

**SENATE BILL No. 76**

By Committee on Public Health and Welfare

1-31

1 AN ACT concerning the state board of healing arts; relating to doctors of  
2 physical therapy and physical therapist assistants; representation of  
3 licensure, certification and credentials; amending K.S.A. 2010 Supp.  
4 65-2901 and 65-2913 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2010 Supp. 65-2901 is hereby amended to read as  
8 follows: 65-2901. As used in article 29 of chapter 65 of the Kansas  
9 Statutes Annotated, and ~~acts amendatory of the provisions thereof or~~  
10 ~~supplemental amendments~~ thereto:

11 (a) "Physical therapy" means examining, evaluating and testing  
12 individuals with mechanical, anatomical, physiological and  
13 developmental impairments, functional limitations and disabilities or  
14 other health and movement-related conditions in order to determine a  
15 diagnosis solely for physical therapy, prognosis, plan of therapeutic  
16 intervention and to assess the ongoing effects of physical therapy  
17 intervention. Physical therapy also includes alleviating impairments,  
18 functional limitations and disabilities by designing, implementing and  
19 modifying therapeutic interventions that may include, but are not limited  
20 to, therapeutic exercise; functional training in community or work  
21 integration or reintegration; manual therapy; therapeutic massage;  
22 prescription, application and, as appropriate, fabrication of assistive,  
23 adaptive, orthotic, prosthetic, protective and supportive devices and  
24 equipment; airway clearance techniques; integumentary protection and  
25 repair techniques; debridement and wound care; physical agents or  
26 modalities; mechanical and electrotherapeutic modalities; patient-related  
27 instruction; reducing the risk of injury, impairments, functional  
28 limitations and disability, including the promotion and maintenance of  
29 fitness, health and quality of life in all age populations and engaging in  
30 administration, consultation, education and research. Physical therapy  
31 also includes the care and services provided by a physical therapist or a  
32 physical therapist assistant under the direction and supervision of a  
33 physical therapist ~~whothat~~ is licensed pursuant to *article 29 of chapter 65*  
34 *of the Kansas Statutes Annotated, and amendments thereto.* ~~this act.~~  
35 Physical therapy does not include the use of roentgen rays and radium for  
36 diagnostic and therapeutic purposes, the use of electricity for surgical

1 purposes, including cauterization, the practice of any branch of the  
2 healing arts and the making of a medical diagnosis.

3 (b) "Physical therapist" means a person who is licensed to practice  
4 physical therapy pursuant to *article 29 of chapter 65 of the Kansas*  
5 *Statutes Annotated, and amendments thereto.*~~this act.~~ Any person who  
6 successfully meets the requirements of K.S.A. 65-2906, and amendments  
7 thereto, shall be known and designated as a physical therapist and may  
8 designate or describe oneself, *as appropriate*, as a physical therapist,  
9 physiotherapist, licensed physical therapist, *doctor of physical therapy,*  
10 *abbreviations thereof, or words similar thereto or use of the designated*  
11 *letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall*  
12 *be construed to prohibit physical therapists licensed under K.S.A. 2010*  
13 *Supp. 65-2906 and 65-2909, and amendments thereto, from listing or*  
14 *using in conjunction with their name any letters, words, abbreviations or*  
15 *other insignia to designate any educational degrees, certifications or*  
16 *credentials which such licensee has earned.*

17 (c) "Physical therapist assistant" means a person who is certified  
18 pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated,*  
19 *and amendments thereto,*~~this act~~ and who works under the direction of a  
20 physical therapist, and who assists the physical therapist in selected  
21 components of physical therapy intervention. Any person who  
22 successfully meets the requirements of K.S.A. 65-2906, and amendments  
23 thereto, shall be known and designated as a physical therapist assistant,  
24 and may designate or describe oneself as a physical therapist assistant,  
25 certified physical therapist assistant, *abbreviations thereof, or words*  
26 *similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T.*  
27 *Asst. Nothing in this section shall be construed to prohibit physical*  
28 *therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-*  
29 *2909, and amendments thereto, from listing or using in conjunction with*  
30 *their name any letters, words, abbreviations or other insignia to*  
31 *designate any educational degrees, certifications or credentials which*  
32 *such physical therapist assistant has earned.*

33 (d) "Board" means the state board of healing arts.

34 (e) "Council" means the physical therapy advisory council.

35 (f) "Physician" means a person licensed to practice medicine and  
36 surgery.

37 Sec. 2. K.S.A. 2010 Supp. 65-2913 is hereby amended to read as  
38 follows: 65-2913. (a) It shall be unlawful for any person who is not  
39 licensed under ~~this article 29 of chapter 65 of the Kansas Statutes~~  
40 *Annotated, and amendments thereto,*~~act~~ as a physical therapist or whose  
41 license has been suspended or revoked in any manner to represent oneself  
42 as a physical therapist or to use in connection with such person's name the  
43 words physical therapist, physiotherapist, ~~or~~ licensed physical therapist

1 *or doctor of physical therapy* or use the abbreviations P.T., Ph. T., M.P.T.,  
2 D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia,  
3 indicating or implying that such person is a physical therapist. A violation  
4 of this subsection shall constitute a class B nonperson misdemeanor.  
5 *Nothing in this section shall be construed to prohibit physical therapists*  
6 *licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments*  
7 *thereto, from listing or using in conjunction with their name any letters,*  
8 *words, abbreviations or other insignia to designate any educational*  
9 *degrees, certifications or credentials which such licensee has earned.*

10 (b) Any person who, in any manner, represents oneself as a physical  
11 therapist assistant, or who uses in connection with such person's name the  
12 words or letters physical therapist assistant, certified physical therapist  
13 assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words,  
14 abbreviations or insignia, indicating or implying that such person is a  
15 physical therapist assistant, without a valid existing certificate as a  
16 physical therapist assistant issued to such person pursuant to *article 29 of*  
17 *chapter 65 of the Kansas Statutes Annotated, and amendments thereto*~~the~~  
18 ~~provisions of this act~~, shall be guilty of a class B nonperson  
19 misdemeanor. *Nothing in this section shall be construed to prohibit*  
20 *physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906*  
21 *and 65-2909, and amendments thereto, from listing or using in*  
22 *conjunction with their name any letters, words, abbreviations or other*  
23 *insignia to designate any educational degrees, certifications or*  
24 *credentials which such physical therapist assistant has earned.*

25 (c) Nothing in this act is intended to limit, preclude or otherwise  
26 interfere with the practices of other health care providers formally trained  
27 and practicing their profession. The provisions of article 29 of chapter 65  
28 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or~~  
29 ~~supplemental amendments~~ thereto, shall not apply to the following  
30 individuals so long as they do not hold themselves out in a manner  
31 prohibited under subsection (a) or (b) of this section:

- 32 (1) Persons rendering assistance in the case of an emergency;
- 33 (2) members of any church practicing their religious tenets;
- 34 (3) persons whose services are performed pursuant to the delegation  
35 of and under the supervision of a physical therapist who is licensed under  
36 this act;
- 37 (4) health care providers in the United States armed forces, public  
38 health services, federal facilities and coast guard or other military service  
39 when acting in the line of duty in this state;
- 40 (5) licensees under the healing arts act, and practicing their  
41 professions, when licensed and practicing in accordance with the  
42 provisions of law or persons performing services pursuant to the  
43 delegation of a licensee under subsection (g) of K.S.A. 65-2872, and

- 1 amendments thereto;
- 2 (6) dentists practicing their professions, when licensed and  
3 practicing in accordance with the provisions of law;
- 4 (7) nurses practicing their professions, when licensed and practicing  
5 in accordance with the provisions of law or persons performing services  
6 pursuant to the delegation of a licensed nurse under subsection (m) of  
7 K.S.A. 65-1124, and amendments thereto;
- 8 (8) health care providers who have been formally trained and are  
9 practicing in accordance with their training or have received specific  
10 training in one or more functions included in this act pursuant to  
11 established educational protocols or both;
- 12 (9) students while in actual attendance in an accredited health care  
13 educational program and under the supervision of a qualified instructor;
- 14 (10) self-care by a patient or gratuitous care by a friend or family  
15 member;
- 16 (11) optometrists practicing their profession when licensed and  
17 practicing in accordance with the provisions of article 15 of chapter 65 of  
18 the Kansas Statutes Annotated, and amendments thereto;
- 19 (12) podiatrists practicing their profession when licensed and  
20 practicing in accordance with the provisions of article 20 of chapter 65 of  
21 the Kansas Statutes Annotated, and amendments thereto;
- 22 (13) occupational therapists practicing their profession when  
23 licensed and practicing in accordance with the occupational therapy  
24 practice act and occupational therapy assistants practicing their profession  
25 when licensed and practicing in accordance with the occupational therapy  
26 practice act;
- 27 (14) respiratory therapists practicing their profession when licensed  
28 and practicing in accordance with the respiratory therapy practice act;
- 29 (15) physician assistants practicing their profession when licensed  
30 and practicing in accordance with the physician assistant licensure act;
- 31 (16) persons practicing corrective therapy in accordance with their  
32 training in corrective therapy;
- 33 (17) athletic trainers practicing their profession when licensed and  
34 practicing in accordance with the athletic trainers licensure act;
- 35 (18) persons who massage for the purpose of relaxation, muscle  
36 conditioning or figure improvement, so long as no drugs are used and  
37 such persons do not hold themselves out to be physicians or healers;
- 38 (19) barbers practicing their profession when licensed and practicing  
39 in accordance with the provisions of article 18 of chapter 65 of the  
40 Kansas Statutes Annotated, and amendments thereto;
- 41 (20) cosmetologists practicing their profession when licensed and  
42 practicing in accordance with the provisions of article 19 of chapter 65 of  
43 the Kansas Statutes Annotated, and amendments thereto;

1 (21) attendants practicing their profession when certified and  
2 practicing in accordance with the provisions of article 61 of chapter 65 of  
3 the Kansas Statutes Annotated, and amendments thereto; *and*

4 (22) naturopathic doctors practicing their profession when licensed  
5 and practicing in accordance with the naturopathic doctor licensure act.

6 (d) Any patient monitoring, assessment or other procedures designed  
7 to evaluate the effectiveness of prescribed physical therapy must be  
8 performed by or pursuant to the delegation of a licensed physical  
9 therapist or other health care provider.

10 (e) Nothing in this act shall be construed to permit the practice of  
11 medicine and surgery. No statute granting authority to licensees of the  
12 state board of healing arts shall be construed to confer authority upon  
13 physical therapists to engage in any activity not conferred by *article 29 of*  
14 *chapter 65 of the Kansas Statutes Annotated, and amendments*  
15 *thereto.*~~this act.~~

16 Sec. 3. K.S.A. 2010 Supp. 65-2901 and 65-2913 are hereby  
17 repealed.

18 Sec. 4. This act shall take effect and be in force from and after its  
19 publication in the statute book.

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