

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1042 Session of
2024

INTRODUCED BY BROWN, CULVER, HUTCHINSON, COSTA, SCHWANK AND
ARGALL, JANUARY 29, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JANUARY 29, 2024

AN ACT

1 Amending the act of October 10, 1975 (P.L.383, No.110), entitled
2 "An act relating to the practice of physical therapy,"
3 further providing for definitions, for powers and duties of
4 board, for continuing education and for practice of physical
5 therapy.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "certificate of authorization"
9 in section 2 of the act of October 10, 1975 (P.L.383, No.110),
10 known as the Physical Therapy Practice Act, is amended to read:

11 Section 2. Definitions.--The following definitions shall
12 apply, when used in this act, unless otherwise expressed
13 therein:

14 * * *

15 ["Certificate of authorization" means a certificate, approved
16 by the board, to practice physical therapy without a referral
17 under section 9(a).]

18 * * *

19 Section 2. Sections 3(a), 7.2 and 9(b), (c) and (e) of the

1 act are amended to read:

2 Section 3. Powers and Duties of Board.--(a) It shall be the
3 duty of the board to pass upon the qualifications of applicants
4 for licensure as physical therapists and certification as
5 physical therapist assistants, to conduct examinations, to issue
6 and renew licenses [and certificates of authorization] to
7 physical therapists and certificates to physical therapist
8 assistants who qualify under this act, and in proper cases to
9 refuse to issue, suspend or revoke the license [or certificate
10 of authorization] of any physical therapist or certificate of
11 any physical therapist assistant. The board may adopt rules and
12 regulations not inconsistent with law as it may deem necessary
13 for the performance of its duties and the proper administration
14 of this law. The board is authorized and empowered to appoint
15 hearing examiners and to conduct investigations and hearings
16 upon charges for discipline of a licensee or certificate holder
17 or for violations of this act and to cause, through the office
18 of the Attorney General, the prosecution and enjoinder of
19 individuals violating this act. The board shall maintain a
20 register listing the name of every living physical therapist
21 licensed to practice in this State, and every physical therapist
22 assistant duly certified pursuant to section 9.1, such
23 individual's last known place of residence, and the date and
24 number of the physical therapist's license and the physical
25 therapist assistant's certificate. Residential information shall
26 not be considered a public record under the act of [June 21,
27 1957 (P.L.390, No.212), referred to as the Right-to-Know Law]
28 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

29 * * *

30 Section 7.2. Continuing Education.--For each license

1 renewal, a licensee shall complete within the immediately
2 preceding two-year period at least 30 hours of continuing
3 physical therapy education as approved by the board. The
4 licensee shall provide the board with evidence of the completion
5 of the continuing education. [A physical therapist who has met
6 the continuing education requirements for a certificate of
7 authorization set forth in section 9(c)(1) shall be deemed to
8 have met the continuing education requirement for license
9 renewal. No credit shall be given for any course in office
10 management or practice building.]

11 Section 9. Practice of Physical Therapy.--* * *

12 (b) Licensees who meet the standards set forth in this
13 subsection may [apply to the board for a certificate of
14 authorization to] practice physical therapy under this act
15 without the required referral under subsection (a). [A
16 certificate of authorization to] The practice of physical
17 therapy without a referral under subsection (a) shall not
18 authorize a physical therapist either to treat a condition in an
19 individual which is a nonneurologic, nonmuscular or nonskeletal
20 condition or to treat an individual who has an acute cardiac or
21 acute pulmonary condition unless the physical therapist has
22 consulted with the individual's licensed physician, dentist or
23 podiatrist regarding the individual's condition and the physical
24 therapy treatment plan or has referred the individual to a
25 licensed physician, dentist or podiatrist for diagnosis and
26 referral. [The certificate of authorization shall be issued only
27 to licensed physical therapists practicing physical therapy. The
28 certificate of authorization shall be displayed by the
29 certificate holder in a manner conspicuous to the public. The
30 renewal of the certificate of authorization shall coincide with

1 the renewal of the license of the licensee. Licensees making
2 application for a certificate of authorization] To practice
3 physical therapy under this subsection, a licensee shall present
4 satisfactory evidence to the board of all of the following:

5 (1) That the licensee has[:
6 (i)] passed an examination for licensure to practice
7 physical therapy, which examination included testing on the
8 appropriate evaluative procedures to treat an individual without
9 a referral.[: or

10 (ii) passed an examination for licensure to practice
11 physical therapy prior to 1990 and successfully completed a
12 course approved by the board on the appropriate evaluative
13 procedures to treat an individual without a referral.

14 (2) That the licensee has:

15 (i) practiced physical therapy as a licensed physical
16 therapist in the delivery of patient care in accordance with
17 this act on a continuous basis for at least two years
18 immediately preceding the application for a certificate of
19 authorization;

20 (ii) been licensed under section 6(d.1) and has practiced
21 physical therapy in the delivery of patient care as a licensed
22 physical therapist in a reciprocal state on a continuous basis
23 for at least two years immediately preceding the application for
24 a certificate of authorization; or

25 (iii) provided proof of meeting the standards of clause (i)
26 or (ii) of this paragraph through the application of any
27 combination thereof.]

28 (3) That the license of that licensee has been maintained in
29 good standing.

30 (4) That the licensee has professional liability insurance

1 in accordance with the following provisions:

2 (ii) A licensee shall notify the board within 30 days of the
3 licensee's failure to be covered by the required insurance.

4 Failure to notify the board shall be actionable under section 11
5 or 12. Further, the certificate of authorization of that
6 licensee shall automatically be suspended upon failure to be
7 covered by the required insurance and shall not be restored
8 until submission to the board of satisfactory evidence that the
9 licensee has the required professional liability insurance
10 coverage.

11 (iii) The board shall accept from licensees as satisfactory
12 evidence of insurance coverage under this subsection any or all
13 of the following: self-insurance, personally purchased
14 professional liability insurance, professional liability
15 insurance coverage provided by the licensee's employer or any
16 similar type of coverage.

17 (iii.1) A licensee under this act, practicing in this
18 Commonwealth, shall maintain a level of professional liability
19 insurance coverage in the minimum amount of \$1,000,000 per
20 occurrence or claims made. Failure to maintain insurance
21 coverage as required shall subject the licensee to disciplinary
22 proceedings. The board shall accept as satisfactory evidence of
23 insurance coverage any of the following:

24 (A) self-insurance;

25 (B) personally purchased liability insurance; or

26 (C) professional liability insurance coverage provided by
27 the physical therapist's employer or similar insurance coverage
28 acceptable to the board.

29 (iii.2) A license applicant shall provide proof that the
30 applicant has obtained professional liability insurance in

1 accordance with subparagraph (iii.1). It is sufficient if the
2 applicant files with the application a copy of a letter from the
3 applicant's professional liability insurance carrier indicating
4 that the applicant will be covered against professional
5 liability in the required amounts effective upon the issuance of
6 the applicant's license to practice physical therapy in this
7 Commonwealth.

8 (iii.3) Upon issuance of a license, a licensee has 30 days
9 to submit to the board the certificate of insurance or a copy of
10 the policy declaration page.

11 (iv) The board shall adopt, by regulation, standards and
12 procedures established by the Insurance Commissioner for self-
13 insurance. In the absence of these standards and procedures, the
14 board, after consultation with the Insurance Commissioner, shall
15 establish standards and procedures by regulation for self-
16 insurance under this subsection.

17 [(c) (1) For each renewal of the certificate of
18 authorization, the licensee shall complete within the
19 immediately preceding two-year period at least 30 hours of
20 continuing physical therapy education related to keeping the
21 certificate holder apprised of advancements and new developments
22 in the practice of the physical therapy profession. At least ten
23 of the 30 hours shall be in appropriate evaluative procedures to
24 treat an individual without a referral. No credit shall be given
25 for any course in office management or practice building. The
26 licensee shall provide the board with evidence of the completion
27 of the continuing education.

28 (2) Continuing education programs and program providers
29 under this subsection shall be approved by the board in
30 accordance with standards and criteria established by the board

1 by regulation. The regulation shall include any fees necessary
2 to implement this provision and provide for waiver of the
3 continuing education requirement due to illness or hardship in
4 any licensing renewal period.]

5 * * *

6 (e) A physical therapist may treat an individual without a
7 referral as provided for in subsection (b) for up to [30] 60
8 days from the date of the first treatment. A physical therapist
9 shall not treat an individual beyond [30] 60 days from the date
10 of the first treatment unless he or she has obtained a referral
11 from a licensed physician; a licensed physician assistant
12 practicing pursuant to a written agreement with a physician; a
13 certified registered nurse practitioner practicing pursuant to a
14 collaborative agreement with a physician; or a licensed dentist
15 or licensed podiatrist, for the treatment of a condition that is
16 within the scope of practice of dentistry or podiatry. The date
17 of the first treatment for purposes of this subsection is the
18 date the individual is treated by any physical therapist
19 treating without a referral.

20 * * *

21 Section 3. This act shall take effect in 60 days.