

S B

4 5 7

HOUSE
COMMITTEE REPORT

(7)
Date referred: 3/26/86

FURTHER REFERRALS:

DATE: April 22, 1986
CSSB 457 (HESS)

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee has considered

"An Act relating to the State Physical Therapy Board; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- new title

and recommends _____

further referral to the _____ Committee

and attaches: *endorse Senate HESS letter of intent*

- letter of intent
- first fiscal note
- new fiscal note
- zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Max F. Greenberg
Latic Hardy
David W. Shomaker
George Stanley
Steve Koponen

Steve Koponen no rec

Max F. Greenberg Co-Chair
 Chairman
Steve Koponen Co-Chair



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

February 24, 1986

Representative Ben Grussendorf
Speaker of the House
P.O. Box V
Juneau, Alaska 99811

Dear Mr. Speaker:

The House Committee on Health, Education and Social Services has considered the Sunset Review of the State Physical Therapy Board, and recommends that the board be continued. The Committee has introduced HB 640 to fulfill the findings of the Division of Legislative Audit.

As required by AS 44.60.050 (c), the Committee submits the following findings:

(1) the extent to which the board, commission or program has operated in the public interest.

The board has established regulations governing the duties and licensure requirements, has enforced their licensing statute in a uniform and consistent manner and has held meetings and administered examinations in accordance with the law.

(2) the extent to which the operation of the board, commission or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Funding for the board was reduced from \$5,200 in FY 84 to \$1,700 in FY 85. As a result, the number of meetings dropped from three each in FY 83 and 84 to two in FY 85. The House HESS Committee is concerned because physical therapist's and physical therapy assistant's fees create annual revenues of \$8,129 while annual expenditures average only \$3,417 (see Appendix A to the 9/23/85 Legislative Audit of the State Physical Therapy Board). It therefore appears that income from licensing fees exceeded expenditures by 238%.

The Committee therefore requests that the Division of Occupational Licensing seriously consider ~~reducing fees significantly~~ and restoring necessary board expenses, such as the number of meetings, if requested by the board.

The Committee further requests that the Division report in writing to the Committee by May 1, 1986 the action it is taking in response to this request.

- (3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

The board supported a statutory change recommended by the Physical Therapy Association to allow physical therapists to practice autonomously. This recommendation was suggested by the Division of Legislative Audit and supported by the committee, and is included in HB 640.

Another statutory amendment recommended by the board was to allow foreign-trained physical therapists to practice in Alaska. The statute was amended accordingly in 1980.

- (4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

Notification of meetings have been published in newspapers in Anchorage, Fairbanks and Juneau. Meetings have been held in each of these locations, and public notice posters announcing meetings have been distributed to physical therapy departments statewide.

- (5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

Newspaper notice of proposed regulation changes are published statewide as required by the Administrative procedures Act.

- (6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which the board or commission is administratively assigned, or with the office of the ombudsman have been processed or resolved.

The Office of the Ombudsman and the Attorney General's Office have no outstanding consumer complaints about the Physical Therapy Board.

- (7) the extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

169 physical therapists and 11 physical therapy assistants are licensed in the state, with no evidence that unqualified applicants have been licensed.

- (8) the extent to which state personnel practices, including affirmative action practices, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

No complaints have been filed with the office of Equal Employment Opportunity relating to the Physical Therapy Board.

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The Division of Legislative Audit recommended that the licensing statute be amended to allow independent practice of physical therapists in the state as a way of saving money for the consumer. This recommendation was included by the Committee in HB 640.

As required by AS 44.60.050 (d), the Committee submits the following findings:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.

The purpose of the board is to protect the public against unqualified practitioners of physical therapy.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.

The board is to license qualified physical therapists and physical therapy assistants in the state to protect the public welfare.

(3) an identification of any other programs having similar, conflicting or duplicate objectives.

There are no duplicate programs.

(4) an assessment of alternative methods of achieving the purposes of the program.

The Committee did not discuss any alternative methods for licensure for this profession.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

The Committee did not consider eliminating the board. The Division of Legislative Audit and the Division of Occupational Licensing recommended that the board be continued to serve the public welfare. There was no discussion of further budget reductions, in fact, as set forth above, the Committee questions the current level of fees and the need for restoring the board to its former level of operations.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.

The board will be especially important in monitoring the profession with the addition of independent practice for the therapists to

safeguard against any unanticipated results. Other states which have allowed independent practice have experienced no difficulties regarding practice or insurance.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

There are no additional recommendations.

Representative Max F. Gruenberg, Jr., Co-Chair
House Health, Education and Social Services Committee

Representative Nillo Koponen, Co-Chair
House Health, Education and Social Services Committee

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

LETTER OF INTENT FOR SB 457,
Relating to the State Physical Therapy Board

SB 457 provides for the continuation of the State Physical Therapy Board for three years. It also repeals those statutes that regulate the supervision of physical therapists by other medical professionals. It is the intent of the committee that the Board present to the Legislature at its next sunset review, a report evaluating the performance of physical therapists practicing without referral. The report should include information indicating the number of physical therapists in the state practicing without referral, their qualifications, including education and the number of years licensed and practicing, the number of clients served with and without referral, the number of complaints filed, effects on the cost of medical malpractice insurance, and a recommendation on the continued independent practice of licensed physical therapists.

It is also the intent of the committee that the board adopt regulations requiring licensed physical therapists to complete at least 25 hours of continued medical education every two years.

(SSAH)

Offered: 3/19/86
Referred: Rules

Original sponsor: Health, Education and
Social Services Committee

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 457 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the State Physical Therapy Board;
and providin', for an effective date."

7

8

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

9

* Section 1. AS 08.03.010(c)(8) is amended to read:

10

(8) State Physical Therapy Board (AS 08.84.010) -- June 30,

11

1989 [1986].

12

* Sec. 2. AS 08.84.120 is repealed and reenacted to read:

13

Sec. 08.84.120. REFUSAL, REVOCATION, AND SUSPENSION OF LICENSE.

14

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

15

16

17

(1) has obtained or attempted to obtain a license by fraud

18

or material misrepresentation;

19

(2) uses drugs or alcohol in a manner that affects the

20

person's ability to practice physical therapy competently and safely;

21

(3) has been convicted of a state or federal felony or

22

other crime that effects the person's ability to practice competently

23

and safely;

24

(4) is guilty, in the judgment of the board, of gross

25

negligence or malpractice or has engaged in conduct contrary to the

26

recognized standards of ethics of the physical therapy profession;

27

(5) has continued to practice physical therapy after becom-

28

ing unfit due to physical or mental disability;

29

(6) has failed to refer a patient to another qualified

1 professional when the patient's condition is beyond the training or
2 ability of the physical therapist; or

3 (7) as a physical therapy assistant, has attempted to
4 practice physical therapy that has not been initiated, supervised, and
5 terminated by a licensed physical therapist.

6 (b) The refusal or suspension of a license may be modified or
7 rescinded if the person has been rehabilitated to the satisfaction of
8 the board.

9 * Sec. 3. AS 08.84.130 is amended to read:

10 Sec. 08.84.130. FALSE CLAIM OF LICENSE FORBIDDEN. (a) A person
11 not licensed as a physical therapist, or whose license is suspended or
12 revoked, or whose license is lapsed, who uses in connection with the
13 person's name the words or letters "L.P.T.", "Licensed Physical Thera-
14 pist," or other letters, words, or insignia indicating or implying
15 that the person is a licensed physical therapist, or who in any way,
16 orally, or in writing, directly or by implication, holds out as a
17 licensed physical therapist is guilty of a class B misdemeanor.

18 (b) A person not licensed as a physical therapy assistant, or
19 whose license is suspended or revoked, or whose license is lapsed, who
20 in any way, orally, or in writing, directly or by implication, holds
21 out as a licensed physical therapy assistant is guilty of a class B
22 misdemeanor.

23 * Sec. 4. AS 08.84.140 is amended to read:

24 Sec. 08.84.140. PENALTY FOR FRAUD IN OBTAINING LICENSE. A
25 person who wilfully makes a false oath or affirmation or who obtains
26 or attempts to obtain a license by a fraudulent representation is
27 guilty of a class B misdemeanor.

28 * Sec. 5. AS 08.84.160 is amended to read:

29 Sec. 08.84.160. PRACTICE OF LICENSED PHYSICAL THERAPIST. [A

1 PERSON LICENSED UNDER THIS CHAPTER MAY NOT TREAT HUMAN AILMENTS BY
2 PHYSICAL THERAPY OR OTHERWISE EXCEPT UNDER THE PRESCRIPTION AND DIREC-
3 TION OF A PERSON LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY
4 OR PODIATRY] This chapter does not authorize any person to practice
5 medicine, osteopathy, chiropractic, or other method of healing.

6 * Sec. 6. AS 08.84.185(a) is amended to read:

7 (a) In addition to action under AS 08.84.180, upon a finding
8 that by reason of demonstrated problems of competence, experience,
9 education, or health the authority to practice physical therapy should
10 be limited or conditioned or the practitioner disciplined, the board
11 may reprimand, censure, place on probation, restrict practice by
12 specialty, procedure, or facility, require additional education or
13 training, or revoke or suspend a license [REGISTRATION].

14 * Sec. 7. AS 08.84.170 is repealed.

15 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

Offered: 3/21/86
Referred: Finance

Original sponsor: Health, Education and
Social Services Committee

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 640 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the State Physical Therapy Board;

7

and providing for an effective date."

8

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

9

* Section 1. AS 08.03.010(c)(8) is amended to read:

10

(8) State Physical Therapy Board (AS 08.84.010) -- June 30,

11

1989 [1986].

12

* Sec. 2. AS 08.84.120 is repealed and reenacted to read:

13

Sec. 08.84.120. REFUSAL, REVOCATION, AND SUSPENSION OF LICENSE.

14

(a) The board may refuse to license an applicant, may refuse to renew

15

the license of a person, and may suspend or revoke the license of a

16

person who

17

(1) has obtained or attempted to obtain a license by fraud

18

or material misrepresentation;

19

(2) uses drugs or alcohol in a manner that affects the

20

person's ability to practice physical therapy competently and safely;

21

(3) has been convicted of a state or federal felony or

22

other crime that effects the person's ability to practice competently

23

and safely;

24

(4) is guilty, in the judgment of the board, of gross

25

negligence or malpractice or has engaged in conduct contrary to the

26

recognized standards of ethics of the physical therapy profession;

27

(5) has continued to practice physical therapy after becom-

28

ing unfit due to physical or mental disability;

29

(6) has failed to refer a patient to another qualified

1 professional when the patient's condition is beyond the training or
2 ability of the physical therapist; or

3 (7) as a physical therapy assistant, has attempted to
4 practice physical therapy that has not been initiated, supervised, and
5 terminated by a licensed physical therapist.

6 (b) The refusal or suspension of a license may be modified or
7 rescinded if the person has been rehabilitated to the satisfaction of
8 the board.

9 * Sec. 3. AS 08.84.130 is amended to read:

10 Sec. 08.84.130. FALSE CLAIM OF LICENSE FORBIDDEN. (a) A person
11 not licensed as a physical therapist, or whose license is suspended or
12 revoked, or whose license is lapsed, who uses in connection with the
13 person's name the words or letters "L.P.T.", "Licensed Physical Thera-
14 pist," or other letters, words, or insignia indicating or implying
15 that the person is a licensed physical therapist, or who in any way,
16 orally, or in writing, directly or by implication, holds out as a
17 licensed physical therapist is guilty of a class B misdemeanor.

18 (b) A person not licensed as a physical therapy assistant, or
19 whose license is suspended or revoked, or whose license is lapsed, who
20 in any way, orally, or in writing, directly or by implication, holds
21 out as a licensed physical therapy assistant is guilty of a class B
22 misdemeanor.

23 * Sec. 4. AS 08.84.140 is amended to read:

24 Sec. 08.84.140. PENALTY FOR FRAUD IN OBTAINING LICENSE. A
25 person who wilfully makes a false oath or affirmation or who obtains
26 or attempts to obtain a license by a fraudulent representation is
27 guilty of a class B misdemeanor.

28 * Sec. 5. AS 08.84.160 is amended to read:

29 Sec. 08.84.160. PRACTICE OF LICENSED PHYSICAL THERAPIST. [A

1 PERSON LICENSED UNDER THIS CHAPTER MAY NOT TREAT HUMAN AILMENTS BY
2 PHYSICAL THERAPY OR OTHERWISE EXCEPT UNDER THE PRESCRIPTION AND DIREC-
3 TION OF A PERSON LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY
4 OR PODIATRY.] This chapter does not authorize any person to practice
5 medicine, osteopathy, chiropractic, or other method of healing.

6 * Sec. 6. AS 08.84.185(a) is amended to read:

7 (a) In addition to action under AS 08.84.180, upon a finding
8 that by reason of demonstrated problems of competence, experience,
9 education, or health the authority to practice physical therapy should
10 be limited or conditioned or the practitioner disciplined, the board
11 may reprimand, censure, place on probation, restrict practice by
12 specialty, procedure, or facility, require additional education or
13 training, or revoke or suspend a license [REGISTRATION].

14 * Sec. 7. AS 08.84.170 is repealed.

15 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).