

2017 -- S 0742 SUBSTITUTE A

LC002473/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICAL THERAPISTS

Introduced By: Senators Nesselbush, Lombardi, P Fogarty, Quezada, and Crowley

Date Introduced: April 12, 2017

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-40-1, 5-40-9 and 5-40-13 of the General Laws in Chapter 5-40
2 entitled "Physical Therapists" are hereby amended to read as follows:

3 **5-40-1. Definitions.**

4 As used in this chapter:

5 (1) "Board" means the board of physical therapy established by § 5-40-2.

6 (2) "Department" means the department of health.

7 (3) "Examination" means an examination approved by the department in consultation
8 with the board.

9 (4) "License" means a license issued by the department to practice physical therapy.

10 (5) "Physical therapist" means an individual who is licensed by the department to practice
11 physical therapy.

12 (6) "Physical therapist assistant" means an individual who is licensed by the department
13 to assist in the practice of physical therapy under the supervision of a physical therapist.

14 (7) ~~(i) "Practice physical therapy" means the examination, treatment, and instruction of~~
15 ~~human beings to detect, assess, prevent, correct, alleviate and limit physical disability, physical~~
16 ~~dysfunction, and pain from injury, disease and any other bodily conditions, and includes the~~
17 ~~administration, interpretation, and evaluation of tests and measurements of bodily functions and~~
18 ~~structures; the planning, administration, evaluation, and modification of treatment and instruction,~~
19 ~~including the use of physical measures, activities, and devices, for preventive and therapeutic~~

1 ~~purposes; and the provision of consultative, educational, and other advisory services for the~~
2 ~~purpose of reducing the incidence and severity of physical disability, physical dysfunction and~~
3 ~~pain.~~

4 ~~(ii) The practice of physical therapy does not include the practice of medicine as defined~~
5 ~~in chapter 37 of this title.~~

6 "Physical therapy" means the care and services provided by or under the direction and
7 supervision of a physical therapist who is licensed pursuant to this chapter.

8 (8) "Supervision" means that a licensed physical therapist is at all times responsible for
9 supportive personnel and students.

10 (9) "Practice of physical therapy" means:

11 (i)(A) Examination, evaluation, treatment, and instruction of patients/clients to detect,
12 assess, prevent, correct, alleviate and limit physical disability, physical dysfunction, and pain
13 from injury, disease and any other bodily conditions;

14 (B) Administration, interpretation, and evaluation of tests and measurements of bodily
15 functions and structures;

16 (C) The planning, administration, evaluation, and modification of treatment and
17 instruction, including the use of physical measures, activities, and devices, for preventive and
18 therapeutic purposes; and

19 (D) The provision of consultative, educational, and other advisory services for the
20 purpose of reducing the incidence and severity of physical disability, physical dysfunction and
21 pain;

22 (ii) The practice of physical therapy does not include the practice of medicine as defined
23 in chapter 37 of this title.

24 **5-40-9. Right of use of the title of physical therapist.**

25 (a) To safeguard the welfare and health of the people of the state, it is unlawful for any
26 person to represent himself or herself as a physical therapist or physical therapist assistant in this
27 state or to use any title, abbreviation, sign, or device to indicate that the person is a physical
28 therapist or physical therapist assistant unless this person has been licensed pursuant to the
29 provisions of ~~this chapter~~ §5-40-7.

30 ~~(b) Any person who holds a license to practice physical therapy in this state has the right~~
31 ~~to use the title "physical therapist" and abbreviation "P.T." No other person may assume the title~~
32 ~~or use the abbreviation P.T. or other words, or letters, signs, figures, or devices to indicate that the~~
33 ~~person using the title is a physical therapist. A physical therapist shall use the letters "PT" or the~~
34 term "physical therapist" immediately following their name to designate licensure under this

1 chapter. A person or business entity, its employees, agents, or representatives shall not use in
2 connection with that person's name or the name or activity of the business, the words "physical
3 therapy," "physical therapist," "registered physical therapist," the letters "PT," "DPT," "LPT,"
4 "RPT," "SPT" or any other words, abbreviations, or insignia indicating or implying directly or
5 indirectly that physical therapy is provided or supplied, unless such services are provided by or
6 under the direction of a physical therapist licensed pursuant to this chapter. A person or business
7 entity shall not advertise or otherwise promote another person as being a "physical therapist"
8 unless the individual so advertised or promoted is licensed as a physical therapist pursuant to this
9 chapter. A person or business entity that offers, provides, or bills any other person for services
10 shall not characterize those services as "physical therapy" unless the individual performing those
11 services is a person under the direction or supervision of a physical therapist pursuant to this
12 chapter.

13 (c) The abbreviation "G.P.T." shall be used to identify a "graduate physical therapist"
14 authorized to perform as a graduate physical therapist pursuant to this chapter.

15 (d) ~~Any person who holds a license as a physical therapist assistant in this state has the~~
16 ~~right to use the title "physical therapist assistant". No other person may assume the title or other~~
17 ~~words, or letters, signs, figures, or devices to indicate that the person using the title is a physical~~
18 ~~therapist assistant.~~ A physical therapist assistant shall use the letters "PTA" immediately
19 following their name to designate licensure under this chapter.

20 (e) A person shall not use the title "physical therapist assistant" or "graduate physical
21 therapist assistant" and the letters "PTA" or "GPTA," or any other words, abbreviations, or
22 insignia in connection with that person's name to indicate or imply, directly or indirectly, that the
23 person is a physical therapist assistant unless that person is licensed as a physical therapist
24 assistant pursuant to this chapter.

25 **5-40-13. Grounds for discipline of licensees.**

26 (a) The board has power to deny, revoke, or suspend any license issued by the department
27 or applied for in accordance with this chapter, or to discipline a person licensed under this chapter
28 upon proof that said person has engaged in unprofessional conduct including, but not limited to:

29 (1) Fraud or deceit in procuring or attempting to procure a license or in the practice of
30 physical therapy;

31 (2) Is habitually intemperate or is addicted to the use of habit forming drugs;

32 (3) Is mentally and/or professionally incompetent;

33 (4) Has repeatedly violated any of the provisions of this chapter;

34 (5) Providing services to a person who is making a claim as a result of a personal injury,

1 who charges or collects from the person any amount in excess of the reimbursement to the
2 physical therapist by the insurer as a condition of providing or continuing to provide services or
3 treatment;

4 (6) Conviction, including a plea of nolo contendere, of one or more of the offenses listed
5 in § 23-17-37;

6 (7) Abandonment of a patient;

7 (8) Promotion by a physical therapist or physical therapist assistant of the sale of drugs,
8 devices, appliances, or goods or services provided for a patient in a manner as to exploit the
9 patient for the financial gain of the physical therapist or physical therapist assistant;

10 (9) Making or filing false reports or records in the practice of physical therapy;

11 (10) Repeated failure to file or record, or impede or obstruct a filing or recording, or
12 inducing another person to fail to file or record physical therapy reports;

13 (11) Failure to furnish patient records upon proper request;

14 (12) Practice as a physical therapist assistant without supervision by a physical therapist
15 licensed in the state of Rhode Island;

16 (13) Incompetent or negligent misconduct in the practice of physical therapy;

17 (14) Revocation, suspension, surrender, or limitation of privilege based on quality of care
18 provided or disciplinary action against a license to practice as a physical therapist or physical
19 therapist assistant in another state, jurisdiction, or country;

20 (15) Failure to furnish the board, administrator, investigator, or representatives
21 information legally requested by the board;

22 (16) Violation of this chapter or any of the rules and regulations or departure from or
23 failure to conform to the current standards of acceptable and prevailing practice and code of
24 ethics of physical therapy;

25 [\(17\) Practicing or offering to practice beyond the scope of the practice of physical](#)
26 [therapy.](#)

27 (b) Whenever a patient seeks or receives treatment from a physical therapist without
28 referral from a doctor of medicine, osteopathy, dentistry, podiatry, chiropractic, physician
29 assistant, or certified registered nurse practitioner, the physical therapist shall:

30 (1) Disclose to the patient, in writing, the scope and limitations of the practice of physical
31 therapy and obtain their consent in writing; and

32 (2) Refer the patient to a doctor of medicine, osteopathy, dentistry, podiatry, or
33 chiropractic within ninety (90) days after the date treatment commenced; provided, that a physical
34 therapist is not required to make this a referral after treatment is concluded;

1 (3) ~~No physical therapist who has less than one year clinical experience as a physical~~
2 ~~therapist shall commence treatment on a patient without a referral from a doctor of medicine,~~
3 ~~osteopathy, dentistry, podiatry, chiropractic, physician assistant, or certified registered nurse~~
4 ~~practitioner.~~

5 (c) For purposes of this chapter and notwithstanding any other provisions of this chapter
6 or any rules or regulations adopted by the board, any person licensed or registered under this
7 chapter who is a bona fide employee or independent contractor of a physician or a physician
8 group entitled to wages and compensation pursuant to such employment or contract, or is a co-
9 owner of a physical therapy practice with a physician group, shall not be deemed to be engaged in
10 conduct unbecoming a person licensed or registered under this chapter, or to be engaged in
11 conduct detrimental to the best interest of the public, or to be in violation of any other provision
12 of this chapter by virtue of any of the above relationships, and shall not be subject to licensure
13 denial, suspension, revocation, or any other disciplinary action or penalty under this chapter:

14 (1) Solely by virtue of such employment or contract; or

15 (2) Solely by virtue of the provision of physical therapy services pursuant to a referral
16 from the employing or contracting physician or physician group.

17 Any such interest referenced in this paragraph shall be in accordance with federal and
18 state law, specifically, including, but not limited to, chapter 5-48.1.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICAL THERAPISTS

1 This act would modernize the definition of physical therapy, the right to use the title of
2 physical therapist and include the practice beyond the scope of physical therapy as a grounds for
3 discipline.

4 This act would take effect upon passage.

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