

**SUBSTITUTE FOR
SENATE BILL NO. 1167**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16315, 16335, 17801, 17820, 17821, and 17822
(MCL 333.16315, 333.16335, 333.17801, 333.17820, 333.17821, and
333.17822), section 16315 as amended by 2007 PA 166, section
16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA
213, sections 17820 and 17821 as amended by 2006 PA 387, and
section 17822 as amended by 2005 PA 281, and by adding sections
17808, 17823, 17824, 17825, 17849, 17850, 17854, 17856, 17862,
17864, 17866, 17868, 17870, 17872, 17878, 17882, and 17884.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16315. (1) The health professions regulatory fund is
2 established in the state treasury. Except as otherwise provided

1 in this section, the state treasurer shall credit the fees
2 collected under sections 16319 to 16349 to the health professions
3 regulatory fund. The money in the health professions regulatory
4 fund shall be expended only as provided in subsection (5).

5 (2) The state treasurer shall direct the investment of the
6 health professions regulatory fund. Interest and earnings from
7 health professions regulatory fund investment shall be credited
8 to the health professions regulatory fund.

9 (3) The unencumbered balance in the health professions
10 regulatory fund at the close of the fiscal year shall remain in
11 the health professions regulatory fund and shall not revert to
12 the general fund.

13 (4) The health professions regulatory fund may receive gifts
14 and devises and other money as provided by law.

15 (5) The department of community health shall use the health
16 professions regulatory fund to carry out its powers and duties
17 under this article and article 7 including, but not limited to,
18 reimbursing the department of attorney general for the reasonable
19 cost of services provided to the department of community health
20 under this article and article 7. For the fiscal year ending
21 September 30, 2007 only, subject to appropriations by the
22 legislature and approval by the governor, the department of
23 community health may also use the health professions regulatory
24 fund to support health information technology initiatives.

25 (6) The nurse professional fund is established in the state
26 treasury. Of the money that is attributable to per-year license
27 fees collected under section 16327, the state treasurer shall

1 credit \$2.00 of each individual annual license fee collected to
2 the nurse professional fund. The money in the nurse professional
3 fund shall be expended only as provided in subsection (9).

4 (7) The state treasurer shall direct the investment of the
5 nurse professional fund, and shall credit interest and earnings
6 from the investment to the nurse professional fund. The nurse
7 professional fund may receive gifts and devises and other money
8 as provided by law.

9 (8) The unencumbered balance in the nurse professional fund
10 at the close of the fiscal year shall remain in the nurse
11 professional fund and shall not revert to the general fund.

12 (9) The department of community health shall use the nurse
13 professional fund each fiscal year only as follows:

14 (a) The department may use not more than 1/3 of the nurse
15 professional fund for the establishment and operation of a nurse
16 continuing education program.

17 (b) The department may use not more than 1/3 of the nurse
18 professional fund to perform research and development studies to
19 promote and advance the nursing profession.

20 (c) The department shall use not less than 1/3 of the nurse
21 professional fund to establish and operate a nursing scholarship
22 program.

23 (10) The pain management education and controlled substances
24 electronic monitoring and antidiversion fund is established in
25 the state treasury.

26 (11) The state treasurer shall direct the investment of the
27 pain management education and controlled substances electronic

1 monitoring and antidiversion fund. Interest and earnings from
2 investment of the pain management education and controlled
3 substances electronic monitoring and antidiversion fund shall be
4 credited to the pain management education and controlled
5 substances electronic monitoring and antidiversion fund.

6 (12) The unencumbered balance in the pain management
7 education and controlled substances electronic monitoring and
8 antidiversion fund at the close of the fiscal year shall remain
9 in the pain management education and controlled substances
10 electronic monitoring and antidiversion fund and shall not revert
11 to the general fund. The pain management education and controlled
12 substances electronic monitoring and antidiversion fund may
13 receive gifts and devises and other money as provided by law.
14 Twenty dollars of the license fee received by the department of
15 community health under section 16319 shall be deposited with the
16 state treasurer to the credit of the pain management education
17 and controlled substances electronic monitoring and antidiversion
18 fund. The department shall use the pain management education and
19 controlled substances electronic monitoring and antidiversion
20 fund only in connection with programs relating to pain management
21 education for health professionals, preventing the diversion of
22 controlled substances, and development and maintenance of the
23 electronic monitoring system for controlled substances data
24 required by section 7333a.

25 (13) **THE PHYSICAL THERAPY PROFESSIONAL FUND IS ESTABLISHED**
26 **IN THE STATE TREASURY. OF THE MONEY THAT IS ATTRIBUTED TO PER-**
27 **YEAR LICENSE FEES COLLECTED UNDER SECTION 16335, THE STATE**

1 TREASURER SHALL CREDIT 10% OF EACH INDIVIDUAL ANNUAL LICENSE FEE
2 COLLECTED TO THE PHYSICAL THERAPY PROFESSIONAL FUND. THE MONEY IN
3 THE PHYSICAL THERAPY PROFESSIONAL FUND SHALL BE EXPENDED ONLY FOR
4 THE ESTABLISHMENT AND OPERATION OF A PHYSICAL THERAPY
5 PROFESSIONAL DEVELOPMENT PROGRAM BASED UPON REQUIREMENTS
6 ESTABLISHED UNDER SECTION 17823.

7 (14) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
8 PHYSICAL THERAPY PROFESSIONAL FUND AND SHALL CREDIT INTEREST AND
9 EARNINGS FROM THE INVESTMENT TO THE PHYSICAL THERAPY PROFESSIONAL
10 FUND. THE PHYSICAL THERAPY PROFESSIONAL FUND MAY RECEIVE GIFTS
11 AND DEVICES AND OTHER MONEY AS PROVIDED BY LAW. THE UNENCUMBERED
12 BALANCE IN THE PHYSICAL THERAPY PROFESSIONAL FUND AT THE CLOSE OF
13 THE FISCAL YEAR SHALL REMAIN IN THE PHYSICAL THERAPY PROFESSIONAL
14 FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE DEPARTMENT
15 SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

16 Sec. 16335. Fees for a person licensed or seeking licensure
17 to engage in the practice of physical therapy **OR PRACTICE AS A**
18 **PHYSICAL THERAPIST ASSISTANT** under part 178 are as follows:

19	(a) Application processing fee.....	\$ 20.00
20	(b) Examination fees:	
21	Jurisprudence examination only.....	25.00
22	(c) License fee, per year.....	50.00 90.00
23	(d) Temporary license.....	20.00
24	(D) (e) Limited license, per year.....	25.00

25 Sec. 17801. (1) As used in this part:

26 (a) "Physical therapist" means an individual licensed under

1 this article to engage in the practice of physical therapy.

2 (B) "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WITH
3 A HEALTH PROFESSION SUBFIELD LICENSE UNDER THIS PART WHO ASSISTS
4 A PHYSICAL THERAPIST IN PHYSICAL THERAPY INTERVENTION.

5 (C) "PRACTICE AS PHYSICAL THERAPIST ASSISTANT" MEANS THE
6 PRACTICE OF PHYSICAL THERAPY PERFORMED UNDER THE SUPERVISION OF A
7 PHYSICAL THERAPIST LICENSED UNDER THIS PART.

8 (D) ~~(b)~~—"Practice of physical therapy" means the evaluation
9 of, education of, consultation with, or treatment of an
10 individual by the employment of effective properties of physical
11 measures and the use of therapeutic exercises and rehabilitative
12 procedures, with or without ~~assistant~~**ASSISTIVE** devices, for the
13 purpose of preventing, correcting, or alleviating a physical or
14 mental disability. ~~It~~**PHYSICAL THERAPY** includes treatment
15 planning, performance of tests and measurements, interpretation
16 of referrals, initiation of referrals, instruction, consultative
17 services, and supervision of personnel. Physical measures include
18 massage, mobilization, heat, cold, air, light, water,
19 electricity, and sound. Practice of physical therapy does not
20 include the identification of underlying medical problems or
21 etiologies, establishment of medical diagnoses, or the
22 prescribing of treatment.

23 (2) In addition to the definitions in this part, article 1
24 contains general definitions and principles of construction
25 applicable to all articles in this code and part 161 contains
26 definitions applicable to this part.

27 **SEC. 17808. PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IS A**

1 **HEALTH PROFESSION SUBFIELD OF THE PRACTICE OF PHYSICAL THERAPY.**

2 Sec. 17820. (1) A person shall not engage in the practice of
3 physical therapy **OR PRACTICE AS A PHYSICAL THERAPIST ASSISTANT**
4 unless licensed or otherwise authorized by this article. A person
5 shall engage in the actual treatment of an individual only upon
6 the prescription of an individual holding a license issued under
7 part 166, 170, 175, or 180, or the equivalent license issued by
8 another state.

9 (2) The following words, titles, or letters or a combination
10 thereof, with or without qualifying words or phrases, are
11 restricted in use only to those persons authorized under this
12 part to use the terms and in a way prescribed in this part:
13 "physical therapy", "physical therapist", "physiotherapist",
14 **"PHYSIOTHERAPY"**, "registered physical therapist", "licensed
15 physical therapist", "physical therapy technician", **"PHYSICAL**
16 **THERAPIST ASSISTANT"**, **"PHYSICAL THERAPY ASSISTANT"**,
17 **"PHYSIOTHERAPIST ASSISTANT"**, **"PHYSIOTHERAPY ASSISTANT"**, **"P.T.**
18 **ASSISTANT"**, "p.t.", "r.p.t.", "l.p.t.", **"C.P.T."**, **"M.P.T."**,
19 **"P.T.A."**, **"REGISTERED P.T.A."**, **"LICENSED P.T.A."**, **"CERTIFIED**
20 **P.T.A."**, **"C.P.T.A."**, **"L.P.T.A."**, **"R.P.T.A."**, and "p.t.t.".

21 Sec. 17821. (1) The Michigan board of physical therapy is
22 created in the department and shall consist of the following 9
23 voting members who shall meet the requirements of part 161: 5
24 physical therapists, **1 PHYSICAL THERAPIST ASSISTANT**, and 4-3
25 public members.

26 (2) The terms of office of the individual members of the
27 board created under this section, except those appointed to fill

1 vacancies, expire 4 years after appointment on December 31 of the
2 year in which the term expires.

3 Sec. 17822. This part does not prohibit a hospital, as a
4 condition of employment or the granting of staff privileges, from
5 requiring a physical therapist **OR PHYSICAL THERAPIST ASSISTANT** to
6 practice in the hospital only upon the prescription of an
7 individual holding a license issued under part 166, 170, 175, or
8 180 or the equivalent license issued by another state.

9 **SEC. 17823. (1) THE DEPARTMENT, IN CONSULTATION WITH THE**
10 **BOARD, SHALL PROMULGATE RULES TO ESTABLISH PROFESSIONAL**
11 **DEVELOPMENT REQUIREMENTS FOR PHYSICAL THERAPISTS AND PHYSICAL**
12 **THERAPIST ASSISTANTS. NOTWITHSTANDING THE REQUIREMENTS OF PART**
13 **161, BEGINNING THE LICENSE YEAR AFTER THE EFFECTIVE DATE OF THE**
14 **RULES PROMULGATED UNDER THIS SUBSECTION, AN INDIVIDUAL SHALL MEET**
15 **THE PROFESSIONAL DEVELOPMENT REQUIREMENTS ESTABLISHED UNDER THIS**
16 **SUBSECTION. THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL**
17 **PROMULGATE RULES TO REQUIRE LICENSEES SEEKING RENEWAL TO FURNISH**
18 **EVIDENCE ACCEPTABLE TO THE DEPARTMENT AND THE BOARD OF THE**
19 **SUCCESSFUL COMPLETION, DURING THE PRECEDING LICENSE TERM, OF**
20 **THOSE PROFESSIONAL DEVELOPMENT REQUIREMENTS.**

21 (2) IN ADDITION TO THE RULES PROMULGATED UNDER SUBSECTION
22 (1), THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL
23 PROMULGATE RULES TO ESTABLISH PROFESSIONAL DEVELOPMENT
24 REQUIREMENTS IN SUBJECTS RELATED TO IDENTIFYING SIGNS AND
25 SYMPTOMS OF SYSTEMIC DISEASE IN ORDER TO ENSURE COMPLIANCE WITH
26 SECTION 17824(3).

27 **SEC. 17824. (1) THE DEPARTMENT, IN CONSULTATION WITH THE**

1 BOARD, SHALL PROMULGATE RULES TO ESTABLISH STANDARDS OF ETHICS,
2 STANDARDS OF PRACTICE, AND STANDARDS OF SUPERVISION FOR THE
3 PRACTICE OF PHYSICAL THERAPY.

4 (2) A PHYSICAL THERAPIST SHALL ADHERE TO THE STANDARDS OF
5 ETHICS, STANDARDS OF PRACTICE, AND STANDARDS OF SUPERVISION
6 ESTABLISHED IN THE RULES PROMULGATED UNDER SUBSECTION (1).

7 (3) A PHYSICAL THERAPIST SHALL REFER A PATIENT BACK TO THE
8 HEALTH CARE PROFESSIONAL WHO ISSUED THE PRESCRIPTION FOR
9 TREATMENT IF THE PHYSICAL THERAPIST HAS REASONABLE CAUSE TO
10 BELIEVE THAT SYMPTOMS OR CONDITIONS ARE PRESENT THAT REQUIRE
11 SERVICES BEYOND THE SCOPE OF PRACTICE OF PHYSICAL THERAPY.

12 (4) TO THE EXTENT THAT A PARTICULAR PHYSICAL THERAPY SERVICE
13 REQUIRES EXTENSIVE PROFESSIONAL TRAINING, EDUCATION, OR ABILITY
14 OR POSES SERIOUS RISKS TO THE HEALTH AND SAFETY OF PATIENTS, THE
15 BOARD MAY PROHIBIT OR OTHERWISE RESTRICT THE DELEGATION OF THAT
16 PHYSICAL THERAPY SERVICE OR MAY REQUIRE HIGHER LEVELS OF
17 SUPERVISION.

18 (5) A PHYSICAL THERAPIST SHALL NOT DELEGATE ULTIMATE
19 RESPONSIBILITY FOR THE QUALITY OF PHYSICAL THERAPY SERVICES, EVEN
20 IF THE PHYSICAL THERAPY SERVICES ARE PROVIDED BY A PHYSICAL
21 THERAPIST ASSISTANT.

22 (6) A PHYSICAL THERAPIST SHALL CONSULT WITH THE HEALTH CARE
23 PROFESSIONAL WHO ISSUED THE PRESCRIPTION FOR TREATMENT IF A
24 PATIENT DOES NOT SHOW REASONABLE RESPONSE TO TREATMENT IN A TIME
25 PERIOD CONSISTENT WITH THE STANDARDS OF PRACTICE ESTABLISHED IN
26 THE RULES PROMULGATED UNDER SUBSECTION (1).

27 SEC. 17825. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL

1 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
2 BENEFITS FOR PHYSICAL THERAPY SERVICES AND DOES NOT PRECLUDE A
3 THIRD PARTY PAYER FROM REQUIRING A MEMBER OR ENROLLEE TO FULFILL
4 BENEFIT REQUIREMENTS FOR PHYSICAL THERAPY SERVICES, INCLUDING,
5 BUT NOT LIMITED TO, PRESCRIPTION, REFERRAL, OR PREAPPROVAL WHEN
6 SERVICES ARE RENDERED BY AN INDIVIDUAL LICENSED OR OTHERWISE
7 AUTHORIZED UNDER THIS ARTICLE.

8 SEC. 17849. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF
9 THIS SECTION AND SUBJECT TO SUBSECTION (4), A PHYSICAL THERAPIST
10 WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT IS RESPONSIBLE FOR
11 ALL OF THE FOLLOWING:

12 (A) VERIFICATION OF THE PHYSICAL THERAPIST ASSISTANT'S
13 CREDENTIALS.

14 (B) EVALUATION OF THE PHYSICAL THERAPIST ASSISTANT'S
15 PERFORMANCE.

16 (C) MONITORING THE PHYSICAL THERAPIST ASSISTANT'S PRACTICE
17 AND PROVISION OF PHYSICAL THERAPY SERVICES.

18 (2) SUBJECT TO SECTION 17824, A PHYSICAL THERAPIST WHO
19 SUPERVISES A PHYSICAL THERAPIST ASSISTANT MAY DELEGATE TO THE
20 PHYSICAL THERAPIST ASSISTANT THE PERFORMANCE OF PHYSICAL THERAPY
21 SERVICES FOR A PATIENT WHO IS UNDER THE CASE MANAGEMENT
22 RESPONSIBILITY OF THE PHYSICAL THERAPIST, IF THE DELEGATION IS
23 CONSISTENT WITH THE PHYSICAL THERAPIST ASSISTANT'S TRAINING. A
24 PHYSICAL THERAPIST WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT
25 IS RESPONSIBLE FOR THE CLINICAL SUPERVISION OF EACH PHYSICAL
26 THERAPIST ASSISTANT TO WHOM THE PHYSICAL THERAPIST DELEGATES THE
27 PERFORMANCE OF PHYSICAL THERAPY SERVICES UNDER THIS SUBSECTION.

1 (3) SUBJECT TO SUBSECTION (4), A PHYSICAL THERAPIST WHO
2 SUPERVISES A PHYSICAL THERAPIST ASSISTANT SHALL KEEP ON FILE IN
3 THE PHYSICAL THERAPIST'S OFFICE OR IN THE HEALTH FACILITY OR
4 AGENCY OR CORRECTIONAL FACILITY IN WHICH THE PHYSICAL THERAPIST
5 SUPERVISES THE PHYSICAL THERAPIST ASSISTANT A PERMANENT, WRITTEN
6 RECORD THAT INCLUDES THE PHYSICAL THERAPIST'S NAME AND LICENSE
7 NUMBER AND THE NAME AND LICENSE NUMBER OF EACH PHYSICAL THERAPIST
8 ASSISTANT SUPERVISED BY THE PHYSICAL THERAPIST. A PHYSICAL
9 THERAPIST SHALL NOT SUPERVISE MORE THAN 4 PHYSICAL THERAPY
10 ASSISTANTS UNDER THIS SECTION. IF A PHYSICAL THERAPIST SUPERVISES
11 PHYSICAL THERAPY ASSISTANTS AT MORE THAN 1 PRACTICE SITE, THE
12 PHYSICAL THERAPIST SHALL NOT SUPERVISE MORE THAN 2 PHYSICAL
13 THERAPY ASSISTANTS BY A METHOD OTHER THAN THE PHYSICAL
14 THERAPIST'S ACTUAL PHYSICAL PRESENCE AT THE PRACTICE SITE.

15 (4) A GROUP OF PHYSICAL THERAPISTS PRACTICING OTHER THAN AS
16 SOLE PRACTITIONERS MAY DESIGNATE 1 OR MORE PHYSICAL THERAPISTS IN
17 THE GROUP TO FULFILL THE REQUIREMENTS OF SUBSECTIONS (1) AND (3).

18 (5) NOTWITHSTANDING ANY LAW OR RULE TO THE CONTRARY, A
19 PHYSICAL THERAPIST IS NOT REQUIRED TO COUNTERSIGN DOCUMENTATION
20 WRITTEN IN A PATIENT'S CLINICAL RECORD BY A PHYSICAL THERAPIST
21 ASSISTANT TO WHOM THE PHYSICAL THERAPIST HAS DELEGATED THE
22 PERFORMANCE OF PHYSICAL THERAPY SERVICES FOR A PATIENT.

23 SEC. 17850. IN ADDITION TO ITS OTHER POWERS AND DUTIES UNDER
24 THIS ARTICLE, THE BOARD MAY PROHIBIT A PHYSICAL THERAPIST FROM
25 SUPERVISING 1 OR MORE PHYSICAL THERAPIST ASSISTANTS FOR ANY OF
26 THE GROUNDS SET FORTH IN SECTION 16221 OR FOR FAILURE TO
27 SUPERVISE A PHYSICAL THERAPIST ASSISTANT AS REQUIRED IN THIS PART

1 AND RULES PROMULGATED UNDER THIS PART.

2 SEC. 17854. THE BOARD SHALL DETERMINE WHETHER AN APPLICANT
3 MEETS THE REQUIREMENTS FOR LICENSURE UNDER THIS PART.

4 SEC. 17856. THIS PART DOES NOT APPLY TO A STUDENT IN
5 TRAINING TO BECOME A PHYSICAL THERAPIST OR PHYSICAL THERAPIST
6 ASSISTANT WHILE PERFORMING DUTIES ASSIGNED AS PART OF THE
7 TRAINING.

8 SEC. 17862. AN APPLICANT FOR LICENSURE AS A PHYSICAL
9 THERAPIST ASSISTANT SHALL MEET THE REQUIREMENTS OF SECTION 16174
10 AND AT LEAST 1 OF THE FOLLOWING REQUIREMENTS:

11 (A) IS A GRADUATE OF A PROGRAM FOR THE TRAINING OF PHYSICAL
12 THERAPIST ASSISTANTS APPROVED BY THE BOARD.

13 (B) IF EDUCATED OUTSIDE OF THE UNITED STATES OR TRAINED IN
14 THE UNITED STATES MILITARY, IS A GRADUATE OF AN EDUCATION PROGRAM
15 THAT IS DETERMINED THROUGH A CREDENTIALS EVALUATION PROCESS
16 APPROVED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION OR OTHER
17 NATIONAL ACCREDITATION AGENCY APPROVED BY THE BOARD TO BE, AT A
18 MINIMUM, COMPARABLE TO PHYSICAL THERAPIST ASSISTANTS ENTRY LEVEL
19 EDUCATION IN THE UNITED STATES.

20 (C) IS A LICENSED, CERTIFIED, REGISTERED, APPROVED, OR OTHER
21 LEGALLY RECOGNIZED PHYSICAL THERAPIST ASSISTANT IN ANOTHER STATE
22 WITH QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED
23 BY THE BOARD.

24 SEC. 17864. (1) TO DETERMINE WHETHER AN APPLICANT FOR
25 INITIAL LICENSURE AS A PHYSICAL THERAPIST ASSISTANT HAS THE
26 APPROPRIATE LEVEL OF SKILL AND KNOWLEDGE AS REQUIRED BY THIS
27 PART, THE BOARD SHALL REQUIRE THE APPLICANT TO SUBMIT TO AN

1 EXAMINATION THAT INCLUDES THOSE SUBJECTS THE GENERAL KNOWLEDGE OF
2 WHICH IS COMMONLY AND GENERALLY REQUIRED OF A GRADUATE OF AN
3 ACCREDITED PHYSICAL THERAPIST ASSISTANT EDUCATION PROGRAM IN THE
4 UNITED STATES. THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENT
5 FOR AN APPLICANT WHO GRADUATED FROM A BOARD-APPROVED PROGRAM FOR
6 THE TRAINING OF PHYSICAL THERAPIST ASSISTANTS ON OR BEFORE
7 JANUARY 1, 2008. THE BOARD MAY WAIVE THE EXAMINATION FOR AN
8 APPLICANT WHO IS LICENSED, CERTIFIED, REGISTERED, APPROVED, OR
9 OTHERWISE LEGALLY RECOGNIZED AS A PHYSICAL THERAPIST ASSISTANT IN
10 ANOTHER STATE, WHEN THE BOARD DETERMINES THAT THE OTHER STATE HAS
11 QUALIFICATIONS, INCLUDING COMPLETION OF A NATIONAL OR STATE
12 APPROVED EXAMINATION FOR PHYSICAL THERAPIST ASSISTANTS, THAT ARE
13 SUBSTANTIALLY EQUIVALENT TO THOSE ESTABLISHED BY THIS PART.

14 (2) THE BOARD SHALL DETERMINE THE NATURE OF AN EXAMINATION
15 UNDER THIS PART AND MAY INCLUDE THE USE AND ACCEPTANCE OF
16 NATIONAL EXAMINATIONS WHERE APPROPRIATE. THE BOARD SHALL NOT
17 ALLOW THE USE OF EXAMINATIONS OR THE REQUIREMENTS FOR SUCCESSFUL
18 COMPLETION TO RESULT IN DISCRIMINATORY TREATMENT OF APPLICANTS.

19 (3) THE BOARD SHALL PROVIDE FOR THE RECOGNITION OF THE
20 CERTIFICATION OR EXPERIENCE CONSISTENT WITH THIS PART ACQUIRED BY
21 PHYSICAL THERAPIST ASSISTANTS IN OTHER STATES WHO WISH TO
22 PRACTICE IN THIS STATE.

23 (4) THE BOARD MAY CAUSE AN INVESTIGATION TO BE CONDUCTED
24 WHEN NECESSARY TO DETERMINE THE QUALIFICATIONS OF AN APPLICANT
25 FOR LICENSURE. AN APPLICANT MAY BE REQUIRED TO FURNISH ADDITIONAL
26 DOCUMENTATION AND INFORMATION UPON A DETERMINATION BY THE BOARD
27 THAT THE DOCUMENTATION OR INFORMATION IS NECESSARY TO EVALUATE

1 THE APPLICANT'S QUALIFICATIONS.

2 SEC. 17866. THE BOARD SHALL ESTABLISH THE STANDARDS AND
3 DECISIONS REGARDING THE QUALIFICATIONS OF PHYSICAL THERAPIST
4 ASSISTANTS TO DETERMINE THAT EACH PHYSICAL THERAPIST ASSISTANT
5 HAS THE NECESSARY KNOWLEDGE AND SKILL TO PERFORM IN A SAFE AND
6 COMPETENT MANNER WITH DUE REGARD TO THE COMPLEXITY AND RISKS
7 ATTENDANT TO ACTIVITIES THAT MAY BE DELEGATED BY A PHYSICAL
8 THERAPIST TO A PHYSICAL THERAPIST ASSISTANT.

9 SEC. 17868. (1) A PHYSICAL THERAPIST ASSISTANT SHALL APPLY
10 FOR LICENSURE OR RENEWAL OF LICENSURE ON A FORM PROVIDED BY THE
11 DEPARTMENT.

12 (2) THE BOARD MAY RELICENSE A PHYSICAL THERAPIST ASSISTANT
13 WHO HAS FAILED TO RENEW A LICENSE UPON THE ASSISTANT'S SHOWING
14 THAT HE OR SHE MEETS THE CURRENT REQUIREMENTS FOR LICENSURE UNDER
15 THIS PART AND RULES PROMULGATED UNDER THIS PART. IN RELICENSING
16 AN INDIVIDUAL UNDER THIS SECTION, THE BOARD MAY ESTABLISH
17 STANDARDS FOR TRAINING, EDUCATION, OR EXPERIENCE EQUIVALENT TO
18 CURRENT EDUCATIONAL AND PRACTICE REQUIREMENTS. AN INTERIM LICENSE
19 UNDER SECTION 17872 MAY BE ISSUED PENDING THE RESULTS OF ACTION
20 TAKEN UNDER THIS SUBSECTION.

21 SEC. 17870. (1) IF THE APPLICANT MEETS THE REQUIREMENTS FOR
22 RENEWAL AS SET FORTH IN THIS PART OR RULES PROMULGATED UNDER THIS
23 PART, THE BOARD SHALL ISSUE A RENEWAL LICENSE.

24 (2) IF THE BOARD DETERMINES THAT AN APPLICANT HAS NOT MET
25 THE REQUIREMENTS FOR RENEWAL, THE APPLICANT SHALL BE NOTIFIED IN
26 WRITING OF THE REASONS FOR DENIAL AND SHALL HAVE THE RIGHT TO A
27 HEARING.

1 SEC. 17872. (1) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF
2 LICENSURE OR RENEWAL TO AN APPLICANT WHO IS GRANTED LICENSURE OR
3 RENEWAL. A CERTIFICATE ISSUED UNDER THIS PART SHALL CONTAIN THE
4 FULL NAME OF THE INDIVIDUAL LICENSED, A PERMANENT INDIVIDUAL
5 NUMBER, AND THE DATE OF EXPIRATION. THE DEPARTMENT SHALL ALSO
6 ISSUE A POCKET CARD TO LICENSEES UNDER THIS PART CONTAINING THE
7 ESSENTIAL INFORMATION OF THE LICENSE.

8 (2) THE BOARD SHALL GRANT INTERIM LICENSURE TO AN UNLICENSED
9 INDIVIDUAL WHO IS A GRADUATE OF A PHYSICAL THERAPIST ASSISTANT
10 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
11 IN PHYSICAL THERAPY EDUCATION AND WHO WAS EMPLOYED AS A PHYSICAL
12 THERAPIST ASSISTANT ON THE EFFECTIVE DATE OF THIS SECTION. AN
13 INTERIM LICENSE ISSUED UNDER THIS SUBSECTION IS EFFECTIVE UNTIL
14 THE BOARD FORMALLY ISSUES OR DENIES A LICENSE TO THE PHYSICAL
15 THERAPIST ASSISTANT PURSUANT TO THIS PART AND THE RULES
16 PROMULGATED UNDER THIS PART. UNTIL RULES ARE PROMULGATED UNDER
17 THIS PART, THE BOARD MAY ALSO GRANT INTERIM LICENSURE TO A NEW
18 APPLICANT WHO HAS GRADUATED FROM A PHYSICAL THERAPIST ASSISTANT
19 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION
20 IN PHYSICAL THERAPY EDUCATION AFTER THE EFFECTIVE DATE OF THIS
21 SECTION.

22 (3) A PHYSICAL THERAPIST ASSISTANT LICENSED UNDER THIS PART
23 SHALL PUBLICLY DISPLAY THE CURRENT CERTIFICATE OF LICENSURE OR
24 RENEWAL PERMANENTLY IN THAT INDIVIDUAL'S PLACE OF PRACTICE, IF
25 FEASIBLE, AND SHALL HAVE AVAILABLE FOR INSPECTION HIS OR HER
26 POCKET CARD ISSUED BY THE DEPARTMENT. WHILE WORKING, THE
27 INDIVIDUAL SHALL VERBALLY COMMUNICATE TO THE PATIENT THAT HE OR

1 SHE IS A PHYSICAL THERAPY ASSISTANT AND SHALL WEAR APPROPRIATE
2 IDENTIFICATION, CLEARLY INDICATING THAT THE INDIVIDUAL IS A
3 PHYSICAL THERAPIST ASSISTANT.

4 SEC. 17878. (1) A PHYSICAL THERAPIST ASSISTANT IS THE AGENT
5 OF THE SUPERVISING PHYSICAL THERAPIST OR GROUP OF PHYSICAL
6 THERAPISTS. A COMMUNICATION MADE TO A PHYSICAL THERAPIST
7 ASSISTANT THAT WOULD BE A PRIVILEGED COMMUNICATION IF MADE TO THE
8 SUPERVISING PHYSICAL THERAPIST IS A PRIVILEGED COMMUNICATION TO
9 THE PHYSICAL THERAPIST ASSISTANT AND THE SUPERVISING PHYSICAL
10 THERAPIST TO THE SAME EXTENT AS IF THE COMMUNICATION WERE MADE TO
11 THE SUPERVISING PHYSICAL THERAPIST.

12 (2) A PHYSICAL THERAPIST ASSISTANT SHALL CONFORM TO MINIMAL
13 STANDARDS OF ACCEPTABLE AND PREVAILING PRACTICE FOR THE
14 SUPERVISING PHYSICAL THERAPIST.

15 SEC. 17882. (1) THE BOARD MAY CONDUCT OR CAUSE TO BE
16 CONDUCTED INVESTIGATIONS AND EVALUATIONS NECESSARY TO DETERMINE
17 WHETHER A PROGRAM MEETS THE CRITERIA ESTABLISHED BY THIS PART AND
18 RULES PROMULGATED UNDER THIS PART.

19 (2) AT TIMES THE BOARD DETERMINES APPROPRIATE, THE BOARD MAY
20 REVISE THE CRITERIA FOR THE EDUCATION AND TRAINING OF GRADUATES
21 TO DETERMINE WHETHER THE GRADUATES MEET THE REQUIREMENTS FOR
22 PRACTICE AND USE OF THE TITLE PHYSICAL THERAPIST ASSISTANT IN
23 THIS STATE.

24 SEC. 17884. THE DEPARTMENT SHALL KEEP A REGISTER OF PROGRAMS
25 MEETING THE CRITERIA ESTABLISHED BY THE BOARD. THE REGISTER OF
26 PROGRAMS SHALL INCLUDE THE FULL TITLE OF THE PROGRAM, THE
27 INSTITUTION OF WHICH IT IS A PART, AND ITS ADDRESS. A COPY OF THE

- 1 REGISTER OR THE INFORMATION CONTAINED IN THE REGISTER SHALL BE
- 2 AVAILABLE FOR PUBLIC INSPECTION.