

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 76

As Amended by House Committee on
Health and Human Services

Brief*

SB 76, as amended, would amend the Physical Therapy Practice Act by expanding the allowable professional designations for physical therapists (PT's) and physical therapy assistants (PTA's), including the use of designations of educational degrees, certifications or credentials earned. The bill also would make technical amendments.

Licensed Physical Therapists

The bill would:

- Allow licensed PT's to designate or describe themselves as a "doctor of physical therapy," and use similar abbreviations or words. In written or oral communication, when using the letters or term "Dr." or "Doctor" in conjunction with a licensed PT's professional practice, the PT must identify oneself as a "physical therapist" or "doctor of physical therapy";
- Allow licensed PT's to list or use in conjunction with their name any letters, words, abbreviations or other insignia to designate educational degrees, certifications or credentials recognized by the Board of Healing Arts (Board) which the PT has earned; and
- Prohibit the use of the term "doctor of physical therapy" by an individual not licensed as a PT or whose license has been suspended or revoked in any manner.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Physical Therapy Assistants

The bill would allow certified PTA's to list or use in conjunction with their name any letters, words, abbreviations or other insignia to designate educational degrees, certifications or credentials which the PTA has earned.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Physical Therapy Association (KPTA). Proponents of the bill testifying before the Committee included representatives of the Kansas Physical Therapy Association and the Wichita State University Doctor of Physical Therapy Program, a private citizen and physical therapist, and a private citizen and physical therapy student. Additional written testimony was provided by a representative of the Kansas Physical Therapy Association. A representative of the KPTA stated the interpretation of current statutes by legal counsel for the Board of Healing Arts limit PT's or PTA's to the use of only those designations, words, terms, initials and insignias contained in statute and no others, and that disciplinary action could be taken against any PT or PTA for using a designation not included in statute. The representative further stated the intent of the bill is to protect Kansas licensed PT's and PTA's in their right to utilize any designations and terms of education earned and provide patients of physical therapy with the knowledge necessary to make educated choices about their provider of care.

Providing neutral testimony on the bill before the Committee were representatives for the Kansas Medical Society (KMS) and the Board of Healing Arts (written only). A representative of KMS testified that any health care practitioner should be entitled to use a suffix indicating they have earned an academic degree, including one at the doctorate level. The representative further stated there is a significant responsibility on any person using the prefix of

“Dr.,” or a suffix indicating the earning of a doctorate degree, so that no one is led to believe a provider is licensed to practice medicine and surgery unless so licensed. Amendments to the bill were proposed by the representatives providing neutral testimony.

The Senate Committee on Public Health and Welfare amended the original bill to incorporate amendments agreed to by the interested parties. The amendments clarify that the use of terms designating educational degrees, certifications or credentials which a licensee has earned must be recognized by the Board of Healing Arts, and the use of the title “Doctor” or “Dr.” along with identification as a PT.

At the hearing by the House Committee on Health and Human Services, testimony in support of the bill was heard from representatives of the KPTA and Kansas Medical Society. Written testimony in support of the bill was provided by representatives of the KPTA, the Kansas State Board of Healing Arts, and Wichita State University, and by a physical therapy student. Testimony in opposition to the bill was heard from a representative of the Kansas Chiropractic Association.

The House Committee on Health and Human Services amended the bill to add a definition for “Recognized by the board.” The term would mean “an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.” The amendment was proposed by the legislative counsel for the KPTA.

The fiscal note on the original bill prepared by the Division of the Budget states the Board of Healing Arts indicates the passage of the bill could have a fiscal effect on the agency. Reports or complaints of practitioners who are not complying with the bill also could increase the number of investigations that would need to be performed by Board staff

and also could increase the number of disciplinary hearings conducted by the Board. An estimate of the increase in investigations and disciplinary hearings that would result from implementation of this bill cannot be made. A precise fiscal effect cannot be determined. The Board of Healing Arts states that if investigations and caseloads do not increase substantially, the bill could be implemented within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2012 Governor's Budget Report*.