

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE MARCH 30, 2011

SENATE BILL

No. 924

Introduced by Senator Walters

(Coauthors: Senators Emmerson, Runner, and Strickland)

(Coauthors: Assembly Members Bill Berryhill, Chesbro, ~~Galgiani~~,
Knight, Morrell, Norby, and Silva)

February 18, 2011

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, Walters. Physical 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 prohibit a physical therapist from treating a patient beyond a 30-day period, unless the patient has obtained a diagnosis from a physician and surgeon. 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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
11 physical therapists, as defined in Section 2620, and that all the
12 following conditions are met:

13 (1) If, at any time, the physical therapist has reason to believe
14 that the patient has signs or symptoms of a condition that requires
15 treatment beyond the scope of practice of a physical therapist, the
16 physical therapist shall refer the patient to a person holding a
17 physician and surgeon’s certificate issued by the Medical Board
18 of California or by the Osteopathic Medical Board of California
19 or to a person licensed to practice dentistry, podiatric medicine,
20 or chiropractic.

1 (2) The physical therapist shall disclose to the patient any
2 financial interest he or she has in treating the patient and shall
3 comply with Article 6 (commencing with Section 650) of Chapter
4 1 of Division 2.

5 (3) With the patient's written authorization, the physical
6 therapist shall notify the patient's physician and surgeon, if any,
7 that the physical therapist is treating the patient.

8 (b) The conditions in paragraphs (1), (2), and (3) of subdivision
9 (a) do not apply to a physical therapist when providing evaluation
10 or wellness physical therapy services to a patient as described in
11 subdivision (a) of Section 2620.

12 (c) Nothing in this section shall be construed to expand or
13 modify the scope of practice for physical therapists set forth in
14 Section 2620, including the prohibition on a physical therapist
15 diagnosing a disease.

16 (d) Nothing in this section shall be construed to require a health
17 care service plan ~~or insurer~~, *insurer, or any other person or entity,*
18 *including, but not limited to, a state program or state employer,*
19 to provide coverage for direct access to treatment by a physical
20 therapist.

21 (e) A physical therapist shall not continue treating a patient
22 beyond a 30-day period, unless the patient has obtained a diagnosis
23 by a physician and surgeon.

24 SEC. 3. Section 2660 of the Business and Professions Code is
25 amended to read:

26 2660. The board may, after the conduct of appropriate
27 proceedings under the Administrative Procedure Act, suspend for
28 not more than 12 months, or revoke, or impose probationary
29 conditions upon any license, certificate, or approval issued under
30 this chapter for unprofessional conduct that includes, but is not
31 limited to, one or any combination of the following causes:

- 32 (a) Advertising in violation of Section 17500.
- 33 (b) Fraud in the procurement of any license under this chapter.
- 34 (c) Procuring or aiding or offering to procure or aid in criminal
35 abortion.
- 36 (d) Conviction of a crime that substantially relates to the
37 qualifications, functions, or duties of a physical therapist or
38 physical therapist assistant. The record of conviction or a certified
39 copy thereof shall be conclusive evidence of that conviction.
- 40 (e) Habitual intemperance.

- 1 (f) Addiction to the excessive use of any habit-forming drug.
- 2 (g) Gross negligence in his or her practice as a physical therapist
- 3 or physical therapist assistant.
- 4 (h) Conviction of a violation of any of the provisions of this
- 5 chapter or of the Medical Practice Act, or violating, or attempting
- 6 to violate, directly or indirectly, or assisting in or abetting the
- 7 violating of, or conspiring to violate any provision or term of this
- 8 chapter or of the Medical Practice Act.
- 9 (i) The aiding or abetting of any person to violate this chapter
- 10 or any regulations duly adopted under this chapter.
- 11 (j) The aiding or abetting of any person to engage in the unlawful
- 12 practice of physical therapy.
- 13 (k) The commission of any fraudulent, dishonest, or corrupt act
- 14 that is substantially related to the qualifications, functions, or duties
- 15 of a physical therapist or physical therapist assistant.
- 16 (l) Except for good cause, the knowing failure to protect patients
- 17 by failing to follow infection control guidelines of the board,
- 18 thereby risking transmission of blood-borne infectious diseases
- 19 from licensee to patient, from patient to patient, and from patient
- 20 to licensee. In administering this subdivision, the board shall
- 21 consider referencing the standards, regulations, and guidelines of
- 22 the State Department of Public Health developed pursuant to
- 23 Section 1250.11 of the Health and Safety Code and the standards,
- 24 regulations, and guidelines pursuant to the California Occupational
- 25 Safety and Health Act of 1973 (Part 1 (commencing with Section
- 26 6300) of Division 5 of the Labor Code) for preventing the
- 27 transmission of HIV, hepatitis B, and other blood-borne pathogens
- 28 in health care settings. As necessary, the board shall consult with
- 29 the Medical Board of California, the California Board of Podiatric
- 30 Medicine, the Dental Board of California, the Board of Registered
- 31 Nursing, and the Board of Vocational Nursing and Psychiatric
- 32 Technicians of the State of California, to encourage appropriate
- 33 consistency in the implementation of this subdivision.
- 34 The board shall seek to ensure that licensees are informed of the
- 35 responsibility of licensees and others to follow infection control
- 36 guidelines, and of the most recent scientifically recognized
- 37 safeguards for minimizing the risk of transmission of blood-borne
- 38 infectious diseases.
- 39 (m) The commission of verbal abuse or sexual harassment.
- 40 (n) Failure to comply with the provisions of Section 2620.1.

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

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