 (c) Notwithstanding the provisions of section 20-73 of the general
 210 statutes, as amended by this act, no individual or group health
 211 insurance policy providing coverage of the type specified in section
 212 38a-469 of the general statutes, may be required to provide coverage
 213 for services of a physical therapist or physical therapist assistant
 214 rendered to a person covered by such a policy unless the person has
 215 been referred, orally or in writing, for such services by a person
 216 licensed in this state, or in a bordering state having licensure
 217 requirements that are substantially similar to or higher than those of
 218 this state, to practice medicine and surgery, podiatry, natureopathy,
 219 chiropractic or dentistry, or an advanced practice registered nurse
 220 licensed to prescribe in accordance with section 20-94s of the general
 221 statutes, or a physician assistant licensed to prescribe in accordance
 222 with section 20-12d of the general statutes.

223 Sec. 6. Section 20 of public act 00-226 of the general statutes is
 224 repealed and the following is substituted in lieu thereof (*Effective*
 225 *October 1, 2003*):

226 [This act] Public act 00-226 shall take effect [the later of October 1,
 227 2000, or on the date notice is published by the Commissioner of Public
 228 Health in the Connecticut Law Journal indicating that the licensing of
 229 athletic trainers and physical therapist assistants is being implemented
 230 by the Commissioner] October 1, 2003.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>the later of October 1, 2003, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
Sec. 3	<i>October 1, 2003</i>

Sec. 4	<i>the later of October 1, 2003, or the date notice is published by the Commissioner of Public Health in the Connecticut Law Journal indicating that the licensing of athletic trainers and physical therapist assistants is being implemented by the commissioner</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>

Statement of Purpose:

To clarify the scope of practice of a physical therapist, to allow a physical therapist to treat patients for up to thirty days without a referral from a physician under certain circumstances, to clarify that no insurance coverage of such treatment is required, and to change certain effective dates.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]