

Original sponsor: Health, Education and
Social Services Committee

Offered: 3/25/80
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 261

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND 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:

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

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

23 (b) The Physical Therapy Board shall [CONDUCT EXAMINATIONS FOR
24 APPLICANTS AND SHALL] control all matters pertaining to the licensing
25 [REGISTRATION] of physical therapists and physical therapy assistants
26 and the practice of physical therapy. The board shall

- 27 (1) pass upon the qualifications of applicants;
28 (2) conduct examinations;
29 (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 ad-
7 dress, date and number of the license [REGISTRATION CERTIFICATE] of each
8 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 gover-
12 nor and other interested parties;

13 (7) limit or condition the authority to practice physical
14 therapy, or discipline a practitioner, in accordance with AS 08.84.-
15 185(a); and

16 (8) adopt regulations under AS 44.62.180 - 44.62.290 neces-
17 sary to carry out the purposes of this chapter including regulations
18 establishing qualifications for licensure and renewal of licensure as a
19 physical therapist or physical therapy assistant.

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

21 Sec. 08.84.030. QUALIFICATIONS FOR LICENSING [REGISTRATION]. To
22 be eligible for licensure [REGISTRATION] by the board as a physical
23 therapist or physical therapy assistant, an applicant, unless a graduate
24 of a foreign school of physical therapy located outside the United
25 States, shall,

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

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

1 (3) pass to the satisfaction of the board an examination pre-
2 pared by [FROM] the Professional Examination Service Association or by a
3 national testing service approved by the board [,] to determine his
4 fitness for practice as a physical therapist or physical therapy assis-
5 tant, or be entitled to licensure [REGISTRATION] without examination as
6 provided in AS 08.84.060;

7 (4) meet qualifications for licensure established in regula-
8 tions adopted by the board under AS 08.84.010(b)(8).

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

10 Sec. 08.84.032. FOREIGN-TRAINED PHYSICAL THERAPY OR PHYSICAL
11 THERAPY ASSISTANT APPLICANTS. To be eligible for licensure by the board
12 as a physical therapist or physical therapy assistant, an applicant who
13 is a graduate of a school of physical therapy which is located outside
14 of the United States shall

15 (1) have completed, to the satisfaction of the board, a
16 resident course of study and professional instruction equivalent to that
17 provided by a school approved by the Council on Medical Education and
18 Hospitals of the American Medical Association or the American Physical
19 Therapy Association, and furnish documentary evidence of compliance with
20 this paragraph, translated, if necessary, into the English language by a
21 person verifying the accuracy of the translations;

22 (2) have completed, to the satisfaction of the board, an
23 internship under the continuous direction and immediate supervision of a
24 physical therapist in an institution which ordinarily provides physical
25 therapy and is approved by the board, for that period of time specified
26 by the board, and furnish documentary evidence of compliance with this
27 paragraph;

28 (3) pass an oral examination administered by a member of the
29 board;

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

4 (5) pass the examination administered by the board under
5 AS 08.84.030(3); and

6 (6) pay the fee prescribed under AS 08.84.050(2) and (3).

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

8 Sec. 08.84.040. APPLICATION FOR LICENSE [REGISTRATION]. To be
9 licensed [REGISTERED] as a physical therapist or physical therapy assis-
10 tant, an applicant shall apply to the board on a form prescribed by the
11 board. An applicant shall include in his application, evidence under
12 oath that he possesses the qualifications required by AS 08.84.030
13 or AS 08.84.032.

14 * Sec. 5. AS 08.84.050 is amended to read:

15 Sec.08.84.050. FEES. The following fees shall be imposed under
16 this chapter when applicable:

- 17 (1) application.....\$50 [\$25]
18 (2) licensure [REGISTRATION] by examination.....50 [25]
19 (3) licensure [REGISTRATION] by acceptance of
20 credentials [ENDORSEMENT].....50 [25]
21 (4) quadrennial [BIENNIAL] renewal.....200 [25]
22 (5) temporary permit.....20 [10]

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

24 Sec. 08.84.060. LICENSURE [REGISTRATION] BY ACCEPTANCE OF CRE-
25 DENTIALS [ENDORSEMENT]. The board may license [REGISTER] without
26 examination an applicant who is a physical therapist or physical therapy
27 assistant licensed [REGISTERED] under the laws of another state or
28 territory or the District of Columbia, if the requirements for licensure
29 [REGISTRATION] in that state or territory or the District of Columbia,

1 were, at the date of his licensure [REGISTRATION], substantially equal
2 to the requirements in this state.

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

4 Sec. 08.84.065. TEMPORARY PERMIT. (a) The board may issue a
5 nonrenewable temporary permit to an applicant for licensure [REGISTRA-
6 TION] by acceptance of credentials [ENDORSEMENT] or by examination who
7 meets the requirements of AS 08.84.030(2) and 08.84.032(2) and (4) [AS
8 08.84.030(1) AND] and pays the required fee.

9 (b) A temporary permit issued to an applicant for licensure
10 [REGISTRATION] by acceptance of credentials [ENDORSEMENT] is valid for
11 eight months or until the board considers the applicant's [ENDORSEMENT]
12 application for acceptance of his credentials, whichever occurs first.

13 (c) A temporary permit issued to an applicant for licensure
14 [REGISTRATION] by examination is valid for eight months or until the
15 results of the first examination for which the applicant is scheduled
16 are published, whichever occurs first. If the applicant fails to take
17 the first examination for which he is scheduled his temporary permit
18 lapses on the day of the examination.

19 (d) A temporary permit issued to an applicant who is a graduate of
20 a foreign school of physical therapy located outside the United States
21 is valid until completion of the internship required under AS 08.84.-
22 032(3).

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

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

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

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

1 Sec. 08.84.090. LICENSURE [REGISTRATION]. The board shall license
2 [REGISTER] an applicant who meets the qualifications for licensure
3 [REGISTRATION] under this chapter. It shall issue a license certificate
4 [OF REGISTRATION] to each person licensed [REGISTERED]. A license
5 certificate [OF REGISTRATION] is prima facie evidence of the right of
6 the person to represent himself as a licensed [REGISTERED] physical
7 therapist or licensed [REGISTERED] physical therapy assistant.

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

9 Sec. 08.84.100. RENEWAL OF LICENSE [REGISTRATION]. (a) A li-
10 icensed [REGISTERED] physical therapist or physical therapy assistant
11 shall renew his license every four years [REGISTRATION BIENNIALY] with
12 the Department of Commerce and Economic Development on or before the
13 date set by the department under AS 08.01.100(a). If the license
14 [REGISTRATION] is not renewed on or before that date, it lapses.

15 (b) A penalty of \$10 shall be charged in addition to all delin-
16 quent renewal fees for reinstatement of a license [REGISTRATION] which
17 remains lapsed for more than 60 days. If the license [REGISTRATION]
18 remains lapsed for more than three years, the board may require the
19 applicant to take and pass the examination given under AS 08.84.030(3).

20 (c) A license may not be renewed unless the applicant demonstrates
21 his competence as a physical therapist or physical therapy assistant in
22 a manner established by the board in regulations adopted under AS 08.-
23 84.010(b)(8).

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

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

29 (1) uses drugs or intoxicating liquors in any manner which

1 affects his practice of physical therapy [IS HABITUALLY DRUNK OR AD-
2 ICTED TO THE USE OF NARCOTIC DRUGS;

3 (2) IS, IN THE JUDGMENT OF THE BOARD, GUILTY OF IMMORAL OR
4 UNPROFESSIONAL CONDUCT];

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

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

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

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

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

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

21 (9) as a physical therapy assistant, has attempted to prac-
22 tice physical therapy which has not been initiated, supervised and
23 terminated by a licensed [REGISTERED] physical therapist;

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

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

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

27 (a) A person not licensed [REGISTERED] as a physical therapist, or
28 whose license [REGISTRATION] is suspended or revoked, or whose license
29 [REGISTRATION] is lapsed, who uses in connection with his name the words

1 or letters "L.P.T." ["R.P.T."], "Licensed [REGISTERED] Physical Thera-
2 pist," or other letters, words, or insignia indicating or implying that
3 he is a licensed [REGISTERED] physical therapist, or who in any way,
4 orally, or in writing, directly or by implication, represents himself as
5 a licensed [REGISTERED] physical therapist is guilty of a misdemeanor.

6 (b) A person not licensed [REGISTERED] as a physical therapy
7 assistant, or whose license [REGISTRATION] is suspended or revoked, or
8 whose license [REGISTRATION] is lapsed, who in any way, orally, or in
9 writing, directly or by implication, represents himself as a licensed
10 [REGISTERED] physical therapy assistant is guilty of a misdemeanor.

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

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

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

17 Sec. 08.84.150. LICENSURE [REGISTRATION] OF PHYSICAL THERAPISTS.
18 [(a)] It is unlawful for anyone to practice physical therapy without
19 being licensed [REGISTERED] in accordance with this chapter unless a
20 student in an accredited physical therapy program or a graduate of a
21 foreign school of physical therapy fulfilling the internship requirement
22 of AS 08.84.032(3), and then only unless under the continuous direction
23 and immediate supervision of a physical therapist.

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

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

29 Sec. 08.84.160. PRACTICE OF LICENSED [REGISTERED] PHYSICAL THERA-

1 PIST. A person licensed [REGISTERED] under this chapter may not treat
2 human ailments by physical therapy or otherwise except under the pre-
3 scription and direction of a person licensed to practice medicine, [OR]
4 osteopathy, dentistry or podiatry. This chapter does not authorize any
5 person to practice medicine, osteopathy, chiropractic, or other method
6 of healing. [A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
7 MEANOR.]

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

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

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

15 (3) "physical therapy" means the examination, treatment and
16 instruction of human beings to detect, assess, prevent, correct, alle-
17 viate and limit physical disability, bodily malfunction, pain from
18 injury, disease and other bodily or mental conditions and includes the
19 administration, interpretation and evaluation of tests and measurements
20 of bodily functions and structures; the planning, administration, evalu-
21 ation and modification of treatment and instruction including the use of
22 physical measures, activities and devices for preventive and therapeutic
23 purposes; the provision of consultative, educational and other advisory
24 services for the purpose of reducing the incidence and severity of
25 physical disability, bodily malfunction and pain; "physical therapy"
26 does not include the use of roentgen rays and radioactive materials for
27 diagnosis and therapeutic purposes, the use of electricity for surgical
28 purposes and the diagnosis of disease.

29 * Sec. 18. The provisions of this Act do not affect members of the State

1 Physical Therapy Board serving on the board on the effective date of this
2 Act.

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