

CS FOR SENATE BILL NO. 47(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/18/20

Referred: Rules

Sponsor(s): SENATOR GIESSEL BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the State Physical Therapy and Occupational Therapy Board;**
2 **relating to the practice of physical therapy; and relating to the practice of occupational**
3 **therapy."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.84.010 is amended to read:

6 **Sec. 08.84.010. Creation and membership of board.** (a) There is created the
7 State Physical Therapy and Occupational Therapy Board, which consists of seven
8 members. The membership consists of [ONE PHYSICIAN LICENSED TO
9 PRACTICE MEDICINE IN THE STATE,] three physical therapists licensed in the
10 state or two physical therapists and one [A] physical therapist [THERAPY] assistant
11 licensed in the state, three [TWO] occupational therapists licensed in the state or two
12 [AN] occupational therapists [THERAPIST] and one occupational therapy assistant
13 licensed in the state, and one lay person with no direct financial interest in the health
14 care industry. Members of the board shall be United States citizens domiciled in the

1 state.

2 (b) The board shall control all matters pertaining to the licensing of physical
3 therapists, physical **therapist** [THERAPY] assistants, occupational therapists, and
4 occupational therapy assistants and the practice of physical therapy and the practice of
5 occupational therapy. The board shall

6 (1) pass upon the qualifications of applicants;

7 (2) provide for the examination of applicants;

8 (3) issue temporary permits and licenses to persons qualified under this
9 chapter;

10 (4) suspend, revoke, or refuse to issue or renew a license under
11 AS 08.84.120;

12 (5) keep a current register listing the name, business address, date, and
13 number of the license of each person who is licensed to practice under this chapter;

14 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
15 necessary to carry out the purposes of this chapter, including regulations establishing
16 qualifications for licensure and renewal of licensure under this chapter.

17 * **Sec. 2.** AS 08.84.030 is amended to read:

18 **Sec. 08.84.030. Qualifications for licensing.** (a) To be eligible for licensure
19 by the board as a physical therapist or physical **therapist** [THERAPY] assistant, an
20 applicant, unless a graduate of a foreign school of physical therapy located outside the
21 United States, shall

22 (1) have graduated from a **professional** [SCHOOL OF] physical
23 therapy **education program that includes supervised field work and is accredited**
24 **by a national accreditation agency** approved by the **board** [COUNCIL ON
25 MEDICAL EDUCATION AND HOSPITALS OF THE AMERICAN MEDICAL
26 ASSOCIATION, OR THE AMERICAN PHYSICAL THERAPY ASSOCIATION];

27 (2) pass, to the satisfaction of the board, an examination prepared by a
28 national testing service approved by the board to determine the applicant's fitness for
29 practice as a physical therapist or physical **therapist** [THERAPY] assistant, or be
30 entitled to licensure without examination as provided in AS 08.84.060; **and**

31 (3) meet qualifications for licensure established in regulations adopted

1 by the board under AS 08.84.010(b).

2 (b) To be eligible for licensure by the board as an occupational therapist or
3 occupational therapy assistant, an applicant, unless a graduate of a foreign school of
4 occupational therapy located outside the United States, shall

5 (1) have graduated from a professional [SUCCESSFULLY
6 COMPLETED A CURRICULUM OF] occupational therapy education program that
7 includes supervised field work and is accredited by a national accreditation
8 agency approved by the board;

9 (2) [COMMITTEE OF ALLIED HEALTH EDUCATION AND
10 ACCREDITATION OF THE AMERICAN MEDICAL ASSOCIATION OR THE
11 AMERICAN OCCUPATIONAL THERAPY ASSOCIATION;

12 (2) SUBMIT PROOF OF SUCCESSFUL COMPLETION AND
13 SUPERVISED FIELD WORK APPROVED BY THE BOARD

14 (A) FOR AN OCCUPATIONAL THERAPIST, A MINIMUM
15 OF SIX MONTHS OF SUPERVISED FIELD WORK;

16 (B) FOR AN OCCUPATIONAL THERAPY ASSISTANT, A
17 MINIMUM OF TWO MONTHS OF SUPERVISED FIELD WORK;

18 (3)] pass, to the satisfaction of the board, an examination prepared by a
19 national testing service approved by the board or an examination recognized by a
20 national accreditation agency approved by the board [THE AMERICAN
21 OCCUPATIONAL THERAPY ASSOCIATION] to determine the applicant's fitness
22 for practice as an occupational therapist or [AN] occupational therapy assistant, or be
23 entitled to licensure without examination under AS 08.84.060; and

24 (3) [(4)] meet qualifications for licensure established in regulations
25 adopted by the board under AS 08.84.010(b).

26 * **Sec. 3.** AS 08.84.032 is amended to read:

27 **Sec. 08.84.032. Foreign-educated [FOREIGN-TRAINED] applicants.** (a)
28 To be eligible for licensure by the board as a physical therapist or physical therapist
29 [THERAPY] assistant, an applicant who is a graduate of a school of physical therapy
30 that is located outside [OF] the United States shall

31 (1) have completed, to the satisfaction of the board, a resident course

1 of study and professional instruction substantially equivalent to a professional
 2 physical therapy education program that is accredited by a board-approved
 3 national accreditation agency in the United States [THAT PROVIDED BY A
 4 SCHOOL APPROVED BY THE COUNCIL ON MEDICAL EDUCATION AND
 5 HOSPITALS OF THE AMERICAN MEDICAL ASSOCIATION OR THE
 6 AMERICAN PHYSICAL THERAPY ASSOCIATION, AND FURNISH
 7 DOCUMENTARY EVIDENCE OF COMPLIANCE WITH THIS PARAGRAPH,
 8 TRANSLATED, IF NECESSARY, INTO THE ENGLISH LANGUAGE BY A
 9 PERSON VERIFYING THE ACCURACY OF THE TRANSLATIONS];

10 (2) have completed, to the satisfaction of the board, an internship
 11 under the continuous direction and immediate supervision of a physical therapist in an
 12 institution that ordinarily provides physical therapy and is approved by the board, for
 13 that period of time specified by the board, and furnish documentary evidence of
 14 compliance with this paragraph;

15 (3) pass an examination recognized by the board that measures the
 16 competence of the applicant in the English language if the applicant's physical
 17 therapist or physical therapist assistant education program was not taught in
 18 English;

19 (4) have met applicable requirements under 8 U.S.C. 1101 - 1503
 20 (Immigration and Nationality Act) [THE FEDERAL IMMIGRATION AND
 21 NATIONALITY ACT (8 U.S.C. 1101 ET SEQ.)], unless a United States citizen;

22 (5) pass the examination approved [ADMINISTERED] by the board
 23 under AS 08.84.030(a)(2); [AND]

24 (6) pay the fee required under AS 08.84.050; and
 25 (7) meet additional qualifications for licensure established in
 26 regulations adopted by the board under AS 08.84.010(b).

27 (b) To be eligible for licensure by the board as an occupational therapist or
 28 occupational therapy assistant, an applicant who is a graduate of a school of
 29 occupational therapy that is located outside [OF] the United States shall

30 (1) have completed, to the satisfaction of the board, a resident course
 31 of study and professional instruction substantially equivalent to a professional

1 **occupational therapy education program that is accredited by a board-approved**
 2 **national accreditation agency in the United States** [THAT PROVIDED BY A
 3 CURRICULUM APPROVED BY THE COMMITTEE OF ALLIED HEALTH
 4 EDUCATION AND ACCREDITATION OF THE AMERICAN MEDICAL
 5 ASSOCIATION OR THE AMERICAN OCCUPATIONAL THERAPY
 6 ASSOCIATION, AND HAVE FURNISHED DOCUMENTARY EVIDENCE OF
 7 COMPLIANCE WITH THIS PARAGRAPH, TRANSLATED, IF NECESSARY,
 8 INTO THE ENGLISH LANGUAGE BY A PERSON VERIFYING THE
 9 ACCURACY OF THE TRANSLATIONS];

10 (2) have completed, to the satisfaction of the board, supervised field
 11 work equivalent to that required under AS 08.84.030(b);

12 (3) pass an examination recognized by the board that measures the
 13 competence of the applicant in the English language **if the applicant's occupational**
 14 **therapist or occupational therapy assistant education program was not taught in**
 15 **English**;

16 (4) have met applicable requirements under 8 U.S.C. 1101 - 1503
 17 (Immigration and Nationality Act), unless a United States citizen;

18 (5) pass an examination [ADMINISTERED OR] approved by the
 19 board under **AS 08.84.030(b)**; [AS 08.84.030; AND]

20 (6) pay the fee required under AS 08.84.050; **and**

21 **(7) meet additional qualifications for licensure established in**
 22 **regulations adopted by the board under AS 08.84.010(b)**.

23 * **Sec. 4.** AS 08.84.060 is amended to read:

24 **Sec. 08.84.060. Licensure by acceptance of credentials.** The board may
 25 license without examination an applicant who is a physical therapist, physical
 26 **therapist** [THERAPY] assistant, occupational therapist, or occupational therapy
 27 assistant licensed under the laws of another state, if the requirements for licensure in
 28 that state [,] were, at the date of the applicant's licensure, substantially equal to the
 29 requirements in this state.

30 * **Sec. 5.** AS 08.84.065(c) is amended to read:

31 (c) A temporary permit issued to an applicant for licensure as a physical

therapist or physical **therapist** [THERAPY] assistant by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which the applicant is scheduled, the applicant's temporary permit lapses [ON] the day of the examination.

* **Sec. 6.** AS 08.84.075(b) is amended to read:

(b) The board may issue a limited permit to a person to practice physical therapy in the state as a visiting, nonresident physical therapist or physical **therapist** [THERAPY] assistant, if the person

(1) applies on the form provided by the board;

(2) has not previously been denied physical therapy licensure in the state;

(3) is licensed to practice physical therapy in another state;

(4) provides proof satisfactory to the board that the person will not practice in the state for more than 120 days in the calendar year for which the permit is issued; and

(5) pays the fee required under AS 08.84.050.

* **Sec. 7.** AS 08.84.075(c) is amended to read:

(c) A limited permit is valid for a period **of** [NOT EXCEEDING] 120 **consecutive** days in a calendar year.

* **Sec. 8.** AS 08.84.075(d) is amended to read:

(d) A person may not receive more than

(1) one limited permit to practice occupational therapy or physical therapy in a 12-month period; and

(2) three limited permits to practice occupational therapy or physical therapy during the person's lifetime.

* **Sec. 9.** AS 08.84.090 is amended to read:

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter **and** [IT] shall issue a license certificate to each person licensed. A license certificate is prima facie evidence of the right of the person to hold out as a licensed physical therapist, licensed physical **therapist**

1 [THERAPY] assistant, licensed occupational therapist, or licensed occupational
2 therapy assistant.

3 * **Sec. 10.** AS 08.84.120(a) is amended to read:

4 (a) The board may refuse to license an applicant, may refuse to renew the
5 license of a person, **may discipline a person,** and may suspend or revoke the license
6 of a person who

7 (1) has obtained or attempted to obtain a license by fraud or material
8 misrepresentation;

9 (2) uses drugs or alcohol in a manner that affects the person's ability to
10 practice physical therapy or occupational therapy competently and safely;

11 (3) has been convicted of a state or federal felony or other crime that
12 affects the person's ability to practice competently and safely;

13 (4) is guilty, in the judgment of the board, of gross negligence or
14 malpractice or has engaged in conduct contrary to the recognized standards of ethics
15 of the physical therapy profession or the occupational therapy profession;

16 (5) has continued to practice physical therapy or occupational therapy
17 after becoming unfit **because of** [DUE TO] physical or mental disability;

18 (6) has failed to refer a patient to another qualified professional when
19 the patient's condition is beyond the training or ability of the person;

20 (7) as a physical **therapist** [THERAPY] assistant, has attempted to
21 practice physical therapy that has not been initiated, supervised, and terminated by a
22 licensed physical therapist; [OR]

23 (8) as an occupational therapy assistant, has attempted to practice
24 occupational therapy that has not been supervised by a licensed occupational therapist;
25 **or**

26 **(9) has failed to comply with this chapter, a regulation adopted**
27 **under this chapter, or an order of the board.**

28 * **Sec. 11.** AS 08.84.130(a) is amended to read:

29 (a) A person not licensed as a physical therapist, or whose license is
30 suspended or revoked [,] or **has** [WHOSE LICENSE IS] lapsed, who uses in
31 connection with the person's name the words or letters **"P.T.," "Physical Therapist,"**

1 "L.P.T.," [,] "Licensed Physical Therapist," or other letters, words, or insignia
 2 indicating or implying that the person is a licensed physical therapist, or who, in any
 3 way, orally [,] or in writing, directly or by implication, holds out as a licensed physical
 4 therapist, is guilty of a class B misdemeanor.

5 * **Sec. 12.** AS 08.84.130(b) is amended to read:

6 (b) A person not licensed as a physical **therapist** [THERAPY] assistant, or
 7 whose license is suspended or revoked [,] or **has** [WHOSE LICENSE IS] lapsed, who,
 8 in any way, orally [,] or in writing, directly or by implication, holds out as a licensed
 9 physical **therapist** [THERAPY] assistant, is guilty of a class B misdemeanor.

10 * **Sec. 13.** AS 08.84.190 is amended by adding a new paragraph to read:

11 (8) "physical therapist assistant" means a person who assists in the
 12 practice of physical therapy or an aspect of physical therapy as initiated, supervised,
 13 and terminated by a licensed physical therapist; the responsibilities of a physical
 14 therapist assistant do not include evaluation.

15 * **Sec. 14.** AS 11.41.470(1) is amended to read:

16 (1) "health care worker" includes a person who is or purports to be an
 17 acupuncturist, advanced practice registered nurse, anesthesiologist, certified direct-
 18 entry midwife, chiropractor, dentist, health aide, hypnotist, massage therapist, mental
 19 health counselor, midwife, nurse, **occupational therapist, occupational therapy**
 20 **assistant,** osteopath, naturopath, physical therapist, physical **therapist** [THERAPY]
 21 assistant, physician, physician assistant, psychiatrist, psychological associate,
 22 psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a
 23 substantially similar position;

24 * **Sec. 15.** AS 47.17.290(14) is amended to read:

25 (14) "practitioner of the healing arts" includes athletic trainers,
 26 chiropractors, mental health counselors, social workers, dental hygienists, dentists,
 27 health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists,
 28 occupational therapy assistants, optometrists, osteopaths, naturopaths, physical
 29 therapists, physical **therapist** [THERAPY] assistants, physicians, **physician**
 30 [PHYSICIAN'S] assistants, psychiatrists, psychologists, psychological associates,
 31 audiologists and speech-language pathologists licensed under AS 08.11, hearing aid

dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, behavior analysts, assistant behavior analysts, religious healing practitioners, acupuncturists, and surgeons;

* **Sec. 16.** AS 08.84.190(7) is repealed.

* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 08.84.030, as amended by sec. 2 of this Act, and AS 08.84.032, as amended by sec. 3 of this Act, apply to applications for licensure under AS 08.84.040 submitted on or after the effective date of secs. 2 and 3 of this Act.

(b) AS 08.84.075(c), as amended by sec. 7 of this Act, and AS 08.84.075(d), as amended by sec. 8 of this Act, apply to applications for limited permits under AS 08.84.075(a) and (b) submitted on or after the effective date of secs. 7 and 8 of this Act.

* **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. (a) Notwithstanding AS 08.84.010, as amended by sec. 1 of this Act, a person who is a member of the State Physical Therapy and Occupational Therapy Board on the effective date of this Act may serve the remainder of the member's term. The governor shall make appointments under AS 08.84.010, as amended by sec. 1 of this Act, to fill vacancies and expired terms on the State Physical Therapy and Occupational Therapy Board that occur on or after the effective date of this Act.

(b) On and after the effective date of this Act, a person who holds a valid license to practice as a physical therapy assistant on the effective date of this Act may continue to practice as a physical therapy assistant until the license expires normally under AS 08.84, as AS 08.84 existed before the effective date of this Act, but shall otherwise comply with AS 08.84, as amended by this Act, and shall renew the license under AS 08.84, as amended by this Act.