

**ALASKA STATE LEGISLATURE  
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

February 6, 2020

1:30 p.m.

**MEMBERS PRESENT**

Senator Click Bishop, Chair  
Senator Gary Stevens, Vice Chair  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

Senator Mia Costello  
Senator Joshua Revak

**COMMITTEE CALENDAR**

SENATE BILL NO. 47

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

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 47

SHORT TITLE: PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE

SPONSOR(S): SENATOR(S) GIESSEL BY REQUEST

02/08/19	(S)	READ THE FIRST TIME - REFERRALS
02/08/19	(S)	L&C, FIN
02/06/20	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

SENATOR CATHY GIESSEL  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor, introduced SB 47.

JANE CONWAY, Staff  
Senator Cathy Giessel  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Delivered the sectional analysis for SB 47.

LEEANNE CARROTHERS, PhD, PT, Government Affairs Liaison  
Alaska Physical Therapy Association (AKAPTA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 47.

SCOTTY ORR, OTD, OTR/L, President  
Alaska Occupational Therapy Association (AOTA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 47.

MEGHAN PUDELER, Manager of State Affairs  
American Occupational Therapy Association (AOTA)  
North Bethesda, Maryland

**POSITION STATEMENT:** Testified in support of SB 47.

JENNIFER CARLSON, Member  
Alaska Physical Therapy and Occupational Therapy Board  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 47.

#### **ACTION NARRATIVE**

[1:30:20 PM](#)

**CHAIR CLICK BISHOP** called the Senate Labor and Commerce Standing Committee meeting to order at 1:30 p.m. Present at call to order were Senators Stevens, Gray-Jackson-Jackson, and Chair Bishop.

#### **SB 47-PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE**

[1:31:10 PM](#)

**CHAIR BISHOP** announced the consideration of SENATE BILL NO. 47, "An Act relating to the State Physical Therapy and Occupational Therapy Board; relating to the practice of physical therapy; and relating to the practice of occupational therapy."

He advised that after the bill is presented, the committee would adopt a committee substitute (CS).

[1:32:32 PM](#)

**SENATOR CATHY GIESSEL**, Alaska State Legislature, Juneau, Alaska, sponsor of SB 47, stated that she was carrying the bill at the request of the State Physical Therapy and Occupational Therapy Board. She explained that there are two primary differences

between an occupational therapist and a physical therapist. Occupational therapy focuses on improving a client's ability to perform activities of daily living whereas physical therapy focuses on a client's ability to perform movement of the physical body. Both professions require a master's degree and the physical therapy profession is transitioning to require a doctoral degree as the level of entry. Right now there are both master's prepared and doctoral prepared physical therapists. After achieving a doctorate, physical therapists must then go on to pass a national board certification test and then they are able to apply for a license.

She explained that occupational therapists have certified occupational therapy assistants that carry out the evaluation and goals the therapist has set for the patient. Physical therapists have physical therapy assistants to carry out the rehabilitation plan the therapist developed. They also have physical therapy aides who work under the direction of the physical therapist to assist the patient.

[1:35:20 PM](#)

SENATOR GIESSEL said SB 47 clarifies terms and the composition of the State Physical Therapy and Occupational Therapy Board. The bill affects both professions. Currently the board has seven members, composed of one physician, three physical therapists or assistants, two occupational therapists or assistants, and one public member. SB 47 replaces the physician seat with an occupational therapist or an occupational therapy assistant. This reflects the change in the professions. When the statute was enacted, these professionals were regulated by the State Medical Board. Once they were allowed to establish an independent board, they agreed to have a physician seat to provide oversight. She said that is no longer necessary and the physician in that seat agrees.

She said SB 47 also updates some of the language related to the education requirements. It replaces a reference to an obsolete accrediting entity with broader language that allows the board options to identify which accrediting agencies they would require for educational purposes and certification. The bill also allows the board to discipline a therapist for committing any acts in AS 08.84.120(a), such as fraud, felony conviction, gross negligence, and malpractice. The board can already suspend or revoke the license of a person who commits those acts.

SB 47 also changes the terminology related to people who receive their education outside the U.S. The term foreign trained will

be replaced with foreign educated. The bill changes all references to "physical therapy assistant" to "physical therapist assistant." This aligns with national terminology. SB 47 also provides title protection. If someone were to improperly indicate they were a licensed physical therapist, they would be subject to a class B misdemeanor for misuse of the term. She described the bill as a long-overdue clean up.

[1:39:26 PM](#)

SENATOR STEVENS questioned the legitimacy of requiring a doctorate to become a physical therapist. He asked if these professionals receive a Doctor of Philosophy, and where they go to school to get the degree.

SENATOR GIESSEL replied this is exactly what the nurse practitioner profession is doing. She deferred to the physical therapists waiting to testify to respond to the question more completely.

CHAIR BISHOP said he had questions for Ms. Conway about Section 3.

[1:40:45 PM](#)

JANE CONWAY, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, paraphrased the following sectional analysis for SB 47, noting that many of the changes are to conform the terminology for the physical therapist assistant:

Section 1 AS 08.84.010 Creation and membership of the board. This section removes the seat for a physician and balances out the board with 3 physical therapists and 3 occupational therapists along with one public member, to make up the 7-member board.

It also changes the term "physical therapy assistant" to "physical therapist assistant" in this section and throughout the entire statute. This is to conform to title used nationally in the industry.

Section 2 AS 08.84.030 Qualifications for Licensing. This section allows the board to have broader authority over what entities will have accreditation oversight over physical therapy education programs. Some of the accrediting entities listed in statute are now either renamed or no longer exist, making that statute obsolete. The bill also changes the statute in the same way for occupational therapists.

Section 2 also removes language from statute relating to additional supervised field work that occupational therapists must complete as these requirements are covered by the accrediting bodies.

Section 3 AS 08.84.032 Foreign-Educated Applicants. Changes the section headline from "trained" to "educated." Puppies are trained, students are educated. New language is added that requires foreign-educated physical therapist students to have attended a "substantially" equivalent educational program that is accredited by a U.S. accreditation entity that has been approved by the board. Outdated and obsolete language is removed that can be found on page 4, lines 3 -9 of this bill.

Added to (3) of this section is language that would require that a physical therapist or physical therapist assistant pass a test demonstrating competency of the English language if their program was taught in a foreign language.

[1:43:50 PM](#)

CHAIR BISHOP asked if the board develops the test to determine an applicant is sufficiently fluent in English.

MS. CONWAY said it seems logical, but she would defer to the experts to respond.

She continued:

- (4) requires that a foreign educated applicant is a legal alien or a U.S citizen
- (7) requires them to pay the required fee and meet any other qualifications for licensure set by the board under 08.84.010(b)

All the above changes are replicated for occupational therapists or occupational therapy assistants on page 4, lines 27-31 and over to page 5, lines 1-22.

Section 4 AS 08.84.060 Licensure by acceptance of credentials. Makes conforming terminology changes

Section 5 AS 08.84.065(c) Makes conforming terminology changes

Section 6 AS 08.84.075(b) Makes conforming terminology changes

Section 7 AS 08.84.075(c) Changes language that would now require a limited permit is valid for 120 consecutive days

Section 8 AS 08.84.075(d) Allows only one limited permit per 12-month period.

Section 9 AS 08.84.090 Updates licensure terminology

Section 10 AS 08.84.120(a) Adds disciplinary action as a possibility to actions a board might consider for an infraction of their licensure and updates terminology in item (7) and states in (9) that failure to comply with the law or regulations or order of the board might result in disciplinary action or suspension of a license.

1:46:22 PM

Section 11 AS 08.04.130(a) Adds updated credentialing and terminology

Section 12 AS 08.84.130(b) Updates terminology

Section 13 AS 08.84.190 Adds a new paragraph defining the updated term "physical therapist assistant"

Section 14 AS 11.41.470(1) Updates definitions in criminal law/sexual assault statute

Section 15 AS 47.17.290(14) Updates terminology under definitions in child protection statute

Section 16 AS 08.84.190(7) Is repealed, which is the definition using outdated term of physical therapy; according to Leg. Legal, when the actual "term" used for the definition is being changed, the entire citing must be repealed. The new definition is set out on page 8, Section 13, lines 11-14.

Section 17 Sets out the applicability clauses for licensure for sections 2 and 3 of this Act and also for sections 7 and 8

Section 18 Transition language for the board vacancy and appointments for the PT/OT board, and states that the changes do not apply to current licensees until it is time for their licensure renewal and then all changes to the law will apply.

[1:48:46 PM](#)

CHAIR BISHOP noted the updated fiscal note identifies \$2,300 for postage and other costs associated with mailing notifications.

He solicited a motion to adopt the work draft committee substitute (CS).

[1:49:10 PM](#)

SENATOR STEVENS moved to adopt the work draft CS for SB 47, work order 31-LS0109\U, as the working document.

CHAIR BISHOP objected for an explanation of the changes.

MS. CONWAY read the following explanation: [Original punctuation provided.]

The CS (vsn U) contains a change from the original bill, version M:

Page 8, line 14: "...therapist assistant do not include ~~testing or~~ evaluation."

Removes "testing or" because the physical therapist assistant does do some minimal testing on patients, but they do not evaluate the results of the testing.

[1:50:53 PM](#)

CHAIR BISHOP removed his objection and Version U was adopted. He asked Ms. Carrothers and Mr. Orr to provide their testimony.

[1:51:26 PM](#)

LEEANNE CARROTHERS, PhD, PT, Government Affairs Liaison, Alaska Physical Therapy Association (AKAPTA), Anchorage, Alaska, testified in support of SB 47. She advised that AKAPTA has about 400 licensed physical therapists and physical therapy assistants. She responded to Senator Stevens' question about the doctoral level of education by explaining that to attend a

professional entry-level school of physical therapy a bachelor's degree in some discipline is required. There are also prerequisites in anatomy, physiology, physics, chemistry, and psychology, among others. The doctoral program is generally three years, two of which are in the classroom and 12 months of supervised clinical rotation.

She explained that a psychologist may hold a Doctor of Philosophy (PhD) or a Doctor of Psychology (PsyD) and the Doctor of Physical Therapy (DPT) would be analogous to the PsyD.

SENATOR STEVENS recapped that the doctoral program goes through an accredited institution. He asked which schools offer a doctorate.

MS. CARROTHERS replied many across the country, including private graduate medical schools and some state universities. She said that there are literally hundreds of programs because of the need for physical therapists, particularly with the aging population. The national accrediting body is the Commission on Accreditation in Physical Therapy Education (CAPTE). To sit for the national physical therapy licensing exam, an applicant must have graduated from a CAPTE accredited school. This is a requirement in every state in the U.S. The standards for that accreditation are incredibly high, she said.

SENATOR STEVENS asked if this was the wave of the future with more students going into a doctoral program.

MS. CARR answered yes. She said all of the entry-level physical therapy programs are at the clinical doctorate level. Most states have some form of direct access, which means that patients do not need a prescription from a physician in order to see their physical therapists. The Physical Therapy Association decided that with that privilege came increased responsibility, particularly the ability to be able to evaluate a patient and know when the patient should not be seen by a physical therapist. Courses were added in differential diagnosis, radiology, and pharmacology to increase the level and degree to which people are competent to be able to keep patients safe. With that, the transition to the entry level doctorate was made, she said.

SENATOR STEVENS related his understanding that the bill is not making any additional requirements for a doctorate, it is simply where the industry is headed.

MS. CORR agreed. She said Senator Giessel asked her to cover the benefits of physical and occupational therapy, particularly pertaining to opioids. She related that there is clear, scientific evidence that early access to physical therapy reduces the overall need for opioids. Sometimes people do not even need them, she said. The old standard of practice would be for patients with back pain to see their physician and leave with a prescription for Percocet (Oxycodone and Acetaminophen) and muscle relaxers. This could persist for months, she said. With direct access, people can see a physical therapist first and get back to work more quickly without opioids and often avoiding expensive imaging or surgery. The conservative treatment is the way to go, she said.

1:57:14 PM

MS. CORR stated her support for SB 47 and appreciation to Senator Giessel. She summarized that the bill updates terminology to the national practice. Nationally, physical therapist assistants have not been referred as physical therapy assistants since 1978. This bill will bring Alaska up to date. It would also update the current accreditation bodies that accredit programs. It would change the composition of the board, which would remove the remnant of the need for physician supervision for physical therapists, which has not been the case since the 1960s. It would reduce obstacles to licensure of foreign-educated applicants. She cited the example of a colleague who went to school in London and had to take an English proficiency exam to be eligible for licensure in Alaska.

She said SB 47 would also give the board disciplinary authority, which will help contribute to public safety. Further, the bill would provide term protection for physiotherapists, the title P.T., and physical therapists, which will clarify to consumers the type of clinician they are seeing.

1:59:13 PM

SENATOR STEVENS said he assumed that a patient would first see a medical doctor who would make a referral to a physical therapist, but he understood her to say that a patient could proceed directly to the physical therapist.

MS. CORR said that is correct. Most states have direct access to physical therapists without a prescription. Some insurance companies require a prescription or a doctor's signature prior to treatment, but Alaska has long been a direct access state. This was done to reduce barriers in a state that has fewer providers. Typically, if someone sprained an ankle, they would

see a primary care physician, be referred to an orthopedist who would perform X-rays or other diagnostic tests and then refer the patient to a physical therapist. With direct access, the patient would go directly to a physical therapist and begin treatment. The physical therapist will do a detailed examination to determine if the injury relates to a musculoskeletal issue. If that is not the case, the physical therapist would refer the person to a physician or suggest imaging studies to be certain the injury is a sprain and not a fracture. Direct access really reduces barriers to care, she said.

SENATOR STEVENS said it seems more efficient and less costly.

[2:01:23 PM](#)

SENATOR GRAY-JACKSON admitted she was unaware that a prescription was not needed in Alaska to see a physical therapist. She asked if it is also based on insurance requirements.

MS. CORR said some insurance companies, workers' compensation for example, need a prescription or a referral prior to treatment by a physical therapist. Medicare requires that the physical therapist, after the initial patient evaluation, submit the treatment plan to the physician who signs off on it. It is not necessarily an approval, but rather a Medicare hoop, she said. The physical therapist would ensure that the person had the appropriate documents in place prior to treatment.

[2:02:45 PM](#)

SCOTTY ORR, OTD, OTR/L, President, Alaska Occupational Therapy Association (AOTA), Anchorage, Alaska, testified in support of SB 47. He stated that the AOTA represents about 120 occupational therapists and certified occupational therapy assistants. He said that AOTA supports the bill, specifically regarding updated language to make it more current with national standards and replacing the physician on the Physical Therapy and Occupation Therapy Board member with an occupational therapist.

[2:03:43 PM](#)

MEGHAN PUDELER, Manager of State Affairs, American Occupational Therapy Association (AOTA), North Bethesda, Maryland, testified in support of SB 47. She said AOTA is the national professional association that represents the interests of more than 213,000 occupational therapists, students of occupational therapy, and occupational therapy assistants. AOTA strongly supports the role of state government in regulating the practice of occupational therapy. She said the organization has advocated for state

occupational therapy laws with the same core licensure requirements as successful completion of academic requirements of an educational program for occupational therapists, or occupational therapy assistants. The programs must be accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) or predecessor organizations. Other requirements include successful completion of a period of supervised field work experience and passing the entry-level exam, she said.

MS. PUDELER said SB 47 proposes to revise qualifications for licensing for occupational therapists and occupational therapy assistants by removing from statute specific names of organizations that exercise certification control over occupational therapy. The bill would also clarify the requirements for foreign-educated applicants. These changes will also remove obsolete language, she said. The bill also proposes a change to the composition of the board which will allow for more balanced representation.

[2:05:29 PM](#)

JENNIFER CARLSON, Member, Alaska Physical Therapy and Occupational Therapy Board, Fairbanks, Alaska, testified in support of SB 47. She said she has served on the board since March 2017. The changes in the bill are ones the board has sought for many years. Further, SB 47 would update and clarify the current law to ensure professional licensing requirements and supporting documents are consistent and aligned with national and international standards. A similar bill was introduced in 2017, but due to the budget crisis and board turnover, it did not get a hearing. She thanked the sponsor and the committee for hearing the bill.

[2:06:55 PM](#)

CHAIR BISHOP opened public testimony and after determining no one wished to testify, closed public testimony on SB 47.

CHAIR BISHOP stated that he would hold SB 47 in committee for further consideration.

[2:08:19 PM](#)

There being no further business to come before the committee, Chair Bishop adjourned the Senate Labor and Commerce Standing Committee meeting at 2:08 p.m.