

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1228 Session of  
2020

INTRODUCED BY SCAVELLO, ARGALL, YUDICHAK, PHILLIPS-HILL AND  
BROOKS, JULY 13, 2020

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JULY 13, 2020

AN ACT

1 Amending the act of October 10, 1975 (P.L.383, No.110), entitled  
2 "An act relating to the practice of physical therapy,"  
3 further providing for definitions, for powers and duties of  
4 board, for continuing education, for practice of physical  
5 therapy and for physical therapist assistant, education and  
6 examination, scope of duties and certification.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The definitions of "certificate of authorization"  
10 and "physical therapy" in section 2 of the act of October 10,  
11 1975 (P.L.383, No.110), known as the Physical Therapy Practice  
12 Act, are amended and the section is amended by adding a  
13 definition to read:

14 Section 2. Definitions.--The following definitions shall  
15 apply, when used in this act, unless otherwise expressed  
16 therein:

17 \* \* \*

18 ["Certificate of authorization" means a certificate, approved  
19 by the board, to practice physical therapy without a referral

1 under section 9(a).]

2 \* \* \*

3 "Dry needling" means a physical intervention that uses a  
4 filiform needle to stimulate trigger points, diagnose and treat  
5 neuromuscular pain and functional movement deficits. The term  
6 does not include the stimulation of auricular or any other  
7 points based upon areas of oriental medicine or the practice of  
8 acupuncture under the act of February 14, 1986 (P.L.2, No.2),  
9 known as the Acupuncture Licensure Act.

10 \* \* \*

11 "Physical therapy" means any of the following:

12 (1) The evaluation, examination and testing of individuals  
13 with mechanical, physiological and developmental impairments,  
14 functional limitations and disabilities, other health-related or  
15 movement-related conditions, performed to determine a diagnosis,  
16 prognosis and plan of treatment intervention within the scope of  
17 this act or to assess the ongoing effects of intervention.

18 (2) The performance of tests and measurements as an aid in  
19 diagnosis or evaluation of function and the treatment of the  
20 individual through the utilization of the effective properties  
21 of physical measures such as mechanical stimulation, dry  
22 needling, heat, cold, light, air, water, electricity, sound,  
23 massage or mobilization-manual therapy.

24 (3) The use of therapeutic exercises and rehabilitative  
25 procedures, including training in functional activities, with or  
26 without the utilization of assistive devices, for the purpose of  
27 limiting or preventing disability and alleviating or correcting  
28 any physical or mental conditions.

29 (4) Reducing the risk of injury, impairment, functional  
30 limitation and disability, including the promotion and

1 maintenance of fitness, health and wellness in populations of  
2 all ages as well as engaging in administration, consultation,  
3 education and research.

4 \* \* \*

5 Section 2. Sections 3(a), 7.2, 9(b), (c) and (e) and 9.1(c)  
6 of the act are amended to read:

7 Section 3. Powers and Duties of Board.--(a) It shall be the  
8 duty of the board to pass upon the qualifications of applicants  
9 for licensure as physical therapists and certification as  
10 physical therapist assistants, to conduct examinations, to issue  
11 and renew licenses [and certificates of authorization] to  
12 physical therapists and certificates to physical therapist  
13 assistants who qualify under this act, and in proper cases to  
14 refuse to issue, suspend or revoke the license [or certificate  
15 of authorization] of any physical therapist or certificate of  
16 any physical therapist assistant. The board may adopt rules and  
17 regulations not inconsistent with law as it may deem necessary  
18 for the performance of its duties and the proper administration  
19 of this law. The board is authorized and empowered to appoint  
20 hearing examiners and to conduct investigations and hearings  
21 upon charges for discipline of a licensee or certificate holder  
22 or for violations of this act and to cause, through the office  
23 of the Attorney General, the prosecution and enjoinder of  
24 individuals violating this act. The board shall maintain a  
25 register listing the name of every living physical therapist  
26 licensed to practice in this State, and every physical therapist  
27 assistant duly certified pursuant to section 9.1, such  
28 individual's last known place of residence, and the date and  
29 number of the physical therapist's license and the physical  
30 therapist assistant's certificate. Residential information shall

not be considered a public record under the act of June 21, 1957  
(P.L.390, No.212), referred to as the Right-to-Know Law.

\* \* \*

Section 7.2. Continuing Education.--For each license renewal, a licensee shall complete within the immediately preceding two-year period at least 30 hours of continuing physical therapy education as approved by the board. The licensee shall provide the board with evidence of the completion of the continuing education. [A physical therapist who has met the continuing education requirements for a certificate of authorization set forth in section 9(c)(1) shall be deemed to have met the continuing education requirement for license renewal. No credit shall be given for any course in office management or practice building.]

Section 9. Practice of Physical Therapy.--\* \* \*

(b) Licensees who meet the standards set forth in this subsection may [apply to the board for a certificate of authorization to] practice physical therapy under this act without the required referral under subsection (a). [A certificate of authorization to] The practice of physical therapy without a referral under subsection (a) shall not authorize a physical therapist either to treat a condition in an individual which is a nonneurologic, nonmuscular or nonskeletal condition or to treat an individual who has an acute cardiac or acute pulmonary condition unless the physical therapist has consulted with the individual's licensed physician, dentist or podiatrist regarding the individual's condition and the physical therapy treatment plan or has referred the individual to a licensed physician, dentist or podiatrist for diagnosis and referral. [The certificate of authorization shall be issued only

1 to licensed physical therapists practicing physical therapy. The  
2 certificate of authorization shall be displayed by the  
3 certificate holder in a manner conspicuous to the public. The  
4 renewal of the certificate of authorization shall coincide with  
5 the renewal of the license of the licensee. Licensees making  
6 application for a certificate of authorization] To practice  
7 physical therapy under this subsection, a licensee shall present  
8 satisfactory evidence to the board of all of the following:

9 (1) That the licensee has[:

10 (i)] passed an examination for licensure to practice  
11 physical therapy, which examination included testing on the  
12 appropriate evaluative procedures to treat an individual without  
13 a referral.[: or

14 (ii) passed an examination for licensure to practice  
15 physical therapy prior to 1990 and successfully completed a  
16 course approved by the board on the appropriate evaluative  
17 procedures to treat an individual without a referral.

18 (2) That the licensee has:

19 (i) practiced physical therapy as a licensed physical  
20 therapist in the delivery of patient care in accordance with  
21 this act on a continuous basis for at least two years  
22 immediately preceding the application for a certificate of  
23 authorization;

24 (ii) been licensed under section 6(d.1) and has practiced  
25 physical therapy in the delivery of patient care as a licensed  
26 physical therapist in a reciprocal state on a continuous basis  
27 for at least two years immediately preceding the application for  
28 a certificate of authorization; or

29 (iii) provided proof of meeting the standards of clause (i)  
30 or (ii) of this paragraph through the application of any

1 combination thereof.]

2 (3) That the license of that licensee has been maintained in  
3 good standing.

4 (4) That the licensee has professional liability insurance  
5 in accordance with the following provisions:

6 (ii) A licensee shall notify the board within 30 days of the  
7 licensee's failure to be covered by the required insurance.

8 Failure to notify the board shall be actionable under section 11

9 or 12. [Further, the certificate of authorization of that

10 licensee shall automatically be suspended upon failure to be

11 covered by the required insurance and shall not be restored

12 until submission to the board of satisfactory evidence that the

13 licensee has the required professional liability insurance

14 coverage.]

15 (iii) The board shall accept from licensees as satisfactory  
16 evidence of insurance coverage under this subsection any or all  
17 of the following: self-insurance, personally purchased  
18 professional liability insurance, professional liability  
19 insurance coverage provided by the licensee's employer or any  
20 similar type of coverage.

21 (iii.1) A licensee under this act, practicing in this  
22 Commonwealth, shall maintain a level of professional liability  
23 insurance coverage in the minimum amount of \$1,000,000 per  
24 occurrence or claims made. Failure to maintain insurance  
25 coverage as required shall subject the licensee to disciplinary  
26 proceedings. The board shall accept as satisfactory evidence of  
27 insurance coverage any of the following:

28 (A) self-insurance;

29 (B) personally purchased liability insurance; or

30 (C) professional liability insurance coverage provided by

1 the physical therapist's employer or similar insurance coverage  
2 acceptable to the board.

3 (iii.2) A license applicant shall provide proof that the  
4 applicant has obtained professional liability insurance in  
5 accordance with subparagraph (iii.1). It is sufficient if the  
6 applicant files with the application a copy of a letter from the  
7 applicant's professional liability insurance carrier indicating  
8 that the applicant will be covered against professional  
9 liability in the required amounts effective upon the issuance of  
10 the applicant's license to practice physical therapy in this  
11 Commonwealth.

12 (iii.3) Upon issuance of a license, a licensee has 30 days  
13 to submit to the board the certificate of insurance or a copy of  
14 the policy declaration page.

15 (iv) The board shall adopt, by regulation, standards and  
16 procedures established by the Insurance Commissioner for self-  
17 insurance. In the absence of these standards and procedures, the  
18 board, after consultation with the Insurance Commissioner, shall  
19 establish standards and procedures by regulation for self-  
20 insurance under this subsection.

21 [(c) (1) For each renewal of the certificate of  
22 authorization, the licensee shall complete within the  
23 immediately preceding two-year period at least 30 hours of  
24 continuing physical therapy education related to keeping the  
25 certificate holder apprised of advancements and new developments  
26 in the practice of the physical therapy profession. At least ten  
27 of the 30 hours shall be in appropriate evaluative procedures to  
28 treat an individual without a referral. No credit shall be given  
29 for any course in office management or practice building. The  
30 licensee shall provide the board with evidence of the completion

1 of the continuing education.

2 (2) Continuing education programs and program providers  
3 under this subsection shall be approved by the board in  
4 accordance with standards and criteria established by the board  
5 by regulation. The regulation shall include any fees necessary  
6 to implement this provision and provide for waiver of the  
7 continuing education requirement due to illness or hardship in  
8 any licensing renewal period.]

9 \* \* \*

10 (e) A physical therapist may treat an individual without a  
11 referral as provided for in subsection (b) for up to [30] 90  
12 days from the date of the first treatment. A physical therapist  
13 shall not treat an individual beyond [30] 90 days from the date  
14 of the first treatment unless he or she has obtained a referral  
15 from a licensed physician; a licensed physician assistant  
16 practicing pursuant to a written agreement with a physician; a  
17 certified registered nurse practitioner practicing pursuant to a  
18 collaborative agreement with a physician; or a licensed dentist  
19 or licensed podiatrist, for the treatment of a condition that is  
20 within the scope of practice of dentistry or podiatry. The date  
21 of the first treatment for purposes of this subsection is the  
22 date the individual is treated by any physical therapist  
23 treating without a referral.

24 \* \* \*

25 Section 9.1. Physical Therapist Assistant; Education and  
26 Examination; Scope of Duties; Certification.--\* \* \*

27 (c) A physical therapist assistant while assisting a  
28 licensed physical therapist in the practice of physical therapy  
29 shall only perform patient-related physical therapy acts and  
30 services that are assigned or delegated by and under the

1 supervision of a licensed physical therapist. Such acts and  
2 services of a physical therapist assistant shall not include  
3 evaluation, testing, dry needling, interpretation, planning or  
4 modification of patient programs. For purposes of this section  
5 the term "supervision" means as follows:

6 (1) In all practice settings, the performance of selected  
7 acts and services by the physical therapist assistant shall be:

8 (i) The responsibility of the licensed physical therapist at  
9 all times.

10 (ii) Based on the following factors:

11 (A) Complexity and acuity of the patient's needs.

12 (B) Proximity and accessibility of the licensed physical  
13 therapist to the certified physical therapist assistant.

14 (C) Supervision available in the event of an emergency or  
15 critical event.

16 (D) Type of practice setting in which the service is  
17 provided.

18 (2) In all practice settings, the initial patient contact  
19 shall be made by a licensed physical therapist for evaluation of  
20 the patient and establishment of a plan of care.

21 (3) Supervision requirements of a physical therapist  
22 assistant shall be dependent upon the practice setting in which  
23 the care is delivered:

24 (i) When care is delivered to an individual in an acute care  
25 hospital, acute inpatient rehabilitation center, long-term acute  
26 care hospital facility setting or as otherwise required by  
27 Federal or State law or regulation, the physical therapist  
28 assistant shall be under the direct on-premises supervision of a  
29 licensed physical therapist.

30 (ii) When care is provided to an individual in a preschool,

1 primary school, secondary school or other similar educational  
2 setting, a licensed physical therapist shall make an onsite  
3 visit and examine the patient at least every four patient visits  
4 or every 30 days, whichever shall occur first.

5 (iii) When care is provided to a patient in a physical  
6 therapy independent private practice outpatient facility, a  
7 licensed physical therapist shall provide direct on-premises  
8 supervision of a physical therapist assistant for at least 50%  
9 of the hours worked by the physical therapist assistant during  
10 the calendar week unless otherwise required by Federal law, and  
11 the physical therapist shall be immediately available by  
12 telecommunication if not providing direct on-premises  
13 supervision.

14 (iv) For any home health care, facility or practice setting  
15 not specified in subparagraph (i), (ii) or (iii), a licensed  
16 physical therapist shall make an onsite visit and actively  
17 participate in the treatment of the patient at least every seven  
18 patient visits or every 14 days, whichever shall occur first.

19 The board shall review and make recommendations to the Consumer  
20 Protection and Professional Licensure Committee of the Senate  
21 and to the Professional Licensure Committee of the House of  
22 Representatives relating to the implementation of this paragraph  
23 three years following the effective date of this paragraph.

24 (4) In all practice settings, a physical therapist assistant  
25 shall be under the direct on-premises supervision of a licensed  
26 physical therapist until the physical therapist assistant  
27 submits for approval evidence satisfactory to the board of:

28 (i) at least 2,000 hours of experience providing patient-  
29 related acts and services verified by a supervising licensed  
30 physical therapist; or

1 (ii) employment as a physical therapist assistant for at  
2 least three of the five years immediately preceding the  
3 effective date of this paragraph.

4 (5) Upon compliance with paragraph (4), a physical therapist  
5 assistant may only provide physical therapy acts and services  
6 when the licensed physical therapist is available and accessible  
7 in person or by telecommunication to the physical therapist  
8 assistant during all working hours of the physical therapist  
9 assistant and is present within a 100-mile radius of the  
10 treatment location. A physical therapist assistant shall consult  
11 with the supervising physical therapist in the event of a change  
12 in the patient's condition which may require the assessment of a  
13 licensed physical therapist.

14 (6) A licensed physical therapist shall not supervise more  
15 than three physical therapist assistants at any time.

16 (7) In the event of a change of the supervising licensed  
17 physical therapist, the subsequent supervisor shall assume  
18 responsibility for the ongoing supervision of any certified  
19 physical therapist assistant providing physical therapy acts and  
20 services and shall become the supervising physical therapist.

21 \* \* \*

22 Section 3. This act shall take effect in 60 days.