

**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.)

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

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BILL: SB 710

INTRODUCER: Senators Grimsley and Ring

SUBJECT: Physical Therapy Practice

DATE: April 6, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harper	Stovall	HP	<b>Pre-meeting</b>
2.			AHS	
3.			FP	

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**I. Summary:**

SB 710 expands the scope of practice for physical therapy. The bill revises the definitions of “physical therapist,” “physical therapy practitioner,” “physical therapy,” and “practice of physical therapy,” and revises the powers and duties of the Board of Physical Therapy Practice.

The bill revises the letters that a licensed physical therapist may use in connection with her or his name or place of business and specifies that a physical therapist holding a D.P.T. or other doctoral degree may not use the title “doctor” without also clearly informing the public of his or her profession as a physical therapist.

**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).<sup>1</sup> A licensed PT or a licensed physical therapist assistant (PTA) must practice physical 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:<sup>2</sup>

- 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.

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<sup>1</sup> Section 486.023, F.S.

<sup>2</sup> Section 486.031, F.S.

Alternatively, an applicant for a PT license may also:<sup>3</sup>

- 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.<sup>4</sup>

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 chapters 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 chapters 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.<sup>5</sup>

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

### ***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:<sup>7</sup>

- Interpretation of a practitioner’s referral;
- 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

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<sup>3</sup> *Id*

<sup>4</sup> The Board may issue a license without examination 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.

<sup>5</sup> Section 486.021(6), F.S.

<sup>6</sup> 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 Apr. 6, 2015).

<sup>7</sup> Rule 64B17-6.001, F.A.C.

- 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.<sup>8</sup> Under s. 486.021(11), F.S., a "practitioner of record" is a health care practitioner licensed under chapters 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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

#### ***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.<sup>12</sup> 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.<sup>13</sup>

### **III. Effect of Proposed Changes:**

SB 710 amends s. 486.021, F.S., to revise the definitions of "physical therapist," "physical therapy practitioner," "physical therapy," and "practice of physical therapy."

The bill amends s. 486.025, F.S., to revise the powers and duties of the Board of Physical Therapy Practice.

The bill amends s. 486.081, F.S., to make a technical change and to specify that a physical therapist holding a D.P.T. or other doctoral degree may not use the title "doctor" without also clearly informing the public of his or her profession as a physical therapist.

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<sup>8</sup> Section 486.021(11)(a), F.S.

<sup>9</sup> Section 486.021(11)(c), F.S.

<sup>10</sup> Section 486.021(11)(d), F.S.

<sup>11</sup> See s. 486.135, F.S.

<sup>12</sup> *Supra* note 8.

<sup>13</sup> *Id*

The bill amends s. 486.135, F.S., to revise the letters a licensed physical therapist may use in connection with her or his name or place of business and to provide specification for the use of the title “doctor.”

The bill reenacts sections of the Florida Statutes for the purpose of incorporating the changes made in the bill.

The bill provides an effective date of July 1, 2015.

**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:

None.

C. Government Sector Impact:

The DOH may incur a recurring increase in workload associated with additional complaints, which current resources are adequate to absorb.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 486.021, 486.025, 486.081, and 486.135.

This bill reenacts the following sections of the Florida Statutes: 486.021(4), 486.031(3), 1002.385(5)(c), and 1002.66(2)(d).

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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