

As Amended by House Committee

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

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

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

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

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

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

41 (f) "Physician" means a person licensed to practice medicine and
42 surgery.

43 (g) "Recognized by the board" means an action taken by the

1 **board at an open meeting to recognize letters, words, abbreviations or**
2 **other insignia to designate any educational degrees, certifications or**
3 **credentials, consistent with the provisions of this act, which a physical**
4 **therapist may appropriately use to designate or describe oneself and**
5 **which shall be published in the official minutes of the board.**

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 oneself
11 as a physical therapist or to use in connection with such person's name the
12 words physical therapist, physiotherapist, ~~or~~ licensed physical therapist *or*
13 *doctor of physical therapy* or use the abbreviations P.T., Ph. T., M.P.T.,
14 D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia,
15 indicating or implying that such person is a physical therapist. A violation
16 of this subsection shall constitute a class B nonperson misdemeanor.
17 *Nothing in this section shall be construed to prohibit physical therapists*
18 *licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments*
19 *thereto, from listing or using in conjunction with their name any letters,*
20 *words, abbreviations or other insignia to designate any educational*
21 *degrees, certifications or credentials **recognized by the board** which such*
22 *licensee has earned. **Each licensee when using the letters or term "Dr."***
23 ***or "Doctor" in conjunction with such licensee's professional practice,***
24 ***whether in any written or oral communication, shall identify oneself as a***
25 ***"physical therapist" or "doctor of physical therapy."***

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

41 (c) Nothing in this act is intended to limit, preclude or otherwise
42 interfere with the practices of other health care providers formally trained
43 and practicing their profession. The provisions of article 29 of chapter 65

1 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or~~
2 ~~supplemental amendments~~ thereto, shall not apply to the following
3 individuals so long as they do not hold themselves out in a manner
4 prohibited under subsection (a) or (b) of this section:

5 (1) Persons rendering assistance in the case of an emergency;

6 (2) members of any church practicing their religious tenets;

7 (3) persons whose services are performed pursuant to the delegation
8 of and under the supervision of a physical therapist who is licensed under
9 this act;

10 (4) health care providers in the United States armed forces, public
11 health services, federal facilities and coast guard or other military service
12 when acting in the line of duty in this state;

13 (5) licensees under the healing arts act, and practicing their
14 professions, when licensed and practicing in accordance with the
15 provisions of law or persons performing services pursuant to the
16 delegation of a licensee under subsection (g) of K.S.A. 65-2872, and
17 amendments thereto;

18 (6) dentists practicing their professions, when licensed and practicing
19 in accordance with the provisions of law;

20 (7) nurses practicing their professions, when licensed and practicing
21 in accordance with the provisions of law or persons performing services
22 pursuant to the delegation of a licensed nurse under subsection (m) of
23 K.S.A. 65-1124, and amendments thereto;

24 (8) health care providers who have been formally trained and are
25 practicing in accordance with their training or have received specific
26 training in one or more functions included in this act pursuant to
27 established educational protocols or both;

28 (9) students while in actual attendance in an accredited health care
29 educational program and under the supervision of a qualified instructor;

30 (10) self-care by a patient or gratuitous care by a friend or family
31 member;

32 (11) optometrists practicing their profession when licensed and
33 practicing in accordance with the provisions of article 15 of chapter 65 of
34 the Kansas Statutes Annotated, and amendments thereto;

35 (12) podiatrists practicing their profession when licensed and
36 practicing in accordance with the provisions of article 20 of chapter 65 of
37 the Kansas Statutes Annotated, and amendments thereto;

38 (13) occupational therapists practicing their profession when licensed
39 and practicing in accordance with the occupational therapy practice act
40 and occupational therapy assistants practicing their profession when
41 licensed and practicing in accordance with the occupational therapy
42 practice act;

43 (14) respiratory therapists practicing their profession when licensed

1 and practicing in accordance with the respiratory therapy practice act;

2 (15) physician assistants practicing their profession when licensed
3 and practicing in accordance with the physician assistant licensure act;

4 (16) persons practicing corrective therapy in accordance with their
5 training in corrective therapy;

6 (17) athletic trainers practicing their profession when licensed and
7 practicing in accordance with the athletic trainers licensure act;

8 (18) persons who massage for the purpose of relaxation, muscle
9 conditioning or figure improvement, so long as no drugs are used and such
10 persons do not hold themselves out to be physicians or healers;

11 (19) barbers practicing their profession when licensed and practicing
12 in accordance with the provisions of article 18 of chapter 65 of the Kansas
13 Statutes Annotated, and amendments thereto;

14 (20) cosmetologists practicing their profession when licensed and
15 practicing in accordance with the provisions of article 19 of chapter 65 of
16 the Kansas Statutes Annotated, and amendments thereto;

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

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

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

26 (e) Nothing in this act shall be construed to permit the practice of
27 medicine and surgery. No statute granting authority to licensees of the state
28 board of healing arts shall be construed to confer authority upon physical
29 therapists to engage in any activity not conferred by *article 29 of chapter*
30 *65 of the Kansas Statutes Annotated, and amendments thereto.* ~~this act.~~

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

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

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