

*As Amended by Senate Committee*

*Session of 2011*

**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  
2 of physical therapy and physical therapist assistants; representation  
3 of licensure, certification and credentials; amending K.S.A. 2010  
4 Supp. 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  
8 as 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  
20 limited to, therapeutic exercise; functional training in community or  
21 work 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-  
27 related 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*

1 ~~65 of the Kansas Statutes Annotated, and amendments thereto. this act.~~  
2 Physical therapy does not include the use of roentgen rays and radium  
3 for diagnostic and therapeutic purposes, the use of electricity for  
4 surgical purposes, including cauterization, the practice of any branch of  
5 the healing arts and the making of a medical diagnosis.

6 (b) "Physical therapist" means a person who is licensed to practice  
7 physical therapy pursuant to *article 29 of chapter 65 of the Kansas*  
8 *Statutes Annotated, and amendments thereto. this act.* Any person who  
9 successfully meets the requirements of K.S.A. 65-2906, and  
10 amendments thereto, shall be known and designated as a physical  
11 therapist and may designate or describe oneself, *as appropriate*, as a  
12 physical therapist, physiotherapist, licensed physical therapist, *doctor*  
13 *of physical therapy, abbreviations thereof, or words similar thereto or*  
14 *use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T.*  
15 *Nothing in this section shall be construed to prohibit physical*  
16 *therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and*  
17 *amendments thereto, from listing or using in conjunction with their*  
18 *name any letters, words, abbreviations or other insignia to designate*  
19 *any educational degrees, certifications or credentials **recognized by***  
20 ***the board** which such licensee has earned. **Each licensee when using***  
21 ***the letters or term "Dr." or "Doctor" in conjunction with such***  
22 ***licensee's professional practice, whether in any written or oral***  
23 ***communication, shall identify oneself as a "physical therapist" or***  
24 ***"doctor of physical therapy."***

25 (c) "Physical therapist assistant" means a person who is certified  
26 pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated,*  
27 *and amendments thereto, this act* and who works under the direction of  
28 a physical therapist, and who assists the physical therapist in selected  
29 components of physical therapy intervention. Any person who  
30 successfully meets the requirements of K.S.A. 65-2906, and  
31 amendments thereto, shall be known and designated as a physical  
32 therapist assistant, and may designate or describe oneself as a physical  
33 therapist assistant, certified physical therapist assistant, *abbreviations*  
34 *thereof, or words similar thereto or use of the designated letters P.T.A.,*  
35 *C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to*  
36 *prohibit physical therapist assistants certified under K.S.A. 2010 Supp.*  
37 *65-2906 and 65-2909, and amendments thereto, from listing or using in*  
38 *conjunction with their name any letters, words, abbreviations or other*  
39 *insignia to designate any educational degrees, certifications or*

1 *credentials which such physical therapist assistant has earned.*

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

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

4 (f) "Physician" means a person licensed to practice medicine and  
5 surgery.

6 Sec. 2. K.S.A. 2010 Supp. 65-2913 is hereby amended to read as  
7 follows: 65-2913. (a) It shall be unlawful for any person who is not  
8 licensed under ~~this article 29 of chapter 65 of the Kansas Statutes~~  
9 *Annotated, and amendments thereto,* ~~æ~~ as a physical therapist or whose  
10 license has been suspended or revoked in any manner to represent  
11 oneself as a physical therapist or to use in connection with such  
12 person's name the words physical therapist, physiotherapist, ~~or~~ licensed  
13 physical therapist *or doctor of physical therapy* or use the abbreviations  
14 P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words,  
15 abbreviations or insignia, indicating or implying that such person is a  
16 physical therapist. A violation of this subsection shall constitute a class  
17 B nonperson misdemeanor. *Nothing in this section shall be construed*  
18 *to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-*  
19 *2906 and 65-2909, and amendments thereto, from listing or using in*  
20 *conjunction with their name any letters, words, abbreviations or other*  
21 *insignia to designate any educational degrees, certifications or*  
22 *credentials **recognized by the board** which such licensee has earned.*  
23 ***Each licensee when using the letters or term "Dr." or "Doctor" in***  
24 ***conjunction with such licensee's professional practice, whether in***  
25 ***any written or oral communication, shall identify oneself as a***  
26 ***"physical therapist" or "doctor of physical therapy."***

27 (b) Any person who, in any manner, represents oneself as a  
28 physical therapist assistant, or who uses in connection with such  
29 person's name the words or letters physical therapist assistant, certified  
30 physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other  
31 letters, words, abbreviations or insignia, indicating or implying that  
32 such person is a physical therapist assistant, without a valid existing  
33 certificate as a physical therapist assistant issued to such person  
34 pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated,*  
35 *and amendments thereto* ~~the provisions of this act~~, shall be guilty of a  
36 class B nonperson misdemeanor. *Nothing in this section shall be*  
37 *construed to prohibit physical therapist assistants certified under*  
38 *K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto,*  
39 *from listing or using in conjunction with their name any letters, words,*

1 *abbreviations or other insignia to designate any educational degrees,*  
2 *certifications or credentials which such physical therapist assistant has*  
3 *earned.*

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

- 11 (1) Persons rendering assistance in the case of an emergency;
- 12 (2) members of any church practicing their religious tenets;
- 13 (3) persons whose services are performed pursuant to the  
14 delegation of and under the supervision of a physical therapist who is  
15 licensed under this act;
- 16 (4) health care providers in the United States armed forces, public  
17 health services, federal facilities and coast guard or other military  
18 service when acting in the line of duty in this state;
- 19 (5) licensees under the healing arts act, and practicing their  
20 professions, when licensed and practicing in accordance with the  
21 provisions of law or persons performing services pursuant to the  
22 delegation of a licensee under subsection (g) of K.S.A. 65-2872, and  
23 amendments thereto;
- 24 (6) dentists practicing their professions, when licensed and  
25 practicing in accordance with the provisions of law;
- 26 (7) nurses practicing their professions, when licensed and  
27 practicing in accordance with the provisions of law or persons  
28 performing services pursuant to the delegation of a licensed nurse  
29 under subsection (m) of K.S.A. 65-1124, and amendments thereto;
- 30 (8) health care providers who have been formally trained and are  
31 practicing in accordance with their training or have received specific  
32 training in one or more functions included in this act pursuant to  
33 established educational protocols or both;
- 34 (9) students while in actual attendance in an accredited health care  
35 educational program and under the supervision of a qualified instructor;
- 36 (10) self-care by a patient or gratuitous care by a friend or family  
37 member;
- 38 (11) optometrists practicing their profession when licensed and  
39 practicing in accordance with the provisions of article 15 of chapter 65

- 1 of the Kansas Statutes Annotated, and amendments thereto;
- 2 (12) podiatrists practicing their profession when licensed and  
3 practicing in accordance with the provisions of article 20 of chapter 65  
4 of the Kansas Statutes Annotated, and amendments thereto;
- 5 (13) occupational therapists practicing their profession when  
6 licensed and practicing in accordance with the occupational therapy  
7 practice act and occupational therapy assistants practicing their  
8 profession when licensed and practicing in accordance with the  
9 occupational therapy practice act;
- 10 (14) respiratory therapists practicing their profession when  
11 licensed and practicing in accordance with the respiratory therapy  
12 practice act;
- 13 (15) physician assistants practicing their profession when licensed  
14 and practicing in accordance with the physician assistant licensure act;
- 15 (16) persons practicing corrective therapy in accordance with their  
16 training in corrective therapy;
- 17 (17) athletic trainers practicing their profession when licensed and  
18 practicing in accordance with the athletic trainers licensure act;
- 19 (18) persons who massage for the purpose of relaxation, muscle  
20 conditioning or figure improvement, so long as no drugs are used and  
21 such persons do not hold themselves out to be physicians or healers;
- 22 (19) barbers practicing their profession when licensed and  
23 practicing in accordance with the provisions of article 18 of chapter 65  
24 of the Kansas Statutes Annotated, and amendments thereto;
- 25 (20) cosmetologists practicing their profession when licensed and  
26 practicing in accordance with the provisions of article 19 of chapter 65  
27 of the Kansas Statutes Annotated, and amendments thereto;
- 28 (21) attendants practicing their profession when certified and  
29 practicing in accordance with the provisions of article 61 of chapter 65  
30 of the Kansas Statutes Annotated, and amendments thereto; *and*
- 31 (22) naturopathic doctors practicing their profession when licensed  
32 and practicing in accordance with the naturopathic doctor licensure act.
- 33 (d) Any patient monitoring, assessment or other procedures  
34 designed to evaluate the effectiveness of prescribed physical therapy  
35 must be performed by or pursuant to the delegation of a licensed  
36 physical therapist or other health care provider.
- 37 (e) Nothing in this act shall be construed to permit the practice of  
38 medicine and surgery. No statute granting authority to licensees of the  
39 state board of healing arts shall be construed to confer authority upon

1 physical therapists to engage in any activity not conferred by *article 29*  
2 *of chapter 65 of the Kansas Statutes Annotated, and amendments*  
3 *thereto.* ~~this act.~~

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

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

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