

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 450

INTRODUCER: Senator Grimsley

SUBJECT: Physical Therapy

DATE: October 27, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

I. Summary:

SB 450 authorizes a physical therapist to implement a plan of treatment provided for a patient by a physician licensed in a state other than Florida. The bill increases the time frame for physical therapy treatment for a patient for a condition not previously assessed by a practitioner of record or a physician licensed in another state. The time frame is increased from 21 to 30 days before the physical therapist must obtain a Florida practitioner who will review and sign the treatment plan.

The bill authorizes any person who holds a physical therapy license, and obtains a degree of Doctor of Physical Therapy, to use the letters “D.P.T.” and “P.T.” However, a physical therapist may not use the title “doctor” without also clearly informing the public of his or her profession as a physical therapist.

The bill revises terms prohibited from use by a person who is not licensed as a physical therapist or a physical therapist assistant; and makes it a first degree misdemeanor to falsely represent licensure.

The bill has no fiscal impact on government entities.

II. Present Situation:

Physical Therapy Practice in Florida

The Physical Therapy Practice Act is codified in ch. 486, F.S. Physical therapists (PTs) in Florida are regulated by the Board of Physical Therapy Practice (Board) within the Department of Health (DOH).¹ A licensed PT or a licensed physical therapist assistant (PTA), must practice physical

¹ Section 486.023, F.S.

therapy in accordance with the provisions of the Act and the Board rules. To be eligible for licensing as a PT in Florida, an applicant must:²

- Be at least 18 years of age;
- Be of good moral character;
- Have graduated from an approved school of physical therapy recognized by the Commission on Recognition of Postsecondary Accreditation or the United States Department of Education at the time of her or his graduation; and
- Have passed a national examination approved by the Board.

Alternatively, an applicant for a PT license may also:³

- Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of PTs in the United States; or
- Be entitled to licensure without examination as provided in s. 486.081, F.S.⁴

Under ch. 486, F.S., a “physical therapist assistant” means a person who is licensed to perform patient-related activities, including the use of physical agents, whose license is in good standing, and whose activities are performed under the direction of a PT as set forth in rules adopted pursuant to ch. 486., F.S. Patient-related activities performed by a PTA for a board-certified orthopedic physician or physiatrist licensed pursuant to chs. 458 or 459, F.S., or a chiropractor licensed under ch. 460, F.S., must be under the general supervision of a PT, but do not require onsite supervision by a PT. Patient-related activities performed for all other health care practitioners licensed under chs. 458 and 459, F.S., and those patient-related activities performed for podiatrists licensed under ch. 461, or dentists licensed under ch. 466, F.S., must be performed under the onsite supervision of a PT.⁵

Currently, there are 14,108 PTs and 7,616 PTAs who hold active Florida licenses.⁶

Physical Therapy Scope of Practice

“Practice of physical therapy” is defined in s. 486.021(11), F.S., as the performance of physical therapy assessments and treatment, or prevention of any disability, injury, disease, or other health condition of human beings and rehabilitation as it relates to the use of various modalities such as: exercise, massage, ultrasound, ice, heat, water, and equipment. A PT’s professional responsibilities include:⁷

- Interpretation of a practitioner’s referral;

² Section 486.031, F.S.

³ *Id.*

⁴ The Board may issue a license without examination in Florida to any applicant who presents evidence of having passed the American Registry Examination prior to 1971 or an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure in physical therapy are determined by the Board to be as high as those of Florida.

⁵ Section 486.021(6), F.S.

⁶ Number of active Florida licenses calculated by adding “In State Active” practitioners and “Out of State Active” practitioners. See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2013-2014: Summary of Licensed Practitioners*, available at <http://mqawebteam.com/annualreports/1314/#16> (last visited Oct. 20, 2015).

⁷ Rule 64B17-6.001, F.A.C.

- Delivery of the initial physical therapy assessment of the patient;
- Identification of and documentation of precautions, special problems, contraindications;
- Development of a treatment plan for a patient including the long and short term goals;
- Implementation of or directing implementation of the treatment plan;
- Delegation of appropriate tasks;
- Direction and supervision of supportive staff in a manner appropriate for the patient's individual needs;
- Reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan; and
- Collaboration with members of the health care team when appropriate.

Section 486.021(11), F.S., limits treatments that PTs may provide or what procedures may be performed for diagnosing a condition. A PT must refer a patient to, or consult with, a practitioner of record if a patient's condition is found to be outside the scope of physical therapy.⁸ Under s. 486.021(11), F.S., a "practitioner of record" is a health care practitioner licensed under chs. 458 (Medical Practice), 459 (Osteopathic Medicine), 460 (Chiropractic Medicine), 461 (Podiatric Medicine), or 466 (Dentistry), F.S., and engaged in active practice. A PT may not practice chiropractic medicine, including specific spinal manipulation, and must refer a patient with the need for such to a chiropractor licensed under ch. 460, F.S.⁹ Additionally a PT is not authorized to implement a plan for a patient being treated in a hospital or an ambulatory surgical center licensed under ch. 395, F.S.¹⁰

Section 486.081(1), F.S., authorizes a licensed PT to use the words "physical therapist" or "physiotherapist," or the letters "P.T." in connection with his or her name or place of business to denote his or her licensure. False representation of a PT license, or willful misrepresentation or false representation to obtain a PT license is unlawful.¹¹

Physical Therapy Treatment Plan and Referral for Treatment

Florida law provides that a PT may implement a plan of treatment developed by the PT for a patient or provided for a patient by a practitioner of record or by an advanced registered nurse practitioner licensed under s. 464.012, F.S.¹² Currently, a PT may implement a treatment plan for a patient without a written order from a practitioner of record if the recommended treatment plan is performed within a 21-day timeframe. If the treatment plan requires treatment beyond 21 days, the condition must be assessed by a practitioner of record who is required to review and sign the treatment plan.¹³

⁸ Section 486.021(11)(a), F.S.

⁹ Section 486.021(11)(c), F.S.

¹⁰ Section 486.021(11)(d), F.S.

¹¹ See s. 486.135, F.S.

¹² *Supra* note 8.

¹³ *Id.*

III. Effect of Proposed Changes:

SB 450 amends the definition of the “practice of physical therapy,” set out in s. 486.021 (11), F.S., to increase the time from 21 to 30 days that a physical therapist may treat a patient for a condition not previously assessed by a practitioner of record. If physical therapy treatment of a patient is required beyond 30 days the physical therapist must have a practitioner of record review and sign the treatment plan.

The requirements for a physical therapist to have a practitioner of record review and sign a plan of treatment do not apply when a physician, licensed in another state:

- Has physically examined the patient;
- Has diagnosed the patient as having a condition for which physical therapy is required, and
- The physical therapist has been treating that specific condition.

The bill amends s. 486.081, F.S., to add letters a licensed physical therapist may use in connection with her or his name or place of business when he or she has a doctoral degree in physical therapy to “D.P.T.” and “P.T.” Physical therapists may not use the title “doctor” unless he or she holds a degree of Doctor of Physical Therapy and the public is clearly informed that his or her profession is a physical therapist.

The bill amends s. 486.135, F.S., to revise terms prohibited from use by a person who is not licensed as a PT or a PTA. The bill provides that use of the letters “D.P.T.” in connection with a name or business is unlawful for any person who is not licensed as a PT under ch. 486, F.S., and holds a doctoral degree in PT. The letters “Ph.T.,” “R.P.T.,” and “L.P.T.” are removed from statute by the bill. The bill also provides for a penalty for false representation of licensures under this section of law. A violation is punishable as a misdemeanor of the first degree.

The bill amends s. 486.151, F.S., to add that the use of the letters “D.P.T.” is unlawful, and a first degree misdemeanor, unless the person holds a valid license under ch. 486, F.S., and has a doctoral degree in physical therapy.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Visitors to the state and patients who have an order for physical therapy from a practitioner licensed in another state will be able to receive the ordered physical therapy in this state without incurring additional costs for a medical examination from or assessment by a practitioner of record. Increasing the period of time in which a physical therapist may provide treatment for a patient without a practitioner of record assessing the patient may save patients the cost of examination by a practitioner of record.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 486.021, 486.081, 486.135, 486.151

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.