

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1000

Introduced by Assembly Member Wieckowski

February 22, 2013

An act to amend ~~Section 2630 of~~ *Sections 2620 and 2660 of, and to add Section 2620.1 to, the Business and Professions Code, relating to physical therapy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as amended, Wieckowski. ~~Physical therapy—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 as, among other things, including physical therapy evaluation, treatment planning, instruction, and consultative services. The act 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 revise the definition of “physical therapy” to instead include examination and evaluation to determine a physical therapy diagnosis, as defined, prognosis, treatment plan, instruction, or consultative service.

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, until January 1, 2014, establishes the Physical Therapy Board of California, which oversees the licensing and regulation of physical therapists. Existing law prohibits any person or persons from practicing or offering to practice physical therapy in this state for compensation, or to hold himself or herself out as a physical therapist, unless he or she holds a valid license, as specified.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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 of the Business and Professions Code is*
- 6 *amended to read:*
- 7 2620. (a) Physical therapy means the art and science of
- 8 physical or corrective rehabilitation or of physical or corrective
- 9 treatment of any bodily or mental condition of any person by the
- 10 use of the physical, chemical, and other properties of heat, light,
- 11 water, electricity, sound, massage, and active, passive, and resistive

1 exercise, and shall include *examination and evaluation to determine*
2 *a physical therapy—evaluation, diagnosis, prognosis, treatment*
3 *planning, instruction and plan, instruction, or consultative services-*
4 *service.* The practice of physical therapy includes the promotion
5 and maintenance of physical fitness to enhance the bodily
6 movement related health and wellness of individuals through the
7 use of physical therapy interventions. The use of roentgen rays
8 and radioactive materials, for diagnostic and therapeutic purposes,
9 and the use of electricity for surgical purposes, including
10 cauterization, are not authorized under the term “physical therapy”
11 as used in this chapter, and a license issued pursuant to this chapter
12 does not authorize the diagnosis of disease.

13 (b) *For the purposes of this section, “physical therapy*
14 *diagnosis” means a systematic examination process that culminates*
15 *in assigning a diagnostic label identifying the primary dysfunction*
16 *toward which physical therapy treatment will be directed, but shall*
17 *not include a medical diagnosis or a diagnosis of disease.*

18 ~~(b)~~

19 (c) Nothing in this section shall be construed to restrict or
20 prohibit other healing arts practitioners licensed or registered under
21 this division from practice within the scope of their license or
22 registration.

23 SEC. 3. *Section 2620.1 is added to the Business and Professions*
24 *Code, to read:*

25 2620.1. (a) *In addition to receiving wellness and evaluation*
26 *services from a physical therapist, a person may initiate physical*
27 *therapy treatment directly from a licensed physical therapist if the*
28 *treatment is within the scope of practice of physical therapists, as*
29 *defined in Section 2620, and all of the following conditions are*
30 *met:*

31 (1) *If, at any time, the physical therapist has reason to believe*
32 *that the patient has signs or symptoms of a condition that requires*
33 *treatment beyond the scope of practice of a physical therapist, the*
34 *physical therapist shall refer the patient to a person holding a*
35 *physician and surgeon’s certificate issued by the Medical Board*
36 *of California or by the Osteopathic Medical Board of California*
37 *or to a person licensed to practice dentistry, podiatric medicine,*
38 *or chiropractic.*

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

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

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

8 (c) *This section does not expand or modify the scope of practice*
9 *for physical therapists set forth in Section 2620, including the*
10 *prohibition on a physical therapist diagnosing a disease.*

11 (d) *This section does not require a health care service plan or*
12 *insurer to provide coverage for direct access to treatment by a*
13 *physical therapist.*

14 *SEC. 4. Section 2660 of the Business and Professions Code is*
15 *amended to read:*

16 2660. The board may, after the conduct of appropriate
17 proceedings under the Administrative Procedure Act, suspend for
18 not more than 12 months, or revoke, or impose probationary
19 conditions upon any license, certificate, or approval issued under
20 this chapter for unprofessional conduct that includes, but is not
21 limited to, one or any combination of the following causes:

22 (a) Advertising in violation of Section 17500.

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

24 (c) Procuring or aiding or offering to procure or aid in criminal
25 abortion.

26 (d) Conviction of a crime that substantially relates to the
27 qualifications, functions, or duties of a physical therapist or
28 physical therapist assistant. The record of conviction or a certified
29 copy thereof shall be conclusive evidence of that conviction.

30 (e) Habitual intemperance.

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

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

34 (h) Conviction of a violation of any of the provisions of this
35 chapter or of the Medical Practice Act, or violating, or attempting
36 to violate, directly or indirectly, or assisting in or abetting the
37 violating of, or conspiring to violate any provision or term of this
38 chapter or of the Medical Practice Act.

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

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

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

6 (l) Except for good cause, the knowing failure to protect patients
7 by failing to follow infection control guidelines of the board,
8 thereby risking transmission of blood-borne infectious diseases
9 from licensee to patient, from patient to patient, and from patient
10 to licensee. In administering this subdivision, the board shall
11 consider referencing the standards, regulations, and guidelines of
12 the State Department of Public Health developed pursuant to
13 Section 1250.11 of the Health and Safety Code and the standards,
14 regulations, and guidelines pursuant to the California Occupational
15 Safety and Health Act of 1973 (Part 1 (commencing with Section
16 6300) of Division 5 of the Labor Code) for preventing the
17 transmission of HIV, hepatitis B, and other blood-borne pathogens
18 in health care settings. As necessary, the board shall consult with
19 the Medical Board of California, the California Board of Podiatric
20 Medicine, the Dental Board of California, the Board of Registered
21 Nursing, and the Board of Vocational Nursing and Psychiatric
22 Technicians of the State of California, to encourage appropriate
23 consistency in the implementation of this subdivision.

24 The board shall seek to ensure that licensees are informed of the
25 responsibility of licensees and others to follow infection control
26 guidelines, and of the most recent scientifically recognized
27 safeguards for minimizing the risk of transmission of blood-borne
28 infectious diseases.

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

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

31 *SEC. 5. No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*
38 *the meaning of Section 6 of Article XIII B of the California*
39 *Constitution.*

1 SECTION 1. Section 2630 of the Business and Professions Code
2 is amended to read:

3 2630. It is unlawful for any person or persons to practice, or
4 offer to practice, physical therapy in this state for compensation
5 received or expected, or to hold himself or herself out as a physical
6 therapist, unless at the time of so doing he or she holds a valid,
7 unexpired, and unrevoked license issued under this chapter.

8 Nothing in this section shall restrict the activities authorized by
9 their licenses on the part of any persons licensed under this code
10 or any initiative act, or the activities authorized to be performed
11 pursuant to Article 4.5 (commencing with Section 2655) or Chapter
12 7.7 (commencing with Section 3500).

13 A physical therapist licensed pursuant to this chapter may utilize
14 the services of one aide engaged in patient-related tasks to assist
15 the physical therapist in his or her practice of physical therapy.
16 "Patient-related task" means a physical therapy service rendered
17 directly to the patient by an aide, excluding non-patient-related
18 tasks. "Non-patient-related task" means a task related to
19 observation of the patient, transport of the patient, physical support
20 only during gait or transfer training, housekeeping duties, clerical
21 duties, and similar functions. The aide shall at all times be under
22 the orders, direction, and immediate supervision of the physical
23 therapist. Nothing in this section shall authorize an aide to
24 independently perform physical therapy or any physical therapy
25 procedure. The board shall adopt regulations that set forth the
26 standards and requirements for the orders, direction, and immediate
27 supervision of an aide by a physical therapist. The physical
28 therapist shall provide continuous and immediate supervision of
29 the aide. The physical therapist shall be in the same facility as, and
30 in proximity to, the location where the aide is performing
31 patient-related tasks, and shall be readily available at all times to
32 provide advice or instruction to the aide. When patient-related
33 tasks are provided to a patient by an aide, the supervising physical
34 therapist shall, at some point during the treatment day, provide
35 direct service to the patient as treatment for the patient's condition,
36 or to further evaluate and monitor the patient's progress, and shall
37 correspondingly document the patient's record.

38 The administration of massage, external baths, or normal exercise
39 not a part of a physical therapy treatment shall not be prohibited
40 by this section.

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