

AMENDED IN SENATE MARCH 30, 2011

SENATE BILL

No. 924

Introduced by Senator ~~Wyland~~ Walters

(Coauthors: Senators Emmerson, Runner, and Strickland)

(Coauthors: Assembly Members Galgiani, Knight, Morrell, Norby, and Silva)

February 18, 2011

~~An act to amend Section 2620 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Section 2660 of, and to add Section 2620.1 to, the Business and Professions Code, relating to physical therapists.*

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as amended, ~~Wyland~~ Walters. ~~Physical therapy~~: *therapists: direct access to services.*

Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act defines the term "physical therapy" for its purposes and makes it a crime to violate any of its provisions. The act authorizes the board to suspend, revoke, or impose probationary conditions on a license, certificate, or approval issued under the act for unprofessional conduct, as specified.

This bill would specify that patients may access physical therapy treatment directly, and would, in those circumstances, require a physical therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice, to disclose to the patient any financial interest he or she has in treating the patient, and, with the patient's written authorization, to

notify the patient’s physician and surgeon, if any, that the physical therapist is treating the patient. The bill would provide that failure to comply with these provisions constitutes unprofessional conduct subject to disciplinary action by the board.

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California within the Department of Consumer Affairs. Existing law defines “physical therapy” to mean, among other things, the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares that an*
- 2 *individual’s access to early intervention to physical therapy*
- 3 *treatment may decrease the duration of a disability, reduce pain,*
- 4 *and lead to a quicker recovery.*
- 5 SEC. 2. *Section 2620.1 is added to the Business and Professions*
- 6 *Code, to read:*
- 7 2620.1. (a) *In addition to receiving wellness and evaluation*
- 8 *services from a physical therapist, a person may initiate physical*
- 9 *therapy treatment directly from a licensed physical therapist*
- 10 *provided that the treatment is within the scope of practice of*

1 *physical therapists as defined in Section 2620, and that all the*
2 *following conditions are met:*

3 *(1) If, at any time, the physical therapist has reason to believe*
4 *that the patient has signs or symptoms of a condition that requires*
5 *treatment beyond the scope of practice of a physical therapist, the*
6 *physical therapist shall refer the patient to a person holding a*
7 *physician and surgeon's certificate issued by the Medical Board*
8 *of California or by the Osteopathic Medical Board of California*
9 *or to a person licensed to practice dentistry, podiatric medicine,*
10 *or chiropractic.*

11 *(2) The physical therapist shall disclose to the patient any*
12 *financial interest he or she has in treating the patient.*

13 *(3) With the patient's written authorization, the physical*
14 *therapist shall notify the patient's physician and surgeon, if any,*
15 *that the physical therapist is treating the patient.*

16 *(b) The conditions in paragraphs (1), (2), and (3) of subdivision*
17 *(a) do not apply to a physical therapist when providing evaluation*
18 *or wellness physical therapy services to a patient as described in*
19 *subdivision (a) of Section 2620.*

20 *(c) Nothing in this section shall be construed to expand or*
21 *modify the scope of practice for physical therapists set forth in*
22 *Section 2620, including the prohibition on a physical therapist*
23 *diagnosing a disease.*

24 *(d) Nothing in this section shall be construed to require a health*
25 *care service plan or insurer to provide coverage for direct access*
26 *to treatment by a physical therapist.*

27 *SEC. 3. Section 2660 of the Business and Professions Code is*
28 *amended to read:*

29 2660. The board may, after the conduct of appropriate
30 proceedings under the Administrative Procedure Act, suspend for
31 not more than 12 months, or revoke, or impose probationary
32 conditions upon any license, certificate, or approval issued under
33 this chapter for unprofessional conduct that includes, but is not
34 limited to, one or any combination of the following causes:

35 (a) Advertising in violation of Section 17500.

36 (b) Fraud in the procurement of any license under this chapter.

37 (c) Procuring or aiding or offering to procure or aid in criminal
38 abortion.

39 (d) Conviction of a crime that substantially relates to the
40 qualifications, functions, or duties of a physical therapist or

1 physical therapist assistant. The record of conviction or a certified
2 copy thereof shall be conclusive evidence of that conviction.

3 (e) Habitual intemperance.

4 (f) Addiction to the excessive use of any habit-forming drug.

5 (g) Gross negligence in his or her practice as a physical therapist
6 or physical therapist assistant.

7 (h) Conviction of a violation of any of the provisions of this
8 chapter or of the Medical Practice Act, or violating, or attempting
9 to violate, directly or indirectly, or assisting in or abetting the
10 violating of, or conspiring to violate any provision or term of this
11 chapter or of the Medical Practice Act.

12 (i) The aiding or abetting of any person to violate this chapter
13 or any regulations duly adopted under this chapter.

14 (j) The aiding or abetting of any person to engage in the unlawful
15 practice of physical therapy.

16 (k) The commission of any fraudulent, dishonest, or corrupt act
17 that is substantially related to the qualifications, functions, or duties
18 of a physical therapist or physical therapist assistant.

19 (l) Except for good cause, the knowing failure to protect patients
20 by failing to follow infection control guidelines of the board,
21 thereby risking transmission of blood-borne infectious diseases
22 from licensee to patient, from patient to patient, and from patient
23 to licensee. In administering this subdivision, the board shall
24 consider referencing the standards, regulations, and guidelines of
25 the State Department of Public Health developed pursuant to
26 Section 1250.11 of the Health and Safety Code and the standards,
27 regulations, and guidelines pursuant to the California Occupational
28 Safety and Health Act of 1973 (Part 1 (commencing with Section
29 6300) of Division 5 of the Labor Code) for preventing the
30 transmission of HIV, hepatitis B, and other blood-borne pathogens
31 in health care settings. As necessary, the board shall consult with
32 the Medical Board of California, the California Board of Podiatric
33 Medicine, the Dental Board of California, the Board of Registered
34 Nursing, and the Board of Vocational Nursing and Psychiatric
35 Technicians of the State of California, to encourage appropriate
36 consistency in the implementation of this subdivision.

37 The board shall seek to ensure that licensees are informed of the
38 responsibility of licensees and others to follow infection control
39 guidelines, and of the most recent scientifically recognized

1 safeguards for minimizing the risk of transmission of blood-borne
2 infectious diseases.

3 (m) The commission of verbal abuse or sexual harassment.

4 (n) *Failure to comply with the provisions of Section 2620.1.*

5 *SEC. 4. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

14 ~~SECTION 1. Section 2620 of the Business and Professions~~
15 ~~Code is amended to read:~~

16 ~~2620. (a) Physical therapy shall mean the art and science of~~
17 ~~physical or corrective rehabilitation or of physical or corrective~~
18 ~~treatment of any bodily or mental condition of any person by the~~
19 ~~use of the physical, chemical, and other properties of heat, light,~~
20 ~~water, electricity, sound, massage, and active, passive, and resistive~~
21 ~~exercise, and shall include physical therapy evaluation, treatment~~
22 ~~planning, instruction and consultative services. The practice of~~
23 ~~physical therapy includes the promotion and maintenance of~~
24 ~~physical fitness to enhance the bodily movement related health~~
25 ~~and wellness of individuals through the use of physical therapy~~
26 ~~interventions. The use of roentgen rays and radioactive materials,~~
27 ~~for diagnostic and therapeutic purposes, and the use of electricity~~
28 ~~for surgical purposes, including cauterization, are not authorized~~
29 ~~under the term "physical therapy" as used in this chapter, and a~~
30 ~~license issued pursuant to this chapter does not authorize the~~
31 ~~diagnosis of disease.~~

32 ~~(b) Nothing in this section shall be construed to restrict or~~
33 ~~prohibit other healing arts practitioners licensed or registered under~~
34 ~~this division from practice within the scope of their license or~~
35 ~~registration.~~

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