



General Assembly

Amendment

January Session, 2005

LCO No. 7479

HB0676707479HDO

Offered by:

REP. SAYERS, 60th Dist.

SEN. MURPHY, 16th Dist.

To: Subst. House Bill No. 6767

File No. 436

Cal. No. 322

"AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY."

1 Strike section 3 in its entirety and insert the following in lieu thereof:

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3 general statutes is repealed and the following is substituted in lieu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

5 (2) (A) The treatment of human ailments by physical therapy shall
6 only be performed by a person licensed under the provisions of this
7 chapter as a physical therapist. Except as otherwise provided in
8 subparagraph (B) of this subdivision, such treatment may be
9 performed by a licensed physical therapist without an oral or written
10 referral by a person licensed in this state to practice medicine and
11 surgery, podiatry, natureopathy, chiropractic or dentistry, or an
12 advanced practice registered nurse licensed to prescribe in accordance
13 with section 20-94a or a physician assistant licensed to prescribe in
14 accordance with section 20-12d, provided the licensed physical

15 therapist (i) has practiced physical therapy for at least three out of the
16 most recent six years of his or her clinical practice or earned a master's
17 degree or higher in physical therapy from an accredited institution of
18 higher education, (ii) requires any person receiving such treatment to
19 disclose or affirmatively confirm the identity of such person's primary
20 care provider or health care provider of record upon each initial visit
21 for treatment without an oral or written referral, (iii) provides
22 information to any person seeking such treatment regarding the need
23 to consult with such person's primary care provider or health care
24 provider of record regarding such person's underlying medical
25 condition if the condition is prolonged or does not improve within a
26 thirty-day period, and (iv) refers any person receiving such treatment
27 to an appropriate licensed practitioner of the healing arts if, upon
28 examination or reexamination, the same condition for which the
29 person sought physical therapy does not demonstrate objective,
30 measurable, functional improvement in any period of thirty
31 consecutive days or at the end of six visits, if the visits are within a
32 period of thirty consecutive days.

33 (B) In any case in which the licensed physical therapist (i) does not
34 meet the standards set forth in subparagraph (A) of this subdivision
35 for treatment without a referral, (ii) is required to perform a grade five
36 spinal manipulation and does not hold a doctorate level degree in
37 physical therapy from an accredited institution of higher education, or
38 (iii) has actual knowledge that the condition for which treatment is
39 being sought is connected to an injury arising out of and in the course
40 of the patient's employment, such treatment shall only be performed
41 upon the oral or written referral of a person licensed in this state or in
42 a [bordering] state having licensing requirements meeting the
43 approval of the appropriate examining board in this state to practice
44 medicine and surgery, podiatry, natureopathy, chiropractic or
45 dentistry, or an advanced practice registered nurse licensed to
46 prescribe in accordance with section 20-94a or a physician assistant
47 licensed to prescribe in accordance with section 20-12d. A licensed
48 physical therapist shall not be deemed to be in violation of

49 subparagraph (B)(iii) of this subdivision if, upon reasonable inquiry of
50 the patient by such physical therapist into the nature and source of the
51 patient's condition, the patient fails to disclose that such condition is
52 connected to an injury that arose out of and in the course of the
53 patient's employment. Nothing in this section shall prevent a physical
54 therapist from providing wellness care within the scope of physical
55 therapy practice to asymptomatic persons without a referral. Nothing
56 in this section shall require an employer or insurer to pay for such
57 wellness care."

58 Strike section 4 in its entirety and insert the following in lieu thereof:

59 "Sec. 4. Subsection (b) of section 20-73 of the general statutes, as
60 amended by section 15 of public act 00-226, is repealed and the
61 following is substituted in lieu thereof (*Effective the later of October 1,*
62 *2000, or the date notice is published by the Commissioner of Public Health in*
63 *the Connecticut Law Journal indicating that the licensing of athletic trainers*
64 *and physical therapist assistants is being implemented by the commissioner):*

65 (b) (1) The treatment of human ailments by physical therapy shall
66 only be performed by a person licensed under the provisions of this
67 chapter as a physical therapist or physical therapist assistant. Except as
68 otherwise provided in subdivision (2) of this subsection, such
69 treatment may be performed by a licensed physical therapist without
70 an oral or written referral by a person licensed in this state to practice
71 medicine and surgery, podiatry, natureopathy, chiropractic or
72 dentistry, or an advanced practice registered nurse licensed to
73 prescribe in accordance with section 20-94a or a physician assistant
74 licensed to prescribe in accordance with section 20-12d, provided the
75 licensed physical therapist (A) has practiced physical therapy for at
76 least three out of the most recent six years of his or her clinical practice
77 or earned a master's degree or higher in physical therapy from an
78 accredited institution of higher education, (B) requires any person
79 receiving such treatment to disclose or affirmatively confirm the
80 identity of such person's primary care provider or health care provider
81 of record upon each initial visit for treatment without an oral or

82 written referral, (C) provides information to any person seeking such
83 treatment regarding the need to consult with such person's primary
84 care provider or health care provider of record regarding such person's
85 underlying medical condition if the condition is prolonged or does not
86 improve within a thirty-day period, and (D) refers any person
87 receiving such treatment to an appropriate licensed practitioner of the
88 healing arts if, upon examination or reexamination, the same condition
89 for which the person sought physical therapy does not demonstrate
90 objective, measurable, functional improvement in any period of thirty
91 consecutive days or at the end of six visits, if the visits are within a
92 period of thirty consecutive days.

93 (2) In any case in which the licensed physical therapist (A) does not
94 meet the standards set forth in subdivision (1) of this subsection for
95 treatment without a referral, (B) is required to perform a grade five
96 spinal manipulation and does not hold a doctorate level degree in
97 physical therapy from an accredited institution of higher education, or
98 (C) has actual knowledge that the condition for which treatment is
99 being sought is connected to an injury arising out of and in the course
100 of the patient's employment, such treatment shall only be performed
101 upon the oral or written referral of a person licensed in this state, or in
102 a [bordering] state having licensing requirements meeting the
103 approval of the appropriate examining board in this state, to practice
104 medicine and surgery, podiatry, natureopathy, chiropractic or
105 dentistry, or an advanced practice registered nurse licensed to
106 prescribe in accordance with section 20-94a or a physician assistant
107 licensed to prescribe in accordance with section 20-12d. A licensed
108 physical therapist shall not be deemed to be in violation of
109 subparagraph (C) of this subdivision if, upon reasonable inquiry of the
110 patient by such physical therapist into the nature and source of the
111 patient's condition, the patient fails to disclose that such condition is
112 connected to an injury that arose out of and in the course of the
113 patient's employment. Nothing in this section shall prevent a physical
114 therapist from providing wellness care within the scope of physical
115 therapy practice to asymptomatic persons without a referral. Nothing

116 in this section shall require an employer or insurer to pay for such
117 wellness care."