

House Bill 847

By: Representative Bentley of the 150th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physical therapists, so as to revise provisions regarding granting licenses and disciplining
3 licensees; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to physical
7 therapists, is amended in Code Section 43-33-18, relating to refusal to grant or restore
8 licenses, discipline of licensees, suspension, revocation, or restriction of licenses, and
9 immunity for violation reporters, by revising subsection (a) as follows:

10 "(a) The board shall have authority to refuse to grant or restore a license to an applicant or
11 to discipline a physical therapist licensed under this article upon a finding by the board that
12 the licensee or applicant has:

13 (1) Identified himself or herself as a doctor without also clearly informing the public of
14 his or her professional credential as a physical therapist;

15 (2) Performed physical therapy care and services without examination and evaluation of
16 patients or clients in order to determine a physical therapy diagnosis, prognosis, and plan

17 of intervention, which, in the case of patients who have self-referred, means the physical
18 therapist has:

19 (A) Failed to refer the patient to an individual licensed pursuant to Article 2 of
20 Chapter 11 of Title 43 or Article 2 of Chapter 34 of Title 43 if at any time the physical
21 therapist has reason to believe that the patient has symptoms or conditions that require
22 treatment beyond the scope of practice of the physical therapist ~~or, regardless of the~~
23 ~~patient's condition, if after 21 days or eight visits from the initiation of a physical~~
24 ~~therapy plan of intervention, the physical therapist has not received a referral from the~~
25 ~~patient's provider who is licensed pursuant to Article 2 of Chapter 11 of Title 43 or~~
26 ~~Article 2 of Chapter 34 of Title 43. The day and visit limitations contained in this~~
27 ~~subparagraph shall not apply:~~

28 (i) ~~In the case of services provided for health promotion, wellness, fitness, or~~
29 ~~maintenance purposes, in which case the physical therapist shall refer a client seen for~~
30 ~~health promotion, wellness, fitness, or maintenance purposes to an appropriate~~
31 ~~individual licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43 if the client~~
32 ~~exhibits or develops signs and symptoms beyond the scope of practice of the physical~~
33 ~~therapist;~~

34 (ii) ~~In the case of a patient diagnosed within the previous nine months with a~~
35 ~~neuromuscular or developmental condition when the evaluation, treatment, or services~~
36 ~~are being provided for problems or symptoms associated with that previously~~
37 ~~diagnosed condition; or~~

38 (iii) ~~In the case of a patient diagnosed within the previous 90 days with a chronic~~
39 ~~musculoskeletal condition and noted by a current relevant document from an~~
40 ~~appropriate licensed health care provider; or~~

41 (B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing,
42 diagnosed disease, or practiced medicine; or

43 ~~(C) Failed to provide each self-referred patient with a written disclosure that a physical~~
44 ~~therapy diagnosis is not a medical diagnosis by a physician or based on radiological~~
45 ~~imaging and that such services might not be covered by the patient's health plan or~~
46 ~~insurer;~~

47 ~~(D) Not satisfied the additional requirements for seeing a patient who has self-referred,~~
48 ~~which shall include:~~

49 ~~(i) A doctorate in physical therapy or equivalent degree from an accredited institution~~
50 ~~plus two years of clinical practice experience;~~

51 ~~(ii) A doctorate in physical therapy or equivalent and:~~

52 ~~(I) Post graduate certification;~~

53 ~~(II) American Board of Physical Therapy Specialties Board Certification; or~~

54 ~~(III) Residency or fellowship training; or~~

55 ~~(iii) Five years of clinical practice experience; or~~

56 ~~(E) Performed dry needling treatment interventions without consulting an individual~~
57 ~~licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43; or~~

58 (3) Acted in a manner inconsistent with generally accepted standards of physical therapy
59 practice, regardless of whether actual injury to a patient occurs, or failed to provide the
60 expected minimal standard of patient or client management, which shall include that:

61 (A) A physical therapist is fully responsible for managing all aspects of the physical
62 therapy care of each patient. A physical therapist shall provide:

63 (i) The initial evaluation, determination of physical therapy diagnosis, prognosis, and
64 plan of intervention and documentation of the initial evaluation;

65 (ii) Periodic reevaluation and documentation of findings for each patient; and

66 (iii) The documented episode of care for each patient, including the patient's response
67 to the plan of intervention at the time of completion of the episode of care;

68 (B) A physical therapist shall assure the qualifications of all physical therapist
69 assistants and physical therapy aides under his or her direction and supervision;

70 (C) For each patient on each date of service, a physical therapist shall provide all of the
71 intervention that requires the education, skills, knowledge, and abilities of a physical
72 therapist;

73 (D) A physical therapist shall determine the use of physical therapist assistants and
74 physical therapy aides to ensure the delivery of care that is safe, effective, and efficient.
75 A physical therapist may use physical therapy aides for designated routine tasks. A
76 physical therapy aide shall work under the supervision of a physical therapist;

77 (E) A physical therapist shall communicate the overall plan of care with the patient or
78 the patient's legally authorized representative;

79 (F) A physical therapist's responsibility shall include accurate documentation and
80 billing of the services provided;

81 (G) A physical therapist shall adhere to the recognized standards for professional
82 conduct and code of ethics of the physical therapy profession as established by rule; and

83 (H) A physical therapist shall ensure that he or she has liability coverage either
84 independently or provided by the entity by which he or she is employed."

85 **SECTION 2.**

86 All laws and parts of laws in conflict with this Act are repealed.