



General Assembly

Amendment

February Session, 2006

LCO No. 4686

SB0016404686SD0

Offered by:

SEN. MURPHY, 16th Dist.

REP. SAYERS, 60th Dist.

To: Subst. Senate Bill No. 164

File No. 327

Cal. No. 255

"AN ACT CONCERNING PATIENT ACCESS TO PHYSICAL THERAPY."

1 Strike lines 1 to 303, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 1. Subdivision (2) of section 20-66 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2006*):

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, wellness care, peer review and consultative services, but

15 does not include surgery, the prescribing of drugs, the development of
16 a medical diagnosis of disease, injury or illness, the use of cauterization
17 or the use of Roentgen rays or radium for diagnostic or therapeutic
18 purposes.

19 Sec. 2. Subsection (b) of section 20-73 of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective*
21 *October 1, 2006*):

22 (b) (1) The treatment of human ailments by physical therapy shall
23 only be performed by a person licensed under the provisions of this
24 chapter as a physical therapist or physical therapist assistant. Except as
25 otherwise provided in subdivisions (2) and (3) of this subsection, such
26 treatment may be performed by a licensed physical therapist without
27 an oral or written referral by a person licensed in this state to practice
28 medicine and surgery, podiatry, natureopathy, chiropractic or
29 dentistry, or an advanced practice registered nurse licensed to
30 prescribe in accordance with section 20-94a or a physician assistant
31 licensed to prescribe in accordance with section 20-12d of the 2006
32 supplement to the general statutes, provided the licensed physical
33 therapist (A) earned a bachelor's degree prior to January 1, 1998, and
34 has practiced physical therapy for at least four out of the most recent
35 six years of his or her clinical practice, or earned a master's degree or
36 higher in physical therapy from an accredited institution of higher
37 education, (B) requires any person receiving such treatment to disclose
38 or affirmatively confirm the identity of such person's primary care
39 provider or health care provider of record upon each initial visit for
40 treatment without an oral or written referral, (C) provides information
41 to any person seeking such treatment regarding the need to consult
42 with such person's primary care provider or health care provider of
43 record regarding such person's underlying medical condition if the
44 condition is prolonged, does not improve within a thirty-day period,
45 or continues to require ongoing continuous treatment, and (D) refers
46 any person receiving such treatment to an appropriate licensed
47 practitioner of the healing arts if, upon examination or reexamination,
48 the same condition for which the person sought physical therapy does

49 not demonstrate objective, measurable, functional improvement in a
50 period of thirty consecutive days or at the end of six visits, whichever
51 is earlier.

52 (2) In any case in which a person seeking such treatment requires a
53 Grade V spinal manipulation, such treatment shall only be performed
54 (A) upon the oral or written referral of a person licensed in this state,
55 or in a [bordering] state having licensing requirements meeting the
56 approval of the appropriate examining board in this state, to practice
57 medicine and surgery, podiatry, natureopathy, chiropractic or
58 dentistry, or an advanced practice registered nurse licensed to
59 prescribe in accordance with section 20-94a or a physician assistant
60 licensed to prescribe in accordance with section 20-12d, as amended,
61 and (B) by a licensed physical therapist who (i) earned a bachelor's
62 degree prior to January 1, 1998, and has practiced physical therapy for
63 at least four out of the most recent six years of his or her clinical
64 practice, or earned a master's degree or higher in physical therapy
65 from an accredited institution of higher education, and (ii) holds a
66 specialist certification in orthopaedic physical therapy from the
67 American Physical Therapy Association, or proof of completion of
68 forty hours of course work in manual therapy, including Grade V
69 spinal manipulation. Nothing in this section shall prevent a physical
70 therapist from providing wellness care within the scope of physical
71 therapy practice to asymptomatic persons without a referral. Nothing
72 in this section shall require an employer or insurer to pay for such
73 wellness care.

74 (3) In any case involving an injury, as described in section 31-275 of
75 the 2006 supplement to the general statutes, such treatment shall only
76 be performed upon the oral or written referral of a person licensed in
77 this state or in a state having licensing requirements meeting the
78 standards set by the Department of Public Health and the appropriate
79 examining board in this state to practice medicine and surgery,
80 podiatry, natureopathy, chiropractic or dentistry, or an advanced
81 practice registered nurse licensed to prescribe in accordance with
82 section 20-94a or a physician assistant licensed to prescribe in

83 accordance with section 20-12d, as amended.

84 Sec. 3. Section 20-73a of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2006*):

86 (a) The Board of Examiners for Physical Therapists shall have
87 jurisdiction to hear all charges of conduct that fails to conform to the
88 accepted standards of the practice of physical therapy brought against
89 any person licensed as a physical therapist or physical therapist
90 assistant and, after holding a hearing, written notice of which shall be
91 given to the person complained of, the board, if it finds such person to
92 be guilty, may revoke or suspend such person's license or take any of
93 the actions set forth in section 19a-17. Any proceedings relative to such
94 action may be begun by the filing of written charges with the
95 Commissioner of Public Health. The causes for which such action may
96 be taken are as follows: (1) Conviction in a court of competent
97 jurisdiction, either within or without this state, of any crime in the
98 practice of such person's profession; (2) illegal, incompetent or
99 negligent conduct in the practice of physical therapy or in the
100 supervision of a physical therapist assistant; (3) aiding or abetting the
101 unlawful practice of physical therapy; (4) treating human ailments by
102 physical therapy without the oral or written referral by a person
103 licensed in this state or in a [bordering] state having licensing
104 requirements meeting the approval of the appropriate examining
105 board in this state to practice medicine and surgery, podiatry,
106 natureopathy, chiropractic or dentistry if such referral is required
107 pursuant to section 20-73, as amended by this act; (5) failure to register
108 with the Department of Public Health as required by law; (6) fraud or
109 deception in obtaining a license; (7) engaging in fraud or material
110 deception in the course of professional services or activities; [or] (8)
111 failure to comply with the continuing education requirements of
112 section 20-73b, as amended by this act; or (9) violation of any provision
113 of this chapter, or any regulation adopted under this chapter.

114 (b) The clerk of any court in this state in which a person practicing
115 physical therapy has been convicted of any crime as described in this

116 section shall, immediately after such conviction, transmit a certified
117 copy, in duplicate, of the information and judgment, without charge,
118 to the Department of Public Health, containing the name and address
119 of the physical therapist or physical therapist assistant, the crime of
120 which the physical therapist or physical therapist assistant has been
121 convicted and the date of conviction. The hearing on such charges shall
122 be conducted in accordance with the regulations adopted by the
123 Commissioner of Public Health in accordance with chapter 54. Any
124 person aggrieved by a final decision of the board may appeal
125 [therefrom] from the decision as provided in section 4-183. Such appeal
126 shall have precedence over nonprivileged cases in respect to order of
127 trial. The Attorney General shall act as attorney in the public interest in
128 defending against such an appeal. The board may petition the superior
129 court for the judicial district of Hartford to enforce any action taken
130 pursuant to section 19a-17.

131 Sec. 4. Section 20-73b of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective October 1, 2006*):

133 (a) [Each] Except as otherwise provided in this section, each
134 physical therapist licensed pursuant to this chapter shall complete a
135 minimum of twenty hours of continuing education during each
136 registration period. For purposes of this section, registration period
137 means the twelve-month period for which a license has been renewed
138 in accordance with section 19a-88, as amended, and is current and
139 valid. The continuing education shall be in areas related to the
140 individual's practice.

141 (b) Each licensee shall obtain a certificate of completion from the
142 provider of continuing education activities for all continuing education
143 hours successfully completed. Each licensee shall maintain such
144 written documentation for a minimum of three years following the
145 license renewal date for which the activity satisfies continuing
146 education requirements. Certificates of completion shall be submitted
147 by the licensee to the Department of Public Health [upon the
148 department's request] not later than forty-five days after a request by

149 said department for such certificates. A licensee who fails to comply
150 with the continuing education requirements may be subject to
151 disciplinary action pursuant to section 20-73a, as amended by this act.

152 (c) The continuing education requirements shall be waived for
153 licensees applying for licensure renewal for the first time. The
154 department may, for a licensee who has a medical disability or illness,
155 grant a waiver of the continuing education requirements [for a specific
156 period of time] or may grant the licensee an extension of time in which
157 to fulfill the requirements, provided the licensee submits to the
158 Department of Public Health an application for waiver or extension of
159 time on a form prescribed by said department, along with a
160 certification by a licensed physician of the disability or illness and such
161 other documentation as may be required by said department. The
162 Department of Public Health may grant a waiver or extension for a
163 period not to exceed one registration period, except that said
164 department may grant additional waivers or extensions if the medical
165 disability or illness upon which a waiver or extension is granted
166 continues beyond the period of the waiver or extension and the
167 licensee applies to said department for an additional waiver or
168 extension.

169 Sec. 5. (NEW) (*Effective October 1, 2006*) No physical therapist or
170 physical therapist assistant licensed to practice under the provisions of
171 chapter 376 of the general statutes may use the term "chiropractic
172 adjustment" or "chiropractic manipulations" to indicate or imply the
173 application of these techniques as part of the practice of physical
174 therapy."