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Referred: Health, Education
& Social Services and
Labor & Management

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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SENATE BILL NO. 261

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to physical therapists."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 08.84.010 is amended to read:

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Sec. 08.84.010. STATE PHYSICAL THERAPY BOARD. (a) There is created the State Physical Therapy Board, which consists of five members appointed by the governor. The membership consists of one physician licensed to practice medicine in the state, three physical therapists licensed [REGISTERED] in the state or two physical therapists and a physical therapy assistant licensed in this state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be U. S. citizens domiciled in the state and shall be appointed for a term of [TERMS OF ONE, TWO AND] three years, [RESPECTIVELY; ALL SUBSEQUENT APPOINTMENTS SHALL BE MADE FOR A TERM OF THREE YEARS] and until their successors are appointed. No member may serve more than two terms in succession. The governor may remove from the board a member for neglect of duty, incompetence, dishonorable conduct, or suspension or revocation of license.

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(b) The Physical Therapy Board shall conduct examinations for applicants and shall control all matters pertaining to the licensing [REGISTRATION] of physical therapists and physical therapy assistants and the practice of physical therapy. The board shall

(1) pass upon the qualifications of applicants;

(2) conduct examinations;

(3) issue temporary permits and licenses [REGISTRATION]

1 CERTIFICATES] to physical therapists and physical therapy assistants
2 qualified under this chapter;

3 (4) suspend, [OR] revoke, or refuse to issue or renew a li-
4 cence in accordance with AS 08.84.120 [REGISTRATION CERTIFICATES, WHEN
5 NECESSARY];

6 (5) keep a current register listing the name, business
7 address, date and number of the license [REGISTRATION CERTIFICATE] of
8 each physical therapist and physical therapy assistant who is licensed
9 [REGISTERED] to practice in this state;

10 (6) keep a record and minutes of its meetings, proceedings
11 and hearings and submit an annual report of its activities to the
12 governor and other interested parties; and

13 (7) adopt regulations under AS 44.62.180 - 44.62.290 neces-
14 sary to carry out the purposes of this chapter.

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

16 Sec. 08.84.030. QUALIFICATIONS FOR LICENSING [REGISTRATION]. To
17 be eligible for licensure [REGISTRATION] by the board as a physical
18 therapist or physical therapy assistant, an applicant, unless a graduate
19 of a foreign school of physical therapy located outside the United
20 States, shall,

21 [(1) BE OF GOOD MORAL CHARACTER;]

22 (2) have graduated from a school of physical therapy approved
23 by the Council on Medical Education and Hospitals of the American Medi-
24 cal Association, or the American Physical Therapy Association;

25 (3) pass to the satisfaction of the board an examination
26 [FROM THE PROFESSIONAL EXAMINATION SERVICE ASSOCIATION,] to determine
27 his fitness for practice as a physical therapist or physical therapy
28 assistant, or be entitled to registration without examination as pro-
29 vided in AS 08.84.060.

1 * Sec. 3. AS 08.84 is amended by adding a new section to read:

2 Sec. 08.84.032. FOREIGN-TRAINED PHYSICAL THERAPY OR PHYSICAL
3 THERAPY ASSISTANT APPLICANTS. To be eligible for licensure by the board
4 as a physical therapist or physical therapy assistant, an applicant who
5 is a graduate of a foreign school of physical therapy shall

6 (1) have completed, to the satisfaction of the board, a
7 resident course of study and professional instruction equivalent to that
8 provided by a school approved by the Council on Medical Education and
9 Hospitals of the American Medical Association or the American Physical
10 Therapy Association, and furnish documentary evidence of compliance with
11 this paragraph, translated, if necessary, into the English language by a
12 person verifying the accuracy of the translations;

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

19 (3) pass an oral examination administered by a member of the
20 board;

21 (4) have met applicable requirements under the federal Immi-
22 gration and Nationality Act (8 U.S.C. 1101 et seq), unless a United
23 States citizen; and

24 (5) pass the examination administered by the board under
25 AS 08.84.030(3).

26 * Sec. 4. AS 08.84.040 is amended to read:

27 Sec. 08.84.040. APPLICATION FOR LICENSE [REGISTRATION]. To be
28 licensed [REGISTERED] as a physical therapist or physical therapy
29 assistant, an applicant shall apply to the board on a form prescribed by

1 the board. An applicant shall include in his application, evidence
2 under oath that he possesses the qualifications required by AS 08.84.030
3 or AS 08.84.032.

4 * Sec. 5. AS 08.84.050(2) and (3) are amended to read:

5 (2) licensure [REGISTRATION] by examination.....25

6 (3) licensure [REGISTRATION] by endorsement.....25

7 * Sec. 6. AS 08.84.060 is amended to read:

8 Sec. 08.84.060. LICENSE [REGISTRATION] BY ENDORSEMENT. The
9 board may license [REGISTER] without examination an applicant who is a
10 physical therapist or physical therapy assistant licensed [REGISTERED]
11 under the laws of another state or territory or the District of Columbia,
12 if the requirements for licensure [REGISTRATION] in that state or terri-
13 tory or the District of Columbia, were, at the date of his licensure
14 [REGISTRATION], substantially equal to the requirements in this state.

15 * Sec. 7. AS 08.84.065 is amended to read:

16 Sec. 08.84.065. TEMPORARY PERMIT. (a) The board may issue a
17 nonrenewable temporary permit to an applicant for licensure [REGISTRA-
18 TION] by endorsement or by examination who meets the requirements of
19 AS 08.84.030(2) and 08.84.032(2) and (4) [AS 08.84.030(1) AND] and pays
20 the required fee.

21 (b) A temporary permit issued to an applicant for licensure
22 [REGISTRATION] by endorsement is valid for eight months or until the
23 board considers the applicant's endorsement application, whichever
24 occurs first.

25 (c) A temporary permit issued to an applicant for licensure
26 [REGISTRATION] by examination is valid for eight months or until the
27 results of the first examination for which the applicant is scheduled
28 are published, whichever occurs first. If the applicant fails to take
29 the first examination for which he is scheduled his temporary permit

1 lapses on the day of the examination.

2 (d) A temporary permit issued to an applicant who is a graduate of
3 a foreign school of physical therapy located outside the United States
4 is valid until completion of the internship required under AS 08.84.-
5 032(3).

6 * Sec. 8. AS 08.84.080 is amended to read:

7 Sec. 08.84.080. EXAMINATIONS. [(a)] The board shall examine
8 applicants for licensure [REGISTRATION] as physical therapists or physi-
9 cal therapy assistants at the times and places it determines.

10 [(b) AN APPLICATION FOR EXAMINATION SHALL BE SUBMITTED TO THE
11 DEPARTMENT AT LEAST 40 DAYS BEFORE THE EXAMINATION DATE.]

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

13 Sec. 08.84.090. LICENSURE [REGISTRATION]. The board shall license
14 [REGISTER] an applicant who meets the qualifications for licensure
15 [REGISTRATION] under this chapter. It shall issue a license certificate
16 [OF REGISTRATION] to each person licensed [REGISTERED]. A license
17 certificate [OF REGISTRATION] is prima facie evidence of the right of
18 the person to represent himself as a licensed [REGISTERED] physical
19 therapist or licensed [REGISTERED] physical therapy assistant.

20 * Sec. 10. AS 08.84.100 is amended to read:

21 Sec. 08.84.100. RENEWAL OF LICENSE [REGISTRATION]. (a) A
22 licensed [REGISTERED] physical therapist or physical therapy assistant
23 shall renew his license [REGISTRATION] biennially with the Department of
24 Commerce and Economic Development on or before the date set by the
25 department under AS 08.01.100(a). If the license [REGISTRATION] is not
26 renewed on or before that date, it lapses.

27 (b) A penalty of \$10 shall be charged in addition to all delin-
28 quent renewal fees for reinstatement of a license [REGISTRATION] which
29 remains lapsed for more than 60 days. If the license [REGISTRATION]

1 remains lapsed for more than three years, the board may require the
2 applicant to take and pass the examination given under AS 08.84.030(3).

3 * Sec. 11. AS 08.84.120 is amended to read:

4 Sec. 08.84.120. REFUSAL, REVOCATION AND SUSPENSION OF LICENSE
5 [REGISTRATION]. The board may refuse to license [REGISTER] an appli-
6 cant, may refuse to renew the license [REGISTRATION] of a person, and
7 may suspend or revoke the license [REGISTRATION] of a person who

8 (1) uses drugs or intoxicating liquors in any manner which
9 affects his practice of physical therapy [IS HABITUALLY DRUNK OR
10 ADDICTED TO THE USE OF NARCOTIC DRUGS];

11 (2) is, in the judgment of the board, guilty of [IMMORAL OR]
12 unprofessional conduct;

13 (3) has been convicted of violating a state or federal nar-
14 cotic law and has not been rehabilitated to the satisfaction of the
15 board;

16 (4) has been convicted of a felony and has not been rehabili-
17 tated to the satisfaction of the board [CRIME INVOLVING MORAL TURPI-
18 TUDE];

19 (5) is guilty, in the judgment of the board, of gross negli-
20 gence in his practice as a physical therapist;

21 (6) has obtained or attempted to obtain a license [REGISTRA-
22 TION] by fraud or material misrepresentation;

23 (7) has been declared mentally ill by a court and has not
24 thereafter been lawfully declared sane; [OR]

25 (8) has treated or attempted to treat ailments of human
26 beings otherwise than by physical therapy, or has attempted to practice
27 independent of the prescription and direction of a person licensed to
28 practice medicine, [OR] osteopathy, dentistry or podiatry;

29 (9) as a physical therapy assistant, has attempted to prac-

1 tice physical therapy which has not been initiated, supervised and
2 terminated by a licensed [REGISTERED] physical therapist;

3 (10) has been held liable for malpractice in a civil action.

4 * Sec. 12. AS 08.84.130 is amended to read:

5 Sec. 08.84.130. FALSE CLAIM OF LICENSE [REGISTRATION] FORBIDDEN.

6 (a) A person not licensed [REGISTERED] as a physical therapist, or
7 whose license [REGISTRATION] is suspended or revoked, or whose license
8 [REGISTRATION] is lapsed, who uses in connection with his name the words
9 or letters "L.P.T." ["R.P.T."], "Licensed [REGISTERED] Physical Thera-
10 pist," or other letters, words, or insignia indicating or implying that
11 he is a licensed [REGISTERED] physical therapist, or who in any way,
12 orally, or in writing, directly or by implication, represents himself as
13 a licensed [REGISTERED] physical therapist is guilty of a misdemeanor.

14 (b) A person not licensed [REGISTERED] as a physical therapy
15 assistant, or whose license [REGISTRATION] is suspended or revoked, or
16 whose license [REGISTRATION] is lapsed, who in any way, orally, or in
17 writing, directly or by implication, represents himself as a licensed
18 [REGISTERED] physical therapy assistant is guilty of a misdemeanor.

19 * Sec. 13. AS 08.84.140 is amended to read:

20 Sec. 08.84.140. PENALTY FOR FRAUD IN OBTAINING LICENSE [REGISTRA-
21 TION]. A person who wilfully makes a false oath or affirmation or who
22 obtains or attempts to obtain a license [REGISTRATION] by a fraudulent
23 representation is guilty of a misdemeanor.

24 * Sec. 14. AS 08.84.150 is amended to read:

25 Sec. 08.84.150. LICENSURE [REGISTRATION] OF PHYSICAL THERAPISTS.
26 [(a)] It is unlawful for anyone to practice physical therapy without
27 being licensed [REGISTERED] in accordance with this chapter unless a
28 student of physical therapy or a graduate of a foreign school of physi-
29 cal therapy fulfilling the internship requirement of AS 08.84.032(3).

1 and then only unless under the continuous direction and immediate super-
2 vision of a physical therapist.

3 [(b) A PERSON PRACTICING PHYSICAL THERAPY WITHOUT BEING REGISTERED
4 ON APRIL 27, 1969 MAY CONTINUE TO PRACTICE FOR A PERIOD OF SIX MONTHS.
5 AT THE END OF THAT PERIOD HE MUST BE REGISTERED UNDER AS 08.84.090 IN
6 ORDER TO CONTINUE TO PRACTICE PHYSICAL THERAPY IN THE STATE.]

7 * Sec. 15. AS 08.84.160 is amended to read:

8 Sec. 08.84.160. PRACTICE OF LICENSED [REGISTERED] PHYSICAL THERA-
9 PIST. A person licensed [REGISTERED] under this chapter may not treat
10 human ailments by physical therapy or otherwise except under the pre-
11 scription and direction of a person licensed to practice medicine, [OR]
12 osteopathy, dentistry or podiatry. This chapter does not authorize any
13 person to practice medicine, osteopathy, chiropractic, or other method
14 of healing. [A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
15 MEANOR.]

16 * Sec. 16. AS 08.84.180 is amended to read:

17 Sec. 08.84.180. INVESTIGATION [BY BOARD]. The board shall request
18 appropriate authorities to conduct investigations of [INVESTIGATE] every
19 supposed violation of this chapter coming to its notice and shall report
20 all cases which in the judgment of the board warrant prosecution to the
21 proper law enforcement officials.

22 * Sec. 17. AS 08.84.190(3) is repealed and re-enacted to read:

23 (3) "physical therapy" means the examination, treatment and
24 instruction of human beings to detect, assess, prevent, correct, alle-
25 viate and limit physical disability, bodily malfunction, pain from
26 injury, disease and other bodily or mental conditions and includes the
27 administration, interpretation and evaluation of tests and measurements
28 of bodily functions and structures; the planning, administration, evalu-
29 ation and modification of treatment and instruction including the use of

1 physical measures, activities and devices for preventive and therapeutic
2 purposes; the provision of consultative, educational and other advisory
3 services for the purpose of reducing the incidence and severity of
4 physical disability, bodily malfunction and pain; "physical therapy"
5 does not include the use of roentgen rays and radioactive materials for
6 diagnosis and therapeutic purposes, the use of electricity for surgical
7 purposes and the diagnosis of disease.

8 * Sec. 18. It is the intent of the legislature that this bill be super-
9 ceded to the extent of any conflicts by any bill enacted under the provisions
10 of AS 08.03 and AS 44.66.

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