



General Assembly

January Session, 2005

Raised Bill No. 6767

LCO No. 3557

03557 _____ PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY.

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

1 Section 1. Subdivision (2) of section 20-66 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

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

17 Sec. 2. Subdivision (2) of section 20-66 of the general statutes, as
18 amended by section 12 of public act 00-226, is repealed and the
19 following is substituted in lieu thereof (*Effective the later of October 1,*
20 *2005, or the date notice is published by the Commissioner of Public Health in*
21 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
22 *and physical therapist assistants is being implemented by the commissioner):*

23 (2) "Physical therapy" means the evaluation and treatment of any
24 person by the employment of the effective properties of physical
25 measures, the performance of tests and measurements as an aid to
26 evaluation of function and the use of therapeutic exercises and
27 rehabilitative procedures, with or without assistive devices, for the
28 purpose of preventing, correcting or alleviating a physical or mental
29 disability. "Physical therapy" includes the establishment and
30 modification of physical therapy programs, treatment planning,
31 instruction, wellness care, peer review and consultative services, but
32 does not include surgery, the prescribing of drugs, the medical
33 diagnosis of disease, the use of cauterization or the use of Roentgen
34 rays or radium for diagnostic or therapeutic purposes.

35 Sec. 3. Subdivision (2) of subsection (a) of section 20-73 of the
36 general statutes is repealed and the following is substituted in lieu
37 thereof (*Effective October 1, 2005*):

38 (2) (A) The treatment of human ailments by physical therapy shall
39 only be performed by a person licensed under the provisions of this
40 chapter as a physical therapist. Except as otherwise provided in this
41 subdivision, such treatment may be performed by a licensed physical
42 therapist without an oral or written referral by a person licensed in this
43 state to practice medicine and surgery, podiatry, natureopathy,
44 chiropractic or dentistry, or an advanced practice registered nurse
45 licensed to prescribe in accordance with section 20-94a or a physician
46 assistant licensed to prescribe in accordance with section 20-12d for a
47 period not to exceed thirty days, provided the licensed physical
48 therapist (i) has practiced physical therapy for at least three years or

49 earned a master's degree in physical therapy from an accredited
50 institution of higher education, and (ii) refers any person receiving
51 such treatment to an appropriate licensed practitioner of the healing
52 arts if, upon examination or reexamination, the condition for which the
53 person sought physical therapy does not demonstrate improvement.

54 (B) In any case in which a person seeking such treatment exhibits
55 symptoms outside the scope of practice of a licensed physical
56 therapist, such treatment shall only be performed upon the oral or
57 written referral of a person licensed in this state or in a [bordering]
58 state having licensing requirements meeting the approval of the
59 appropriate examining board in this state to practice medicine and
60 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
61 advanced practice registered nurse licensed to prescribe in accordance
62 with section 20-94a or a physician assistant licensed to prescribe in
63 accordance with section 20-12d. Nothing in this section shall prevent a
64 physical therapist from providing wellness care within the scope of
65 physical therapy practice to asymptomatic persons without a referral.
66 Nothing in this section shall require an employer or insurer to pay for
67 such wellness care.

68 Sec. 4. Subsection (b) of section 20-73 of the general statutes, as
69 amended by section 15 of public act 00-226, is repealed and the
70 following is substituted in lieu thereof (*Effective the later of October 1,*
71 *2005, or the date notice is published by the Commissioner of Public Health in*
72 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
73 *and physical therapist assistants is being implemented by the commissioner):*

74 (b) (1) The treatment of human ailments by physical therapy shall
75 only be performed by a person licensed under the provisions of this
76 chapter as a physical therapist or physical therapist assistant. Except as
77 provided in subdivision (2) of this subsection, such treatment may be
78 performed by a licensed physical therapist without an oral or written
79 referral by a person licensed in this state to practice medicine and
80 surgery, podiatry, natureopathy, chiropractic or dentistry, or an

81 advanced practice registered nurse licensed to prescribe in accordance
82 with section 20-94a or a physician assistant licensed to prescribe in
83 accordance with section 20-12d, provided the licensed physical
84 therapist (A) has practiced physical therapy for at least three years or
85 earned a master's degree in physical therapy from an accredited
86 institution of higher education, and (B) refers any person receiving
87 such treatment to an appropriate licensed practitioner of the healing
88 arts if, upon examination or reexamination, the condition for which the
89 person sought physical therapy does not demonstrate improvement.

90 (2) In any case in which a person seeking such treatment exhibits
91 symptoms outside the scope of practice of a licensed physical
92 therapist, such treatment shall only be performed upon the oral or
93 written referral of a person licensed in this state, or in a [bordering]
94 state having licensing requirements meeting the approval of the
95 appropriate examining board in this state, to practice medicine and
96 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
97 advanced practice registered nurse licensed to prescribe in accordance
98 with section 20-94a or a physician assistant licensed to prescribe in
99 accordance with section 20-12d. Nothing in this section shall prevent a
100 physical therapist from providing wellness care within the scope of
101 physical therapy practice to asymptomatic persons without a referral.
102 Nothing in this section shall require an employer or insurer to pay for
103 such wellness care.

104 Sec. 5. Section 20-73a of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2005*):

106 (a) The Board of Examiners for Physical Therapists shall have
107 jurisdiction to hear all charges of conduct that fails to conform to the
108 accepted standards of the practice of physical therapy brought against
109 any person licensed as a physical therapist and, after holding a
110 hearing, written notice of which shall be given the person complained
111 of, said board, if it finds such person to be guilty, may revoke or
112 suspend such person's license or take any of the actions set forth in

113 section 19a-17. Any proceedings relative to such action may be begun
114 by the filing of written charges with the Commissioner of Public
115 Health. The causes for which such action may be taken are as follows:
116 (1) Conviction in a court of competent jurisdiction, either within or
117 without this state, of any crime in the practice of his or her profession;
118 (2) illegal, incompetent or negligent conduct in the practice of physical
119 therapy or in the supervision of a physical therapist assistant; (3)
120 aiding or abetting the unlawful practice of physical therapy; (4)
121 treating human ailments by physical therapy without the oral or
122 written referral by a person licensed in this state or in a [bordering]
123 state having licensing requirements meeting the approval of the
124 appropriate examining board in this state to practice medicine and
125 surgery, podiatry, natureopathy, chiropractic or dentistry if such
126 referral is required pursuant to section 20-73, as amended by this act;
127 (5) failure to register with the Department of Public Health as required
128 by law; (6) fraud or deception in obtaining a license; (7) engaging in
129 fraud or material deception in the course of professional services or
130 activities; (8) failure to comply with the continuing education
131 requirements of section 7 of this act; or (9) violation of any provision of
132 this chapter, or any regulation adopted [hereunder] under this chapter.

133 (b) The clerk of any court in this state in which a person practicing
134 physical therapy has been convicted of any crime as described in this
135 section shall, immediately after such conviction, transmit a certified
136 copy, in duplicate, of the information and judgment, without charge,
137 to the Department of Public Health, containing the name and address
138 of the physical therapist, the crime of which he has been convicted and
139 the date of conviction. The hearing on such charges shall be conducted
140 in accordance with the regulations adopted by the Commissioner of
141 Public Health. Any person aggrieved by a final decision of said board
142 may appeal [therefrom] from the decision as provided in section 4-183.
143 Such appeal shall have precedence over nonprivileged cases in respect
144 to order of trial. The Attorney General shall act as attorney in the
145 public interest in defending against such an appeal. The board may
146 petition the superior court for the judicial district of Hartford to

147 enforce any action taken pursuant to section 19a-17.

148 Sec. 6. Section 20-73a of the general statutes, as amended by section
149 16 of public act 00-226, is repealed and the following is substituted in
150 lieu thereof (*Effective the later of October 1, 2005, or the date notice is*
151 *published by the Commissioner of Public Health in the Connecticut Law*
152 *Journal indicating that the licensing of athletic trainers and physical therapist*
153 *assistants is being implemented by the commissioner):*

154 (a) The Board of Examiners for Physical Therapists shall have
155 jurisdiction to hear all charges of conduct that fails to conform to the
156 accepted standards of the practice of physical therapy brought against
157 any person licensed as a physical therapist or physical therapist
158 assistant and, after holding a hearing, written notice of which shall be
159 given to the person complained of, the board, if it finds such person to
160 be guilty, may revoke or suspend such person's license or take any of
161 the actions set forth in section 19a-17. Any proceedings relative to such
162 action may be begun by the filing of written charges with the
163 Commissioner of Public Health. The causes for which such action may
164 be taken are as follows: (1) Conviction in a court of competent
165 jurisdiction, either within or without this state, of any crime in the
166 practice of such person's profession; (2) illegal, incompetent or
167 negligent conduct in the practice of physical therapy or in the
168 supervision of a physical therapist assistant; (3) aiding or abetting the
169 unlawful practice of physical therapy; (4) treating human ailments by
170 physical therapy without the oral or written referral by a person
171 licensed in this state or in a [bordering] state having licensing
172 requirements meeting the approval of the appropriate examining
173 board in this state to practice medicine and surgery, podiatry,
174 natureopathy, chiropractic or dentistry if such referral is required
175 pursuant to section 20-73, as amended by this act; (5) failure to register
176 with the Department of Public Health as required by law; (6) fraud or
177 deception in obtaining a license; (7) engaging in fraud or material
178 deception in the course of professional services or activities; [or] (8)
179 failure to comply with the continuing education requirements of

180 section 7 of this act; or (9) violation of any provision of this chapter, or
181 any regulation adopted under this chapter.

182 (b) The clerk of any court in this state in which a person practicing
183 physical therapy has been convicted of any crime as described in this
184 section shall, immediately after such conviction, transmit a certified
185 copy, in duplicate, of the information and judgment, without charge,
186 to the Department of Public Health, containing the name and address
187 of the physical therapist or physical therapist assistant, the crime of
188 which the physical therapist or physical therapist assistant has been
189 convicted and the date of conviction. The hearing on such charges shall
190 be conducted in accordance with the regulations adopted by the
191 Commissioner of Public Health in accordance with chapter 54. Any
192 person aggrieved by a final decision of the board may appeal
193 [therefrom] from the decision as provided in section 4-183. Such appeal
194 shall have precedence over nonprivileged cases in respect to order of
195 trial. The Attorney General shall act as attorney in the public interest in
196 defending against such an appeal. The board may petition the superior
197 court for the judicial district of Hartford to enforce any action taken
198 pursuant to section 19a-17.

199 Sec. 7. (NEW) (*Effective October 1, 2005*) (a) As used in this section:

200 (1) "Commissioner" means the Commissioner of Public Health;

201 (2) "Department" means the Department of Public Health;

202 (3) "Licensee" means any person who receives a license from the
203 department pursuant to chapter 376 of the general statutes; and

204 (4) "Registration period" means the one-year period for which a
205 license renewed in accordance with section 19a-88 of the general
206 statutes and is current valid.

207 (b) Except as otherwise provided in this section, each licensee shall
208 complete a minimum of twenty hours of continuing education during
209 each registration period. Such continuing education shall be in an area

210 related to the licensee's physical therapy practice. Qualifying
211 continuing education activities include, but are not limited to, courses
212 offered or approved by the Commission on Accreditation in Physical
213 Therapy.

214 (c) Each licensee applying for license renewal pursuant to section
215 19a-88 of the general statutes shall sign a statement attesting that he or
216 she has satisfied the continuing education requirements of subsection
217 (a) of this section on a form prescribed by the department. Each
218 licensee shall retain records of attendance or certificates of completion
219 that demonstrate compliance with the continuing education
220 requirements of said subsection (a) for a minimum of three years
221 following the year in which the continuing education activities were
222 completed and shall submit such records to the department for
223 inspection not later than forty-five days after a request by the
224 department for such records.

225 (d) A licensee applying for the first time for license renewal
226 pursuant to section 19a-88 of the general statutes is exempt from the
227 continuing education requirements of this section.

228 (e) In individual cases involving medical disability or illness, the
229 commissioner may, in the commissioner's discretion, grant a waiver of
230 the continuing education requirements or an extension of time within
231 which to fulfill the continuing education requirements of this section to
232 any licensee, provided the licensee submits to the department an
233 application for waiver or extension of time on a form prescribed by the
234 department, along with a certification by a licensed physician of the
235 disability or illness and such other documentation as may be required
236 by the commissioner. The commissioner may grant a waiver or
237 extension for a period not to exceed one registration period, except that
238 the commissioner may grant additional waivers or extensions if the
239 medical disability or illness upon which a waiver or extension is
240 granted continues beyond the period of the waiver or extension and
241 the licensee applies for an additional waiver or extension.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	20-66(2)
Sec. 2	<i>the later of October 1, 2005, 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>	20-66(2)
Sec. 3	October 1, 2005	20-73(a)(2)
Sec. 4	<i>the later of October 1, 2005, 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>	20-73(b)
Sec. 5	October 1, 2005	20-73a
Sec. 6	<i>the later of October 1, 2005, 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>	20-73a

Sec. 7	October 1, 2005	New section
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Statement of Purpose:

To revise the definition of "physical therapy", to permit physical therapists to treat patients without a referral under certain circumstances and to establish minimum continuing education requirements for physical therapists.

[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.]