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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 457
Sponsor: HESS COMMITTEE
Date referred to committee: 2/26
Synopsis completed:
Fiscal note:
Further referrals:

CONTACTS:

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STATE OF ALASKA
THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education and Social Services Committee 2/20/86, 1:36 pm.
" " " " " " " " 3/18/86, 1:38 pm.

ADOPTED

Senate Bill

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.

Offered: 3/19/86
Referred: Rules

Original sponsor: Health, Education and
Social Services Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

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;
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).

- ① registered w/ drug enforcement admin
- ② manipulation

Blue Cross - Shield - does not pay.

may not do chiropractic
mobilize & stretch.

talked to AK Ch. ~~Assoc.~~ Society

③ ^{cannot} Practice medicine

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(19) Repealed by § 21 ch 166 SLA 1980.

(20) [Effective until January 1983] "controlled substance" means a narcotic drug as defined in AS 17.10.230(13) or a depressant, hallucinogenic or stimulant drug as defined in AS 17.12.150(3).

[Effective January 1, 1983] "controlled substance" has the same meaning set out in AS 11.71.900(4). (§ 2 ch 194 SLA 1955; am §§ 27 — 29 ch 206 SLA 1972; am § 11 ch 53 SLA 1973; am §§ 20, 21 ch 166 SLA 1980; am § 9 ch 45 SLA 1982)

Effect of amendments. — The 1980 amendment added paragraph (20), and repealed former paragraph (19), which read " 'shopkeeper' means a retail dealer who sells over the counter medicinal preparations in original unbroken packaging which do not require a prescription for dispensing."

The 1982 amendment, effective January 1, 1983, rewrote paragraph (20).

Editor's notes. — For declaration of legislative purpose, see § 1, ch. 45, SLA 1982 in the 1982 Temporary and Special Acts and Resolves.

Sec. 08.80.490. Short title. This chapter may be known as the Pharmacy Act. (§ 1 ch 194 SLA 1955)

Chapter 84. Physical Therapists Practice Act.

Article

1. State Physical Therapy Board (§§ 08.84.010 — 08.84.020)
2. Registration (§§ 08.84.030 — 08.84.120)
3. Unlawful Acts (§§ 08.84.130 — 08.84.185)
4. General Provisions (§§ 08.84.190 — 08.84.200)

Collateral references. — 61 Am. Jur. 70 C.J.S., Physicians and Surgeons, 2d, Physicians, Surgeons and Other Healers, §§ 6, 13, §§ 11, 86.

Article 1. State Physical Therapy Board.

Section

10. State Physical Therapy Board
20. Applicability of Administrative Procedure Act

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 in the state or two physical therapists and a physical therapy assistant licensed in the 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 four years, and until their successors are appointed. A member may not serve more than two terms in succession. The governor may remove a member from the board for neglect of duty, incompetence, dishonorable conduct, or suspension or revocation of license.

(b) The Physical Therapy Board shall control all matters pertaining to the licensing 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 to physical therapists and physical therapy assistants qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license in accordance with AS 08.84.120;
- (5) keep a current register listing the name, business address, date and number of the license of each physical therapist and physical therapy assistant who is licensed to practice in this state;
- (6) keep a record and minutes of its meetings, proceedings and hearings and submit an annual report of its activities to the governor and other interested parties;
- (7) limit or condition the authority to practice physical therapy, or discipline a practitioner, in accordance with AS 08.84.185(a); and
- (8) adopt regulations under AS 44.62 necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure as a physical therapist or physical therapy assistant. (§ 15 ch 74 SLA 1957; am § 8 ch 49 SLA 1969; am § 1 ch 71 SLA 1974; am § 1 ch 208 SLA 1975; am § 2 ch 43 SLA 1977; am § 1 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment, in subsection (a), substituted "licensed" for "registered," inserted "or two physical therapists and a physical therapy assistant licensed in the state," and added "with no direct financial interest in the health care industry," all in the second sentence, inserted "U.S. citizens domiciled in the state and shall be," substituted "a term of four" for "terms of one, two and three," and deleted "respectively; all subsequent appointments shall be made for a term of three years," all in the third sentence, and added the fourth and fifth sentences of the subsection; in subsection (b), deleted "conduct examinations for applicants and shall" following "Board shall," and substituted "licensing" for "registration" in the introductory paragraph, substituted "licenses" for "regis-

tration certificates" in paragraph (3), substituted a comma for "or" following "suspend," and substituted "or refuse to issue or renew a license in accordance with AS 08.84.120" for "registration certificates, when necessary," in paragraph (4), substituted "the license" for "registration certificate" and "licensed" for "registered" in paragraph (5), added "and submit an annual report of its activities to the governor and other interested parties" at the end of paragraph (6), and added paragraphs (7) and (8).

Editor's notes. — Section 18, ch. 55, SLA 1980, provides: "The provisions of this Act do not affect members of the State Physical Therapy Board serving on the board on the effective date of this Act [August 31, 1980]."

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Sec. 08.84.020. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62).

Article 2. Registration.

Section	Section
30. Qualifications for licensing	65. Temporary permit
32. Foreign-trained physical therapy or physical therapy assistant applicants	70. [Repealed]
35. [Repealed]	80. Examinations
40. Application for license	90. Licensure
50. Fees	100. Renewal of license
60. Licensure by acceptance of credentials	110. [Repealed]
	120. Refusal, revocation and suspension of license

Collateral references. — 61 Am. Jur. 70 C.J.S., Physicians and Surgeons, 2d, Physicians, Surgeons and Other Healers, §§ 11, 12, 23. §§ 19, 29-31.

Sec. 08.84.030. Qualifications for licensing. To be eligible for licensure by the board as a physical therapist or physical therapy assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

(1) Repealed by § 2 ch 55 SLA 1980.

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

(3) pass to the satisfaction of the board an examination prepared by the Professional Examination Service Association or by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapy assistant, or be entitled to licensure without examination as provided in AS 08.84.060;

(4) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b)(8). (§ 3 ch 74 SLA 1957; am §§ 1, 8 ch 49 SLA 1969; am §§ 1, 2 ch 26 SLA 1970; am § 25 ch 245 SLA 1970; am § 2 ch 71 SLA 1974; am § 2 ch 208 SLA 1975; am § 2 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "licensure" for "registration," and inserted "unless a graduate of a foreign school of physical therapy located outside the United States" in the introductory paragraph, repealed former paragraph (1), which read: "Be of good moral character," substituted "prepared by" for "from," "or by a national testing service approved by the board" for a comma, and "licensure" for "registration." all in paragraph (3), and added paragraph (4).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

- (4) label products with expiration date;
- (5) provide reasonable services to accept returned goods that have reached their expiration date;
- (6) maintain 24-hour resources for product information where practicable and financially feasible;
- (7) maintain recall capabilities for unsafe or defective drugs;
- (8) shall not refuse to sell to any properly licensed pharmacy.
- (h) As used in this section, unless the context requires otherwise,
 - (1) "brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label or wrapping at the time of packaging;
 - (2) "generic name" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary;
 - (3) "substitute" means to dispense without prescriber's express authorization a different drug product in place of the drug ordered or prescribed;
 - (4) "therapeutically equivalent" means drugs that will provide essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen. (§ 15 ch 206 SLA 1972; am § 2 ch 187 SLA 1976; am § 8 ch 94 SLA 1980; am § 31 ch 6 SLA 1984)

Effect of amendments. — The 1984 (e), relating to pharmacies posting a sign amendment repealed former subsection as to substitution of drugs.

Chapter 84. Physical Therapists Practice Act.

Article

2. Registration (§§ 08.84.032, 08.84.050, 08.84.100)

Article 2. Registration.

Section	Section
32. Foreign-trained physical therapy or physical therapy assistant applicants	50. Fees 100. Renewal of license

Sec. 08.84.032. Foreign-trained physical therapy or physical therapy assistant applicants [See effective date note]. To be eligible for licensure by the board as a physical therapist or physical therapy assistant, an applicant who is a graduate of a school of physical therapy that is located outside of the United States shall

- (1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a school approved by the Council on Medical Education and Hospitals of the American Medical Association or the American

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Physical Therapy Association, and furnish documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;

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

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

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

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

(6) pay the fee required under AS 08.84.050. (§ 3 ch 55 SLA 1980; am § 46 ch 37 SLA 1985)

Effect of amendments. — The 1985 amendment in the introductory language and in paragraph (2) substituted "that" for "which" and in paragraph (6) substituted "required" for "prescribed" and "AS 08.84.050" for "AS 08.84.050(2) and (3)."

Effective dates. — The 1985 amendment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the effect of amendments note.

Sec. 08.84.050. Fees [See effective date note]. The Department of Commerce and Economic Development shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) license by examination;
- (3) license by acceptance of credentials;
- (4) renewal;
- (5) temporary permit. (§ 4 ch 74 SLA 1957; am § 2 ch 49 SLA 1969; am § 3 ch 26 SLA 1970; am § 5 ch 55 SLA 1980; am § 47 ch 37 SLA 1985)

Effect of amendments. — The 1985 amendment rewrote this section, which included a fee schedule.

ment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the main pamphlet.

Effective dates. — The 1985 amend-

(1) application	\$ 50
(2) licensure by examination	50
(3) licensure by acceptance of credentials	50
(4) quadrennial renewal	200
(5) temporary permit	20

(§ 4 ch 74 SLA 1957; am § 2 ch 49 SLA 1969; am § 3 ch 26 SLA 1970; am § 5 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "\$50" for "\$25" in paragraph (1), substituted the present provisions of paragraphs (2) — (4) for the former, which read, respectively: "(2) reg-

istration by examination . . . 25," "(3) registration by endorsement . . . 25," and "(4) biennial renewal . . . 25," and substituted "20" for "10" in paragraph (5).

Sec. 08.84.060. Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist or physical therapy assistant licensed under the laws of another state or territory or the District of Columbia, if the requirements for licensure in that state or territory or the District of Columbia, were, at the date of the applicant's licensure, substantially equal to the requirements in this state. (§ 6 ch 74 SLA 1957; am § 4 ch 26 SLA 1970; am § 4 ch 71 SLA 1974; am § 6 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "license" for "register," "licensed" for "registered," "licensure" for "registration," twice, and inserted "or the District of Columbia," twice.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 55, SLA 1982.

Sec. 08.84.065. Temporary permit. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who meets the requirements of AS 08.84.030(2) and 08.84.032(2) and (4) and pays the required fee.

(b) A temporary permit issued to an applicant for licensure by acceptance of credentials is valid for eight months or until the board considers the applicant's application for acceptance of credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure 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.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy located outside the United States is valid until completion of the internship required under AS 08.84.032(2). (§ 5 ch 26 SLA 1970; am § 5 ch 71 SLA 1974; am § 3 ch 208 SLA 1975; am § 7 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "licensure" for "registration" wherever it appears, "acceptance of credentials" for "endorsement" in subsections (a) and (b), and "AS 08.84.030(2) and 08.84.032(2) and (4)" for "AS 08.84.030(1) and" in subsection (a), deleted "endorsement" following "appli-

cant's", and inserted "for acceptance of his credentials" in subsection (b), and added subsection (d).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.84.070. Registration fee.
 Repealed by § 8 ch 49 SLA 1969.

Editor's note. — The repealed section derived from § 6, ch. 74, SLA 1957.

Sec. 08.84.080. Examinations. The board shall examine applicants for licensure as physical therapists or physical therapy assistants at the times and places it determines. (§ 7 ch 74 SLA 1957; am § 3 ch 49 SLA 1969; am § 6 ch 26 SLA 1970; am § 6 ch 71 SLA 1974; am § 8 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment deleted the subsection (a) designation, substituted "licensure" for "registration," and deleted former subsection (b), which read: "An application for examination shall be submitted to the department at least 40 days before the examination date."

Sec. 08.84.090. Licensure. The board shall license an applicant who meets the qualifications for licensure under this chapter. 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 or licensed physical therapy assistant. (§ 8 ch 74 SLA 1957; am § 7 ch 71 SLA 1974; am § 9 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "license" for "register" near the beginning of the section, "licensure" for "registration" in the first sentence, "licensed" for "registered," wherever it appears, inserted "license" in the second and third sentences, and deleted "of registration" in the third sentence.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.013(c) and § 4, Chapter 58, SLA 1982.

~~**Sec. 08.84.100. Renewal of license.** (a) A licensed physical therapist or physical therapy assistant shall renew a license issued under this chapter every four years with the Department of Commerce and Economic Development on or before the date set by the department under AS 08.01.100(a). If the license is not renewed on or before that date, it lapses.~~

~~(b) A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a license which remains lapsed for more than 60 days. If the license remains lapsed for more than three years, the board may require the applicant to take and pass the examination given under AS 08.84.030(3).~~

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Sec. 08.84.100. **Renewal of license.** (a) A licensed physical therapist or physical therapy assistant shall renew a license issued under this chapter every four years with the Department of Commerce and Economic Development on or before the date set by the department under AS 08.01.100(a). If the license is not renewed on or before that date, it lapses.

(b) [See effective date note] Before reinstatement of a license that remains lapsed for more than 60 days, the applicant must pay all delinquent renewal fees and any penalty established under AS 08.01.100(b). If a license remains lapsed for more than three years, the board may require the applicant to take and pass the examination given under AS 08.84.030(3).

(c) A license may not be renewed unless the applicant demonstrates competence as a physical therapist or physical therapy assistant in a manner established by the board in regulations adopted under AS 08.84.010(b)(8). (§ 9 ch 74 SLA 1957; am § 4 ch 49 SLA 1969; am § 8 ch 71 SLA 1974; am § 4 ch 208 SLA 1975; am § 54 ch 218 SLA 1976; am § 10 ch 55 SLA 1980; am § 48 ch 37 SLA 1985)

Effect of amendments. — The 1985 amendment in subsection (b) in the first sentence substituted "Before" for "A penalty of \$10 shall be charged in addition to all delinquent renewal fees for" and "that" for "which" and added "the applicant must pay all delinquent renewal fees and any penalty established under AS

08.01.100(b)" at the end of the sentence and substituted "a" for "the" preceding "license" in the second sentence.

Effective dates. — The 1985 amendment to this section is effective upon the adoption of regulations under AS 08.01.065. For the law until that date, see the effect of amendments note.

Chapter 86. Psychologists and Psychological Associates.

Article

- 2. Administration of Board Affairs (§ 08.86.070)
- 3. Licensing of Psychologists (§§ 08.86.140, 08.86.150)
- 4. Prohibitions and Penalties (§ 08.86.180)
- 5. General Provisions (§ 08.86.230)

Section
70. Duties

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(c) A license may not be renewed unless the applicant demonstrates competence as a physical therapist or physical therapy assistant in a manner established by the board in regulations adopted under AS 08.84.010(b)(8). (§ 9 ch 74 SLA 1957; am § 4 ch 49 SLA 1969; am § 8 ch 71 SLA 1974; am § 4 ch 208 SLA 1975; am § 54 ch 218 SLA 1976; am § 10 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "licensed" for "registered" at the beginning of subsection (a), "license every four years" for "registration biennially" in the first sentence of subsection (a), "license" for "registration" wherever it appears in subsections (a) and

(b), and added subsection (c).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 08.84.110. Renewal fee.

Repealed by § 8 ch 49 SLA 1969.

Editor's notes. The repealed section derived from § 9, ch. 74, SLA 1957.

Sec. 08.84.120. Refusal, revocation and suspension of license.

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

- (1) uses drugs or intoxicating liquors in any manner which affects the person's practice of physical therapy;
- (2) repealed by § 11 ch 55 SLA 1980;
- (3) has been convicted of violating a state or federal narcotic law and has not been rehabilitated to the satisfaction of the board;
- (4) has been convicted of a felony and has not been rehabilitated to the satisfaction of the board;
- (5) is guilty, in the judgment of the board, of gross negligence in the person's practice as a physical therapist;
- (6) has obtained or attempted to obtain a license by fraud or material misrepresentation;
- (7) has been declared mentally ill by a court and has not thereafter been lawfully declared sane;
- (8) has treated or attempted to treat ailments of human beings otherwise than by physical therapy, or has attempted to practice independent of the prescription and direction of a person licensed to practice medicine, osteopathy, dentistry or podiatry;
- (9) as a physical therapy assistant, has attempted to practice physical therapy which has not been initiated supervised and terminated by a licensed physical therapist;
- (10) has been held liable for malpractice in a civil action. (§ 10 ch 74 SLA 1957; am § 5 ch 49 SLA 1969; am § 9 ch 71 SLA 1974; am § 11 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "license" for "register" near the beginning of the introductory paragraph, "license" for "registration" twice in the introductory paragraph, "uses drugs or intoxicating liquors in any manner which affects his practice of physical therapy" for "is habitually drunk or addicted to the use of narcotic drugs" in paragraph (1), repealed former paragraph (2), which read: "is, in the judgment of the board, guilty of immoral or unprofessional conduct," added "and has not been rehabilitated to the satisfaction of the board" in paragraph (3), substituted "felony and has not been rehabilitated to the satisfaction

of the board" for "crime involving moral turpitude" at the end of paragraph (4), and "a license" for "registration" in paragraph (6), deleted "or" at the end of paragraph (7), substituted a comma for "or" following "to practice medicine" in paragraph (8), and added "dentistry or podiatry" at the end of paragraph (8), substituted "licensed" for "registered" in paragraph (9), and added paragraph (10).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

NOTES TO DECISIONS

Cited in *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963).

Article 3. Unlawful Acts.

Section	Section
130. False claim of license forbidden	170. Penalty
140. Penalty for fraud in obtaining license	180. Investigation
150. Licensure of physical therapists	135. Limits or conditions on license; discipline
160. Practice of licensed physical therapist	

Sec. 08.84.130. False claim of license forbidden. (a) A person not licensed as a physical therapist, or whose license is suspended or revoked, or whose license is lapsed, who uses in connection with the person's name the words or letters "L.P.T.", "Licensed Physical Therapist," or other letters, words, or insignia indicating or implying that the person is a licensed physical therapist, or who in any way, orally, or in writing, directly or by implication, holds out as a licensed physical therapist is guilty of a misdemeanor.

(b) A person not licensed as a physical therapy assistant, or whose license is suspended or revoked, or whose license is lapsed, who in any way, orally, or in writing, directly or by implication, holds out as a licensed physical therapy assistant is guilty of a misdemeanor. (§ 11 ch 74 SLA 1957; am § 10 ch 71 SLA 1974; am § 12 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "licensed" for "registered" and "license" for "registration" wherever each appears throughout the section, and "L.P.T." for "R.P.T." in subsection (a).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

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Sec. 08.84.140. Penalty for fraud in obtaining license. A person who wilfully makes a false oath or affirmation or who obtains or attempts to obtain a license by a fraudulent representation is guilty of a misdemeanor. (§ 12 ch 74 SLA 1957; am § 13 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "a license" for "registration."

Sec. 08.84.150. Licensure of physical therapists. It is unlawful for anyone to practice physical therapy without being licensed in accordance with this chapter unless a student in an accredited physical therapy program or a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032(2), and then only unless under the continuous direction and immediate supervision of a physical therapist. (§ 14 ch 74 SLA 1957; am § 6 ch 49 SLA 1969; am § 14 ch 55 SLA 1980)

Cross references. — For professional designation requirements for registered physical therapists, see AS 08.02.010.

Effect of amendments. — The 1980 amendment deleted the subsection (a) designation, substituted "licensed" for "registered" near the beginning of the section, added the provisions beginning, "unless a student in" and ending "of a physical ther-

apist" at the end of the section, and deleted former subsection (b), which read: "A person practicing physical therapy without being registered on April 27, 1969 may continue to practice for a period of six months. At the end of that period he must be registered under AS 08.84.090 in order to continue to practice physical therapy in the state."

Sec. 08.84.160. Practice of licensed physical therapist. A person licensed under this chapter may not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person licensed to practice medicine, osteopathy, dentistry or podiatry. This chapter does not authorize any person to practice medicine, osteopathy, chiropractic, or other method of healing. (§ 13 ch 74 SLA 1957; am § 7 ch 49 SLA 1969; am § 15 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "licensed" for "registered" at the beginning of the section, substituted a comma for "or" following "to practice medicine" and added

"dentistry or podiatry" in the first sentence, and deleted the former last sentence, which read: "A person who violates this section is guilty of a misdemeanor."

Sec. 08.84.170. Penalty. A person who violates this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 30 days. (§ 17 ch 74 SLA 1957)

Sec. 08.84.180. Investigation. The board shall request appropriate authorities to conduct investigations of every supposed violation of this chapter coming to its notice and shall report all cases which in the

judgment of the board warrant prosecution to the proper law enforcement officials. (§ 17 ch 74 SLA 1957; am § 16 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "request appropriate authorities to conduct investigations of" for "investigate."

Sec. 08.84.185. Limits or conditions on license; discipline. (a) In addition to action under AS 08.84.180, upon a finding that by reason of demonstrated problems of competence, experience, education or health the authority to practice physical therapy should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a registration.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section. (§ 29 ch 102 SLA 1976)

Cross references. — As to constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14. 2d. Physicians, Surgeons and Other Healers, §§ 48-66. 70 C.J.S., Physicians and Surgeons, §§ 16-18.

Collateral references. — 61 Am. Jur.

Article 4. General Provisions.

Section

- 190. Definitions
- 200. Short title

Sec. 08.84.190. Definitions. As used in this chapter, unless the context otherwise requires,

- (1) "board" means the State Physical Therapy Board;
- (2) "physical therapist" means a person who practices physical therapy;
- (3) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.

(4) "physical therapy assistant" means a person who assists in the practice of physical therapy or portions of it as initiated, supervised, and terminated by a registered physical therapist; a physical therapy assistant's responsibilities do not include testing or evaluation. (§ 2 ch 74 SLA 1957; am § 11 ch 71 SLA 1974; am § 17 ch 55 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote paragraph (3). remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Editor's notes. — This section was redrafted by the revisor of statutes to

Sec. 08.84.200. Short title. This chapter may be cited as the Physical Therapists Practice Act. (§ 1 ch 74 SLA 1957)

Chapter 86. Psychologists and Psychological Associates.

Article

- 1. Board of Psychologist and Psychological Associate Examiners (§§ 08.86.010 — 08.86.050)
- 2. Administration of Board Affairs (§§ 08.86.070 — 08.86.100)
- 3. Licensing of Psychologists (§§ 08.86.120 — 08.86.150)
- 3A. Licensing of Psychological Associates (§§ 08.86.160 — 08.86.164)
- 4. Prohibitions and Penalties (§§ 08.86.170 — 08.86.220)
- 5. General Provisions (§ 08.86.230)

Collateral references. — 61 Am. Jur. 70 C.J.S., Physicians and Surgeons, 2d, Physicians, Surgeons and Other Healers, §§ 6. 11-13. §§ 11, 86.

Article 1. Board of Psychologist and Psychological Associate Examiners.

Section

- 10. Creation and membership of board
- 20. Appointment and term of office
- 25. Removal of board members

Section

- 30. Board meetings
- 40. Assistants
- 50. [Repealed]

Sec. 08.86.010. Creation and membership of board. There is created a Board of Psychologist and Psychological Associate Examiners. It consists of four licensed psychologists, and one person who has no direct financial interest in the health care industry. (§ 1 ch 136 SLA 1967; am § 1 ch 65 SLA 1973; am § 30 ch 102 SLA 1976; am § 2 ch 58 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "four" for "three," "one person" for "two persons," and "has" for "have," all in the second sentence.

§ 08.20.200

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12 ch 162 SLA

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10 ACLA 1949)

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the defendant

§ 08.20.210

BUSINESS AND PROFESSIONS

§ 08.20.220

Revisor's notes. — This section intro-
duces a requirement which does not exist
in this chapter, viz., filing a certificate
with the board. It is the board's duty to
keep a registry.

Editor's notes. — This section was
redrafted by the revisor of statutes to
remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, Chapter 58,
SLA 1982.

Collateral references. — Practicing
medicine, surgery, dentistry, optometry,
podiatry, or other healing arts without
license as a separate or continuing offense.
99 ALR2d 654.

Sec. 08.20.210. Fraudulent certificates. Any person who obtains
or attempts to obtain a chiropractic certificate by dishonest or
fraudulent means, or who forges, counterfeits, or fraudulently alters
any such certificate is punishable by a fine of not more than \$500, or
by imprisonment for not more than six months, or by both. (§ 4 ch 53
SLA 1955)

Article 4. General Provisions.

Section

220. Chiropractic defined

Sec. 08.20.220. Chiropractic defined. Chiropractic is the science
of locating and correcting interference with nerve energy transmission
and expression within the human body, and the employment and prac-
tice of drugless therapeutics, including physiotherapy, hydrotherapy,
mechanotherapy, phytotherapy, electrotherapy, chromotherapy,
thermotherapy, thalmotherapy, correcting and orthopedic gymnastics,
and dietetics which includes the use of foods and those biochemical
tissue building products and cell salts found within the normal human
body, without the use of drugs or surgery. (§ 35-3-22 ACLA 1949)

Opinions of Attorney General. — It is
illegal and criminal for a chiropractor,
without additional qualifications, to pre-
scribe drugs or medicine to sick or injured
persons. 1961 Op. Att'y Gen., No. 23.

Money cannot be expended from the
fishermen's fund for the payment of
charges for medicines prescribed by chiro-
practors. 1961 Op. Att'y Gen., No. 23.

Collateral references. — Chiroprac-
tors as within term "physician" in rule as
to privileged communications. 68 ALR
177.

Kind or character of treatment which
may be given by one licensed as chiroprac-
tic. 86 ALR 630.

Chapter 24. Collection Agencies.

Article

1. Collection Agency Board (§§ 08.24.011 — 08.24.031)
2. Powers and Duties of Department of Commerce and Economic Development (§ 1 — 08.24.071)
3. Licensing (§§ 08.24.090 — 08.24.380)

Revisor's notes. — The Collection
Agency Board has been terminated under
the provisions of AS 08.03 and AS 44.66.

AS 08.03.010(b)(3) established a termina-
tion date of June 30, 1980.

SB 457, Relating to the State Board of Physical Therapists.

The sunset audit of the board recommended that physical therapists be allowed to practice without referral from other medical professionals. A draft committee substitute has been prepared that would:

- 1) extend the board for three years,
- 2) allow practice without referral, and
- 3) add as a cause for license suspension or revocation the failure to refer a patient whose condition is beyond the therapist's abilities.

A letter of intent has been prepared that requests the board to adopt regulations requiring continuing education and to prepare a report at the end of the three year extension evaluating the performance of physical therapists practicing without referral.

CSHB 161 (Finance)am, relating to the interest rate, loan conditions and repayment provisions of scholarship loans.

At our March 4 hearing on this bill, the United Campuses of Alaska indicated they would be meeting March 13 and 14 to develop a consensus position on the bill. This position will be presented at our Tuesday hearing.

Attached is a copy of the bill discussed at our March 4 hearing and an explanation of its fiscal impacts.

Finally, a letter regarding confirmation of the Governor's appointees to boards and commissions has been prepared. This will be addressed at the hearing.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 457
 Title: An Act relating to the State
 Physical Therapy Board;
 Sponsor: Senate HESS
 Requester: Senate HESS
 Date of Request: 3/14/86

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULLTIME		-0-	-0-	-0-	-0-	-0-
PARTTIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

The bill extends the State Physical Therapy Board for three years and enacts a re-write of AS 08.84.120 relating to REFUSAL, REVOCATION, AND SUSPENSION OF LICENSE. The bill also classifies a violation as a Class B Misdemeanor. In addition, the bill repeals sections relating to practice by referral, therefore allowing physical therapists to practice independently. The bill is not expected to generate new costs or revenues.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 3-17-86

Approved by Commissioner: [Signature] Date: 3/17/86
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

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



P O BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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**Senate Committee on
Health, Education and Social Services**

M E M O R A N D U M

TO: Senator Bennett, Senate President
FROM: Senator Fahrenkamp, Chairman
Senate Committee on Health, Education and Social Services
RE: State Physical Therapy Board
DATE: February 25, 1986

Pursuant to your referral under AS 44.66.050 and AS 08.03.010, the Senate Committee on Health, Education and Social Services has had under review the State Physical Therapy Board.

As required by statute, a public hearing was held on the review of this Board. The Committee considered the findings and recommendations of the Legislative Audit Division and has examined the proposed budget for the Board.

After careful analysis, the Committee will be introducing legislation that would extend the State Physical Therapy Board for a three year period. In an effort to increase public access to physical therapy services, the legislation will also propose the repeal of statutes that regulate the supervision of physical therapists by other medical professionals.

Senator Fahrenkamp, Chairman

Senator DeVries

Senator Sturgulewski, Vice Chairman

Senator P. Fischer

Senator Josephson

Introduced: 2/17/86
Referred: Health, Education &
Social Services, Labor & Commerce
and Finance

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 640

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 1990 [1986].

12 * Sec. 2. AS 08.84.120 is amended to read:

13 Sec. 08.84.120. REFUSAL, REVOCATION, AND SUSPENSION OF LICENSE.
14 The board may refuse to license an applicant, may refuse to renew the
15 license of a person, and may suspend or revoke the license of a person
16 who

17 (1) uses drugs or intoxicating liquors in any manner which
18 affects the person's practice of physical therapy;

19 (2) [Repealed

20 (3)] has been convicted of violating a state or federal
21 narcotic law and has not been rehabilitated to the satisfaction of the
22 board;

23 (3) [(4)] has been convicted of a felony and has not been
24 rehabilitated to the satisfaction of the board;

25 (4) [(5)] is guilty, in the judgment of the board, of gross
26 negligence in the person's practice as a physical therapist;

27 (5) [(6)] has obtained or attempted to obtain a license by
28 fraud or material misrepresentation;

29 (6) [(7)] has been declared mentally ill by a court and has

1 not thereafter been lawfully declared sane;

2 (7) [(8)] has treated or attempted to treat ailments of
3 human beings otherwise than by physical therapy [, OR HAS ATTEMPTED TO
4 PRACTICE INDEPENDENT OF THE PRESCRIPTION AND DIRECTION OF A PERSON
5 LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY OR PODIATRY];

6 (8) [(9)] as a physical therapy assistant, has attempted to
7 practice physical therapy which has not been initiated, supervised,
8 and terminated by a licensed physical therapist;

9 (9) [(10)] has been held liable for malpractice in a civil
10 action.

11 * Sec. 3. AS 08.84.160 is amended to read:

12 Sec. 08.84.160. PRACTICE OF LICENSED PHYSICAL THERAPIST. [A
13 PERSON LICENSED UNDER THIS CHAPTER MAY NOT TREAT HUMAN AILMENTS BY
14 PHYSICAL THERAPY OR OTHERWISE EXCEPT UNDER THE PRESCRIPTION AND DIREC-
15 TION OF A PERSON LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY
16 OR PODIATRY.] This chapter does not authorize any person to practice
17 medicine, osteopathy, chiropractic, or other method of healing.

18 * Sec. 4. AS 08.84.065(d) is repealed.

19 * Sec. 5. This Act takes effective immediately in accordance with
20 AS 01.10.070(c).

Senate HESS Committee
February 20, 1986

TELECONFERENCED TO ANCHORAGE AND FAIRBANKS ONLY.

SUNSET REVIEW OF THE BOARD OF PHYSICAL THERAPISTS.

TO TESTIFY:

Nancy Dunn + JENNY STRICKLER, Division of Occupational Licensing

[REDACTED]

available
2:00-2:30
only

→ MORRIS HORNING, M.D., Board Member, ANCHORAGE

HAL EGBERT, Chairman, Alaska Practice Without Referral Task
Force, ANCHORAGE

AUDIT RECOMMENDS:

- 1) Continue Board
- 2) Repeal of statutes that regulate supervision of physical therapists by other medical professionals. (Current statute allows the practice of physical therapy only under the supervision of licensed medical doctors)

sunset
provision?

Allowing physical therapists to practice more autonomously could increase public access to their services and reduce costs.

HOUSE HAS INTRODUCED:

HB 640 House HESS Committee

Extends for four more years

Repeals statutes requiring referral by physicians.

Repeals statutes relating to temporary permits for foreign trained students.

HB 564 Marrou

BOARD'S BUDGET

Average Revenues \$8,129

Expenditures \$3,417

Excess funds \$4,712

License fee \$50/year



OFFICIAL BUSINESS

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

ROUGHY
 JUNEAU AK 99811
 465-3759

SUNSET REVIEW REPORT - HOUSE BILL NO. 640

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 Licensure consider restoring necessary board expenses, such as the cost of meetings, if requested by the board.

The Committee further requests that the Division report in writing to

HB 317

For Bill/Resolution No. CSHB 317 (L&C) Page 3 of 3PROJECTED REVENUES:

FY 87:	Based on the number of practitioners identified, it is anticipated that 219 practitioners will be seeking initial licensure. 219 x \$400	** \$ 87.6
FY 88:	Based on the assumption that there will be at least 25 new applicants. 25 x \$400	10.0
FY 89:	Projections for this fiscal year are based on the assumption that all licenses will be renewed. Based on 244 renewing x \$350 (renewal fee) In addition, 25 new licensees x \$400	85.4 <u>10.0</u> 95.4
FY 90:	Based on an estimate of 25 new licensees x \$400	10.0
FY 91:	Assuming this will also be a renewal year, 294 licensees x \$350 (renewal fee) In addition, 25 new licensees x \$400	102.9 <u>10.0</u> 112.9

**Note: The 219 practitioners were determined as a result of the 131 State employees not required to be licensed by the bill. Total number of Social Workers identified in Alaska by the Alaska Chapter of the National Association of Social Workers were 350 practitioners.

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

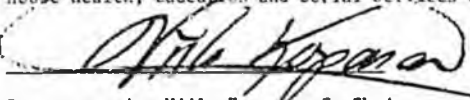
safeguard against any unanticipated results. Other states which have allowed independent practice have experienced no difficulties regarding practice or insurance.

(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



456-5711

8Bonnie Street
Fairbanks, Alaska 99701
March 11, 1986

TO: Bettye Fahrenkamp
Danny Consenstein, Aide

RE: Independent Practice of Physical Therapists, SB 457

I spoke to Shelly Kozel, local physical therapist. She called Hal Egbert, Physical Therapist from Alaska Native Hospital in Anchorage who is one of the spokespeople for the state group. She indicated that he said the group would be willing to accept the following limitations for those therapists applying for independent practice status:

1. Two years experience after obtaining their PT degree
2. a referral letter to be required with the application and to be obtained from a physician or another physical therapist with whom they have been working those 2 years
3. continuing medical education

I would be willing to accept the three items above. She was uncertain of the amount of CME the group was willing to accept. I would ^{suggest} at least 30 credits every two years, but would certainly encourage more. They currently would like to avoid the issue of a master's degree. It is perhaps early days to be looking at that particular area. As I mentioned before, Danny, I would be unwilling to support the bill without any limitations at all. I feel the three items above are acceptable and that all three are needed.

Thank you for keeping me informed on this issue.

Mary C. Winy MD, President

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
STATE PHYSICAL THERAPY BOARD

September 23, 1985

Audit Control Number

08-1225-86-R

Commissioner, Department of
Commerce and Economic Development

Loren H. Lounsbury

Deputy Commissioners, Department of
Commerce and Economic Development

Greg Baker
Terry Elder

Members of the
State Physical Therapy Board

Acting Chairperson
Member
Member
Member

Donna Klokkevold, RPT
Morris R. Horning, MD
E. "Bud" Simpson
Merle B. Young, Jr. RPT

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

September 23, 1985

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT ON THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
STATE PHYSICAL THERAPY BOARD

September 23, 1985

Audit Control Number

08-1225-86-R



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE OF THE REPORT

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the State Physical Therapy Board to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the State Physical Therapy Board should be reestablished. The law now specifies that the Board will terminate June 30, 1986, and have one year from that date to conclude its affairs.

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and performed the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensees.
3. Interviews with the licensing examiners.
4. Complaints filed with the Division of Occupational Licensing, Equal Employment Opportunity Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's Opinions applicable to professional boards.

ORGANIZATION AND FUNCTION

The State Physical Therapy Board was established by the 1974 Legislature. This regulatory board consists of five persons; three physical therapists, one medical doctor, and one public member appointed by the Governor. Board members serve staggered terms of four years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries, and provides other administrative help to the Board.

The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations necessary and desirable to enforce statutes.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated physical therapist statutes or regulations.

REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the State Physical Therapy Board should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and examination requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

FINDING AND RECOMMENDATION

Recommendation No. 1

The Board of Physical Therapy should support the amendment or repeal of statutes that regulate supervision of physical therapists by other medical professionals.

The current statutes that regulate the supervision of physical therapists unduly restrict the public's access to physical therapy services. Alaska Statutes 08.84.120(8) and 08.84.160 allow the practice of physical therapy only under the supervision of licensed medical doctors, osteopaths, dentists, and podiatrists.

The Board should consider supporting an amendment to the current statutes that would allow physical therapists to practice under the direction and supervision of other health care professionals, such as chiropractors. In an April 1984 letter to the president of the Alaska Chiropractic Society, the Department of Law stated that they felt the exclusion of licensed chiropractors from the professionals listed in AS 08.84.120(8) and AS 08.84.160 was "... legally questionable on both antitrust and constitutional grounds." Additionally, exclusions written into the current law could result in increased health care costs to patients of chiropractors requiring physical therapy.

Rather than proposing amending the current statutes to allow greater public access to physical therapy services, the Board should also consider if the public may be better served by repeal. Repeal of the statutes would allow physical therapists to practice more autonomously, therefore greatly increasing the public's access to their services, most likely at a reduced cost. Nationally, the trend has been to ease restrictions of, and increase the access to, physical therapy services. Seven states allow therapists to practice independently, while 27 states allow physical therapy evaluation without referral from other health care professionals.

If the current statutes are repealed or amended as suggested, the public will have more access to physical therapy services at a reduced cost. We believe public protection will not be diminished by improving the availability of physical therapy services and the legal questionability of the statutes would be eliminated. In order to discharge its mandate to recommend statutory changes which are generally of benefit to the public interest, the Board should consider these options; then pursue and support appropriate modifications to their statutes.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. The Board has established regulations governing its duties and licensure requirements.
 - B. The Board has enforced the laws for issuing licenses in a uniform and consistent manner.
 - C. The Board has held meetings and administered examinations in accordance with its statutory requirements.

- II. 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.
 - A. The Board's budget was reduced from \$5,200 in FY 84 to \$1,700 in FY 85. This resulted in fewer FY 85 board meetings (see Appendix C).
 - B. The Board receives administrative services support from the Division of Occupational Licensing.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.
 - A. Statutory changes were made to allow qualified foreign-trained physical therapists to practice in Alaska.

- IV. 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.
 - A. The Board publicizes its meetings through public notices placed in Anchorage, Fairbanks, and Juneau newspapers. In order to facilitate public attendance, past meetings have been held at each of these locations.

- B. The Board has sent a "public notice" poster describing the Board's purpose to physical therapy departments statewide.
- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.
- A. The Board announces proposed regulation changes or additions in newspapers according to the Administrative Procedures Act.
- VI. 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 a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.
- A. The Office of the Ombudsman and the Attorney General's Office has no outstanding consumer complaints regarding the State Physical Therapy Board.
- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
- A. We found no instances where the Board had licensed unqualified practitioners.
- B. There are 169 physical therapists and 11 physical therapist assistants licensed in Alaska.
- VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity of interest.
- A. No complaints have been filed with the Office of Equal Employment Opportunity regarding the State Physical Therapy Board.
- IX. 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.

Please refer to the previous section, Finding and Recommendation.

APPENDIXES

APPENDIX A

STATE PHYSICAL THERAPY BOARD
REVENUES COMPARED WITH EXPENDITURES
For the Fiscal Year Ended June 30, 1985
(UNAUDITED)
(Note 1)

Average Revenues (Note 2)	\$8,129
Expenditures (Note 3)	<u>3,417</u>
Excess of Revenues over Expenditures	<u>\$4,712</u>

Schedule 1
Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Examination Fee	\$ 50	With application form
Reexamination Fee	50	At least 40 days prior to the examination
Licensure by Credential Fee	50	With application form
Renewal Fee	200	Quadrennially
Temporary Permit Fee	20	With application form
Initial Application Fee	50	With application form
Late Fee Fine	10	With late payment
Bad Check Charge	10	With valid payment

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with Occupational Licensing personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Revenues Compared with Expenditures.

Note 2

The majority of the revenues collected are composed of license renewal fees. These fees are collected by most boards once every two or four years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average for the revenues collected in FY 82 through FY 85 in order to obtain a more accurate representation of collected revenues.

Note 3

Expenditures consist of direct costs resulting from Board activities. These include miscellaneous contractual, travel and per diem costs incurred by Board members and the Board's licensing examiner. This amount does not include the indirect administrative expenditures of the Division of Occupational Licensing such as employee salaries nor the expenditures made by other departments such as the Department of Law, which assist the boards and the Division.

APPENDIX B

STATE PHYSICAL THERAPY BOARD
EXAMINATION STATISTICS

Number of Examinations Given in Fiscal Years 1983-1985

<u>Fiscal Year</u>	<u>Passes</u>	<u>Fails</u>	<u>Total</u>
1983	5	1	6
1984	3	0	3
1985	2	0	2

APPENDIX C

STATE PHYSICAL THERAPY BOARD
ADMINISTRATIVE STATISTICS
September 23, 1985

Licensed Physical Therapists	169
Licensed Physical Therapy Assistants	11
<u>Board Meetings in Fiscal Years 1983-1985</u>	
1983	3
1984	3
1985	2

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

December 23, 1985

RECEIVED
DEC 24 1985

LEGISLATIVE
AUDIT

Mr. Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your preliminary audit report for the State Physical Therapy Board.

We concur with the report that the State Physical Therapy Board is necessary to protect the public's health, safety and welfare, and submit that the board has operated in the best interest of the public. We, therefore, support the reestablishment of the board.

Thank you once again for the opportunity to comment on the preliminary report.

Sincerely,


Loren H. Lounsbury
Commissioner

LHL/mst3049m
120985a

February 8, 1986

Hal W. Egbert, L.P.T.
Chairman, Alaska Practice Without
Referral Task Force

Bettye M. Fahrenkamp, Senator
Chairman, Senate HESS Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

*Danny Check
this out.
+ review audit
while you're at it!*

Dear Senator Fahrenkamp,

I am writing to you in regard to Alaska physical therapy, and the need to revise our Alaska Physical Therapy practice act to repeal statutes that regulate supervision of physical therapists by other medical professionals.

You may be familiar with the recent performance report submitted by Gerald L. Wilkerson, CPA, who is a legislative auditor working for the Legislative Audit Division. This report was done to determine whether or not our Alaska Physical Therapy Board should continue and how to make it work better. In addition to recommending to re-establish the Physical Therapy Board an item of weakness and/or conflict was discovered. The following is part of the performance audit report: (Appendix A)

"...In an April 1984 letter to the president of the Alaska Chiropractic Society, the Department of Law stated that they felt the exclusion of licensed chiropractors from the professionals listed in AS 08.84.120(8) and AS 08.84.160 was "...legally questionable on both antitrust and constitutional grounds." Additionally, exclusions written into the current law could result in increased health care costs to patients of chiropractors requiring physical therapy.

Rather than proposing amending the current statutes to allow greater public access to physical therapy services, the Board should also consider if the public may be better served by repeal. Repeal of the statutes would allow physical therapists to practice more autonomously, therefore greatly increasing the public's access to their services, most likely at a reduced cost. Nationally, the trend has been to ease restrictions of, and increase the access to, physical therapy services. Seven states allow physical therapists to practice independently, while 27 states allow physical therapy evaluation without referral from other health care professionals.

If the current statutes are repealed or amended as suggested, the public will have more access to physical therapy services at a reduced cost. We believe public protection will not be

diminished by improving the availability of physical therapy services and the legal questionability of the statutes would be eliminated. In order to discharge its mandate to recommend statutory changes which are generally of benefit to the public interest, the Board should consider these options; then pursue and support appropriate modifications to their statutes."

Having spoken to the three physical therapists on the Board today, I can report to you that Meryl Young from Fairbanks, Gail Dudley from Anchorage, and Susan Thompson from Soldotna all support the repeal of statutes that regulate supervision of physical therapists by other medical professionals.

As you know, the Alaska Physical Therapy Association has voted that we need to pursue gaining autonomous practice abilities. Reasons that support this desire are listed in Appendix B. We agree strongly with the Legislative Audit report and intend to ask for a change of our statutes on 2/13/86 in a hearing held by the Alaska House HESS committee at 4:30PM.

We have polled all 180 Alaska licensed physical therapists and as of this date have received 71 responses to the question: "Do you support Practice Without Referral for therapists in Alaska?" Sixty-two physical therapists are for the proposed statute change. Eight therapists are against; one therapist is neutral. Nine physical therapists responded from Fairbanks with eight being for and one was neutral. At present 88% of the responses are supporting this proposed practice act change.

There are now 9 states that allow practice without referral and ⁽²⁸⁾ 29 other states that permit evaluation without referral. These states are listed in Appendix C. In all of these states, there has been no negative situations reported as a result of the statute changes in their states. A letter from our major malpractice underwriter also supports this "no problem" result of permitting more autonomous practice (see Appendix D).

As Chairman of an eight therapist state-wide "Practice Without Referral" Task Force, I have met with Dr. Dave McGuire, President of the Alaska AMA Society and Dr. Myron Schweigert, President of the Alaska Chiropractic Society and discussed this issue and asked for feedback from their Societies. Dr. McGuire was neutral and thought there would be some opposition from general practitioners

and a few orthopods. He wished us good luck in our endeavor. He did not encourage further discussions with his officers. Dr. Schweigert and his executive officers were pleased to see they would not be excluded from referring patients to physical therapists but withheld outright endorsement pending final language of the bill.

Senator Fahrenkamp, I know you were initially receptive to permitting physical therapists to treat patients without a physician's referral. This change will satisfy the recommendation made by the Legislative Audit Performance report. It will be good for the State of Alaska. It will allow more timely care and remove major problems in delivering care to school children needing physical therapy. Eight therapists commenting on the bottom of their poll form were very strongly recommending this change because of their experiences working in the school districts.

Even though there have been no consumer problems or complaints in states with more autonomous practice and the fact that the Alaska Legislative Audit foresees no problems from this statute change we would still recommend to the physical therapy Board to add more regulation changes(see Appendix E).

We hope that you will support this proposal and can meet with you or furnish you with additional information at your request. Meryl Young has offered to discuss this issue with you at your request.

Sincerely yours,

Hal W. Egbert, LPT

Hal W. Egbert, Chairman

Alaska Physical Therapy Practice Without
Referral

S.R. Box 1483

Eagle River, Ak. 99577

Home phone 694-4512

Work phone 265-9249

Fairbanks Chiropractic Clinic
728 GAFFNEY ROAD
FAIRBANKS, ALASKA 99701

Handwritten signature

DR. CHARLES A. RUBLEE
CHIROPRACTIC PHYSICIAN

called 4/10/86

10 April 1986

Ms. Bettye Fahrenkamp
Health, Education and Social
Services Committee
Pouch 'V'
Juneau, Alaska 99811

Dear Honorable Fahrenkamp:

I am writing you in reference to Senate Bill 457, which deals with the physical therapists in the State of Alaska. It is my understanding that this bill provides for physical therapists to be able to treat patients in the State of Alaska without being under the supervision of a Medical Doctor. I realize that in seven or eight other states they do have this particular privilege, but it would be my feeling that if enacted this would be detrimental to the citizens of our State.

I think one thing in particular must be considered before a physical therapist is allowed to become a primary health provider and that is the educational requirements for physical therapists. I think physical therapists in this State and Nationally are looked upon as para-professionals and are not educated in the manner in which is conducive to their making decisions relating to the patient's overall health. I think they are what the name implies, "physical therapists". I understand after talking to one of the people who represent the medical society in Fairbanks, that there is a possibility these 'physical therapists' will not be allowed to get third party reimbursement, unless they have the approval of a Medical Doctor on the case, which I think is fine. That would seem to me like a mechanism to dissuade them from treating patients on their own in third party cases.

From my own perspective, as being a Chiropractor in this State for nearly 10 years, I know there are some licensed physical therapists currently trying to manipulate patients, even though manipulation in most cases is not even a required course in their particular school, which most of the physical therapy schools are two years in duration. Most of the physical therapists are learning how to manipulate the spine during weekend seminars, and I certainly do not think it is in the public's best interest to let a person with minimal education in manipulation use those techniques on patients - do you? As I understand it, there is also a recommendation to the Senate that if a physical therapist is found to have treated a patient when he should have referred, then that physical therapist is apt to get his license revoked. I would also like to make a strong recommendation that physical therapists not be allowed to manipulate the spine in any way, unless they have been through four years of Chiropractic College. I think this would be in the best interest of the patients, the insurance industry and the public-at-large. If there were limitations put on the physical therapists, they should also include a definite limitation on any type of dispensing of drugs, as I feel that physical therapists have a very minimal background in that area as well.

Ms. Bettye Fahrenkamp
10 April 1986
Page 2

I would also encourage the Bill to be changed in Section 08.84.160 "For practice of licensed physical therapist" be amended to include them being able to get a prescription from Chiropractors as well as "Medicine, Osteopathy, Dentistry or Podiatry. I understand they have fought this in the past tooth and nail, because of not wanting to jeopardize their economic status with the Medical Doctors, but I assure you that times are changing and this would have little or no effect on that. I would also like for something to be put into the Bill that would enable Chiropractors, who have felt that physical therapists have manipulated patients, be able to put charges against that physical therapist to have his/her license revoked.

I realize that some of these suggestions would require major changes of this Bill, but I sincerely hope you will consider these changes.

Thank you for your time and consideration.

Sincerely,



C. A. Rublee, D. C.

CAR/jmr

Appendix D

MAGINNIS AND ASSOCIATES

DONALD F. LANG
PRESIDENT

PROFESSIONAL INSURANCE ADMINISTRATORS

March 14, 1985

Mr. Harvey Shapira
Rancho Physical Therapists
820 Rancho Lane
Suite 860
Las Vegas, Nevada 89106

Dear Mr. Shapira:

Our firm as a major insurer in the physical therapy area has been monitoring claims in those jurisdictions where practice without referral is allowed. As of this writing, we have no evidence that practice without referral has had a negative impact on professional liability claims handled by our office. We have not seen any significant increases in claims in such situations.

A number of states have allowed practice without referral for some time. It would be normal from an underwriter's approach to expect that when the therapist is practicing independent of the physician, claim experience should be less favorable than that where a physician is involved. As this is not the case at the present time, I can only suggest to you that the professional therapist utilizes every viable tool available to him to provide his patient with the best care possible. I would suggest that in those areas where practice without referral has been allowed, the truth of the matter is that the professional therapist counsels with the physician should there be any question whatever as to what might be proper in the handling of the patient. The less professional therapist is going to be more subject to losses with or without the restriction of requiring physician referral.

Serving our clients professionally for over 30 years

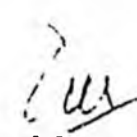
Dear Mr. Shapria:

March 14, 1985

We will continue to monitor our therapy program and should we notice any significant change, you may be assured that we will be in contact with your national office in Alexandria.

I hope this communication will be of help to you.

Sincerely,


Donald F. Lang

DFL/cc

CC: Mr. Skip Calvert ✓
Associate Executive Director -
Administration
and
Mr. Robert A. Teckemeyer
Deputy Executive Director
AMERICAN PHYSICAL THERAPY ASSOCIATION

Appendix E

The Alaska Chapter of the American Physical Therapy Association, Inc., (APTA) is a regional chapter of the voluntary, non-profit national organization for physical therapists. One of our main purposes is to foster the development and improvement of physical therapy service and physical therapy education through the coordinated action of physical therapists, allied professional groups, citizens, agencies, and schools, to the end that the physical therapy needs of the people will be met. One important function of the Chapter is to develop, oversee, and maintain those high standards that a therapist must attain, to serve the public. Our objective is to promote interest in and understanding of physical therapy in Alaska and, towards this end, to comment upon and propose legislation which affects the practice of physical therapy.

The Alaska Chapter of the American Physical Therapy Association, Inc., with unanimous approval of the Executive Committee, wishes physical therapists to practice independently; that is, without physician referral as is now required.

The proposed amendments are presented after a careful review of the needs of both the public sector and the physical therapy profession. We feel that Alaskan physical therapists would be able to provide additional and better service to the public, and still maintain our current high standards of service.

We believe that adoption of these changes will result in professional growth for physical therapists in Alaska and corresponding increase in quality and availability of services to Alaskans. Your careful consideration of our proposal, and your support for its enactment into law, would be appreciated. If we may answer any questions, or provide you with any further information, please do not hesitate to contact Hal Egbert (_____ home or 279-6661 work). Thank you for your attention.

Patricia McAdoo, LPT
President, Alaska Chapter
American Physical Therapy Association

The American Physical Therapy Association, which represents over 35,000 physical therapists, has declared after a significant period of study and deliberation that it is ethical for physical therapists to practice without a physician's referral in a jurisdiction in which it is legal to do so. Elimination of the requirement of referral allows individuals who might not otherwise be able to afford a physician's fee to be treated directly by a qualified physical therapist. Thus, we believe that the amendments we propose will result in decreased health care costs to the public, with no decrease in the quality of care. Research performed by the United States Army and the United States Public Health Service, both of which already utilize therapists in this independent capacity, has demonstrated the effectiveness and cost-efficient nature of using physical therapists as initial health care providers.

Today's physical therapists are well qualified, by both education and clinical training, to evaluate a patient's condition, assess his/her physical therapy needs and, if appropriate, safely and effectively treat the patient. The physical therapist is also well qualified to recognize when a patient demonstrates conditions, signs, and symptoms that should be evaluated by another health care professional before physical therapy is instituted, and knows when to refer patients to other professionals for consultation.

Different types of treatment possible for patient care are rapidly expanding due to advances in all aspects of medicine. Physical therapy meets this need by emphasizing recognition of signs and symptoms of medical problems. The physical therapist assesses a problem and then makes a decision as to whether or not treatment will be beneficial based on this training. It is important to realize that with this knowledge the physical therapist determines which patients can benefit from physical therapy treatment and which should see another medical specialist.

Six states (California, Arizona, Nebraska, Maryland, Massachusetts, West Virginia) and the United States Army already permit independent practice. Twenty-one other states allow initial evaluation without referral. In reviewing the bills of the six states, it was felt that Arizona's statute most closely meets the needs of Alaska, and it has been used as the model in our proposed legislation.

To our knowledge, there has been no problem in those states where similar legislation has been enacted. As it is now, referring practitioners often rely very heavily upon the physical therapist's evaluation and judgement in determining the most appropriate treatment for the patient. We do not desire to exclude physician contact or physician referrals, but we feel that physical therapists, as professionals, should be able to and are fully qualified to function independently as well.

In order to strengthen our commitment to safe, high quality care, we feel that it is appropriate to add into our Practice Act the additions proposed as Section 03.24.129 (11) and (12). This section offers additional protection to the public, and is an appropriate means to regulate the profession to ensure a high standard of care is maintained.

PHYSICAL THERAPIST EDUCATION/LICENSURE:

The basic education of a physical therapist includes eight semester hours of gross human anatomy with total human cadaver dissection, five semester hours of systems physiology, three semester hours of neuroscience which includes neuro-anatomy with human brain dissection, four semester hours of patho-physiology, and three semester hours of functional anatomy which includes pathokinesiology. In addition to these basic science courses, the student receives extensive education in the clinical sciences. The professional program is 26 months in length which includes six months of rotating internships in facilities which offer orthopedic, neurological and long term care physical therapy. Prior to admittance to the professional program a student must complete 67 semester hours of pre-requisite college work which includes chemistry, physics, microbiology, college algebra and trigonometry, psychology, humanities, social sciences and the fine arts. The student graduates from a physical therapy education program with approximately 163 semester hours. A comprehensive professional examination must be taken and passed before a physical therapist can be licensed to practice.

PROPOSED PRACTICE ACT CHANGES:

Sec. 08.84.120

Refusal, revocation and suspension of license.
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

- (1) same
- (2) same
- (3) same
- (4) same
- (5) same
- (6) same
- (7) same
- (8) has treated or attempted to treat ailments of human beings otherwise than by physical therapy, or has attempted to practice independent of the prescription and direction of a person licensed to practice medicine, osteopathy, dentistry, or podiatry.

Delete

2/13/86

(ADD)

to Board
in reqs.
to Board
in reqs

(ADD)

- (9) same
- (10) same
- (11) FAILS TO REFER A PATIENT TO ANOTHER QUALIFIED PROFESSIONAL A PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY OF THE PHYSICAL THERAPIST.
- (12) DEMONSTRATES ANY CONDUCT OR PRACTICE CONTRARY TO RECOGNIZED STANDARDS OF ETHICS OF THE PHYSICAL THERAPY PROFESSION OR ANY CONDUCT OR PRACTICE WHICH DOES OR MIGHT CONSTITUTE A DANGER TO THE HEALTH, WELFARE, OR SAFETY OF THE PATIENT OR THE PUBLIC, OR ANY CONDUCT, PRACTICE OR CONDITION WHICH DOES OR MIGHT IMPAIR THE ABILITY SAFELY AND SKILLFULLY TO PRACTICE PHYSICAL THERAPY.

Sec. 08.84.160

Delete

2/13/86

Practice of licensed physical therapist.
A person licensed under this chapter may not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person licensed to practice medicine, dentistry, osteopathy, or podiatry. This chapter does not authorize any person to practice medicine, dentistry, osteopathy, chiropractic, or other method of healing.

(ADD)

To board
in reqs

THERAPISTS TREATING PATIENTS WITHOUT A PRESCRIPTION OF A PERSON LICENSED TO PRACTICE MEDICINE, DENTISTRY, OSTEOPATHY, OR PODIATRY MUST COMPLY WITH THE REGULATIONS SET BY THE STATE PHYSICAL THERAPY BOARD. (THERAPISTS INTENDING TO TREAT PATIENTS WITHOUT PRACTITIONERS REFERRAL MUST SEND A LETTER OF INTENTION ALONG WITH THEIR RESUME TO THE BOARD)

Sec. 08.84.160

(ADD)

THERAPISTS ARE ALLOWED TO SCREEN ANY PERSON OR SUPERVISE PREVENTATIVE HEALTH PROGRAMS WITHOUT PRACTITIONER REFERRAL.

Sec. 08.84.185

ADD to board
on reg.

(ADD)

Limits or conditions on license; discipline.

(a) In addition to action under AS 08.84.180, upon finding that by reason of demonstrated problems of confidence, experience, education or health the authority to practice physical therapy should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by speciality, procedure or facility, require additional education or training, or revoke or suspend a registration. FAILING TO REFER TO ANOTHER QUALIFIED PROFESSIONAL A PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY OF THE PHYSICAL THERAPIST WILL REQUIRE THE BOARD TO SUSPEND THAT THERAPIST'S PRIVILEGE TO TREAT PATIENTS WITHOUT REFERRAL.

Introduced: 2/12/86
Referred: Labor & Commerce,
Health, Education & Social Services
and Finance

1 IN THE HOUSE

BY MARROU

2 HOUSE BILL NO. 564

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 1987 [1986].

12 * Sec. 2. AS 08.84.120 is amended to read:

13 Sec. 08.84.120. REFUSAL, REVOCATION, AND SUSPENSION OF LICENSE.
14 The board may refuse to license an applicant, may refuse to renew the
15 license of a person, and may suspend or revoke the license of a person
16 who

17 (1) uses drugs or intoxicating liquors in any manner which
18 affects the person's practice of physical therapy;

19 (2) [REPEALED

20 (3)] has been convicted of violating a state or federal
21 narcotic law and has not been rehabilitated to the satisfaction of the
22 board;

23 (3) [(4)] has been convicted of a felony and has not been
24 rehabilitated to the satisfaction of the board;

25 (4) [(5)] is guilty, in the judgment of the board, of gross
26 negligence in the person's practice as a physical therapist;

27 (5) [(6)] has obtained or attempted to obtain a license by
28 fraud or material misrepresentation;

29 (6) [(7)] has been declared mentally ill by a court and has

1 not thereafter been lawfully declared sane;

2 (7) [(8)] has treated or attempted to treat ailments of
3 human beings otherwise than by physical therapy [, OR HAS ATTEMPTED TO
4 PRACTICE INDEPENDENT OF THE PRESCRIPTION AND DIRECTION OF A PERSON
5 LICENSED TO PRACTICE MEDICINE, OSTEOPATHY, DENTISTRY OR PODIATRY];

6 (8) [(9)] as a physical therapy assistant, has attempted to
7 practice physical therapy which has not been initiated, supervised,
8 and terminated by a licensed physical therapist;

9 (9) [(10)] has been held liable for malpractice in a civil
10 action.

11 * Sec. 3. AS 08.84.160 is repealed.

12 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

Alaska State Legislature

SB 457

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



P. O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3634
(907) 465-3782

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, February 20, 1986

DATE: February 18, 1986

On Thursday, February 20, from 1:30-3:30 pm in the Beltz Room the Senate Committee on Health, Education and Social Services will conduct ~~sub~~ ~~it~~ ~~reviews~~ on the ~~Physical Therapy Board~~ and the ~~Pharmacy Board~~.

AS 44.66.050 requires that before the termination or continuation of a board or commission, the legislative committee of reference hold a public hearing on the board. Not later than the 60th day of session, the committee must submit a report to the presiding officer with its recommendation for termination or continuation of the board, and may introduce a bill providing for continuation. AS 44.66.010 provides that upon termination each board continues in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. The Board of Pharmacy is currently in its "wind-up" period.

The State ~~Physical Therapy Board~~ was established in 1974 and consists of five members. The Board ~~regulates and licenses~~ ~~qualified physical therapists and investigates complaints to ensure~~ ~~that those licensed practice in a competent manner.~~ The ~~Legislative~~ ~~Audit report recommends that the board be reestablished but also~~ ~~recommends the repeal of statutes that require supervision of~~ ~~physical therapists by other medical professionals.~~ Current statute allows the practice of physical therapy only under the supervision of licensed medical doctors, osteopaths, dentists, and podiatrists.

COMMITTEE REPORT
SENATE

FURTHER:

2/26/86

Date 3-18-86

Mr. President

The Committee on HESS considered SB 457
relating to the State Physical Therapy Board; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 457 (HESS)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson

Edna McVies

Patricia Schubert *No Pass*

Chairman

Chairman recommendation _____

PHYSICAL THERAPIST EDUCATION/LICENSURE:

The basic education of a physical therapist includes eight semester hours of gross human anatomy with total human cadaver dissection, five semester hours of systems physiology, three semester hours of neuroscience which includes neuro-anatomy with human brain dissection, four semester hours of patho-physiology, and three semester hours of functional anatomy which includes pathokinesiology. In addition to these basic science courses, the student receives extensive education in the clinical sciences. The professional program is 26 months in length which includes six months of rotating internships in facilities which offer orthopedic, neurological and long term care physical therapy. Prior to admittance to the professional program a student must complete 67 semester hours of pre-requisite college work which includes chemistry, physics, microbiology, college algebra and trigonometry, psychology, humanities, social sciences and the fine arts. The student graduates from a physical therapy education program with approximately 163 semester hours. A comprehensive professional examination must be taken and passed before a physical therapist can be licensed to practice.

Roger Lang 364-3613

BACKGROUND AND JUSTIFICATION:

The American Physical Therapy Association, which represents over 35,000 physical therapists, has declared after a significant period of study and deliberation that it is ethical for physical therapists to practice without a physician's referral in a jurisdiction in which it is legal to do so. Elimination of the requirement of referral allows individuals who might not otherwise be able to afford a physician's fee to be treated directly by a qualified physical therapist. Thus, we believe that the amendments we propose will result in decreased health care costs to the public, with no decrease in the quality of care. Research performed by the United States Army and the United States Public Health Service, both of which already utilize therapists in this independent capacity, has demonstrated the effectiveness and cost-efficient nature of using physical therapists as initial health care providers.

Today's physical therapists are well qualified, by both education and clinical training, to evaluate a patient's condition, assess his/her physical therapy needs and, if appropriate, safely and effectively treat the patient. The physical therapist is also well qualified to recognize when a patient demonstrates conditions, signs, and symptoms that should be evaluated by another health care professional before physical therapy is instituted, and knows when to refer patients to other professionals for consultation.

Different types of treatment possible for patient care are rapidly expanding due to advances in all aspects of medicine. Physical therapy meets this need by emphasizing recognition of signs and symptoms of medical problems. The physical therapist assesses a problem and then makes a decision as to whether or not treatment will be beneficial based on this training. It is important to realize that with this knowledge the physical therapist determines which patients can benefit from physical therapy treatment and which should see another medical specialist.

Six states (California, Arizona, Nebraska, Maryland, Massachusetts, West Virginia) and the United States Army already permit independent practice. Twenty-one other states allow initial evaluation without referral. In reviewing the bills of the six states, it was felt that Arizona's statute most closely meets the needs of Alaska, and it has been used as the model in our proposed legislation.

To our knowledge, there has been no problem in those states where similar legislation has been enacted. As it is now, referring practitioners often rely very heavily upon the physical therapist's evaluation and judgement in determining the most appropriate treatment for the patient. We do not desire to exclude physician contact or physician referrals, but we feel that physical therapists, as professionals, should be able to and are fully qualified to function independently as well.

In order to strengthen our commitment to safe, high quality care, we feel that it is appropriate to add into our Practice Act the additions proposed as Section 08.84.120 (11) and (12). This section offers additional protection to the public, and is an appropriate means to regulate the profession to ensure a high standard of care is maintained.

The Alaska Chapter of the American Physical Therapy Association, Inc., (APTA) is a regional chapter of the voluntary, non-profit national organization for physical therapists. One of our main purposes is to foster the development and improvement of physical therapy service and physical therapy education through the coordinated action of physical therapists, allied professional groups, citizens, agencies, and schools to the end that the physical therapy needs of the people will be met. One important function of the Chapter is to develop, oversee, and maintain those high standards that a therapist must attain, to serve the public. Our objective is to promote interest in and understanding of physical therapy in Alaska and, towards this end, to comment upon and propose legislation which affects the practice of physical therapy.

The Alaska Chapter of the American Physical Therapy Association, Inc., with unanimous approval of the Executive Committee, wishes physical therapists to practice independently; that is, without physician referral as is now required.

The proposed amendments are presented after a careful review of the needs of both the public sector and the physical therapy profession. We feel that Alaskan physical therapists would be able to provide additional and better service to the public, and still maintain our current high standards of service.

We believe that adoption of these changes will result in professional growth for physical therapists in Alaska and corresponding increase in quality and availability of services to Alaskans. Your careful consideration of our proposal, and your support for its enactment into law, would be appreciated. If we may answer any questions, or provide you with any further information, please do not hesitate to contact Hal Egbert (_____ home or 279-6661 work). Thank you for your attention.

Patricia McAdoo, LPT
President, Alaska Chapter
American Physical Therapy Association

Avis Hayden

Alaska Treatment Center

272-0586

688-2452 (Home)

HAL Egbert

ALASKA NATIVE MEDICAL CENTER

265-9249

HOME 694-4512

Barbara Hayes

ATC 272-0586 s/t 359

Patricia (Pr.) McAfee

ALASKA NATIVE MEDICAL CENTER

265-9249

home 333-1378

MAR 27 1985

Fairbanks Clinic

1867 Airport Road • Fairbanks, Alaska 99701-4096 • (907) 452-1761

March 25, 1985

Senator Bettye Fahrenkamp
Pouch V
State Capital
Juneau AK 99811

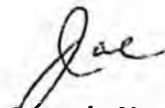
Dear Bettye:

Thank you for the letter that I received last Friday. You asked for my opinion in relation to the bill presently proposed before your committee. I have sought the counsel of some of my peers who deal with orthopedics and physical therapy directly. They all agree with me in relation to a professional attitude toward this type of medical practice.

It seems to be a matter of how far we want to allow the practice of medicine to be degraded. We are unanimously against the propositions in this bill. From what I hear, you do have at least one, and maybe two, groups of physiotherapists working in Juneau under another doctor's prescription or direct supervision. This has been done throughout the United States for quite some time now and the bill that we have at the present is not unique. However, I do understand that 36 states now either allow or have similar bills to allow the practice of physiotherapy without a prescription or direct supervision of a physician. As you well know, most everyone who is interested in medicine in one way or another would like to be a doctor. Unfortunately, the majority of them, except for M.D.'s are not trained in the whole body. Allowing the physiotherapists to practice without a prescription or under doctor's supervision would, I feel, and so do my associates, lead to further abuse in the practice of medicine. We have seen this happen of course in chiropractic and in many ways in clinical psychology and other health forms. So my feelings would be that the state medical association, the local medical societies, and the majority of the physicians in the state of Alaska would oppose this type of licensing. I realize that you will have a lot of pressures brought to bear by the physiotherapists themselves who wish to be independent of the physician. We have battled the same problem in optometry for quite a number of years here in the state and at the moment I do not know how the present law reads.

Thank you again for seeking my insight and I hope to see you very soon, something like maybe next Friday at the bridge table.

Sincerely,



Joseph M. Ribar, M.D.
Family Practice

JMR:ec

a division of
DENALI MEDICAL SERVICES
A Professional Corporation



January 10, 1986

Martha MacDermid
Alaska State Medical Association
4107 Laurel Street, Suite 1
Anchorage, Alaska 99508

Dear Martha:

Enclosed is information from the AMA on their Drug Abuse program. The Fairbanks Medical Association approved a resolution asking that the ASMA seek enrollment in this program for Alaska.

Also the association voted to place an ad in the physician section of the yellow pages of the phone directory referring people who needed 1) doctor referrals or 2) who wished to file complaints against physicians to call the ASMA number. We wish to know if the State association will approve this as we have no central number yet.

I have already indicated that members discussed the issue of independent practice for physical therapists. Our members wish to know IF the state approves this idea-many are against it here. If the idea is approved by the State association, we ask that the following stipulation be added:

- #
- 1) _____ years supervised work beyond college to prove proficiency
- 2) a letter from the physician (s) who supervised the therapist stating his/her qualifications

OK
OK
motion to oppose indep. prac. of phy. therapists.

Page 2

Martha MacDermid

3) a masters degree in physical therapy - *research ok*

4) CME to be done yearly - *ok*

containing medical ed.

Last night several more physicians indicated their concern over this issue. We did not revote, however.

I'm sorry I will miss the January meeting. I'll think of you while bathing in the ocean!

Yours,



Mary Wing

Call

956-5711

MCW/jma

enc

The Alaska Chapter of the American Physical Therapy Association, Inc., (APTA) is a regional chapter of the voluntary, non-profit national organization for physical therapists. One of our main purposes is to foster the development and improvement of physical therapy service and physical therapy education through the coordinated action of physical therapists, allied professional groups, citizens, agencies, and schools to the end that the physical therapy needs of the people will be met. One important function of the Chapter is to develop, oversee, and maintain those high standards that a therapist must attain, to serve the public. Our objective is to promote interest in and understanding of physical therapy in Alaska and, towards this end, to comment upon and propose legislation which affects the practice of physical therapy.

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We believe that adoption of these changes will result in professional growth for physical therapists in Alaska and corresponding increase in quality and availability of services to Alaskans. Your careful consideration of our proposal, and your support for its enactment into law, would be appreciated. If we may answer any questions, or provide you with any further information, please do not hesitate to contact Hal Egbert (_____ home or 279-6661 work). Thank you for your attention.

Patricia McAdoo, LPT
President, Alaska Chapter
American Physical Therapy Association

CONTACT PERSON
Shelley V. Kozel
451-6279 EKENHUS, Alaska

PHYSICAL THERAPIST EDUCATION/LICENSURE:

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Practice Without Referral

Some questions: Why now? Why do physical therapists want or treat patients ^{needed to} without a referral? Why will people benefit from this proposed change in our practice act?

Some answers:

More timely care: People with acute pain and dysfunction ~~could~~ be managed earlier due to decreased time waiting for an appointment. People having a previously diagnosed dysfunction which requires long-term, intermittent physical therapy management would be spared time and money spent in securing a new referral.

Rural therapists having the problem of coordinating evaluations from practitioner and therapist, paperwork demands, local travel logistics would have the advantage of less restrictions on timely care.

Preventative care: Physical therapy training has increasingly through the years focused on preventative health care, emphasizing early therapeutic exercise, education and facilitation that is frequently self-managed once a program is initiated.

Accessible care: People would have the choice of obtaining physical therapy if they wished it. Practice without referral would allow people to obtain therapy before the dysfunction requires medical intervention.

Referred care: There will be a number of people seen by a physical therapist that will be referred to a medical practitioner for management. These patients will be receiving needed care that may otherwise not be delivered if they had selected a more accessible fitness center, chiropractor, etc., for their needs.

Youth care: Will allow screening of children, athletes and others who desire screening and therapeutic advice or treatment on either an existing dysfunction or for the prevention of dysfunction. At present, a physician's referral is needed for the above and for long-term management, an annual evaluation.

Safe care: The majority of States now allow evaluation without referral and there are many allowing treatment without referral. National APTA supports this trend. There has not been increasing mal-practice insurance for those therapists engaging in this practice. This is in every way, a positive change for both our profession and the consumers.

PROPOSED PRACTICE ACT CHANGES:

Sec. 08.84.120

Refusal, revocation and suspension of license.
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

- (1) same
- (2) same
- (3) same
- (4) same
- (5) same
- (6) same
- (7) same
- (8) has treated or attempted to treat ailments

Delete

of human beings otherwise than by physical therapy, or has attempted to practice independent of the prescription and direction of a person licensed to practice medicine, osteopathy, dentistry, or podiatry.

- (9) same
- (10) same

(ADD)

(11) FAILS TO REFER A PATIENT TO ANOTHER QUALIFIED PROFESSIONAL A PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY OF THE PHYSICAL THERAPIST.

(ADD)

(12) DEMONSTRATES ANY CONDUCT OR PRACTICE CONTRARY TO RECOGNIZED STANDARDS OF ETHICS OF THE PHYSICAL THERAPY PROFESSION OR ANY CONDUCT OR PRACTICE WHICH DOES OR MIGHT CONSTITUTE A DANGER TO THE HEALTH, WELFARE, OR SAFETY OF THE PATIENT OR THE PUBLIC, OR ANY CONDUCT, PRACTICE OR CONDITION WHICH DOES OR MIGHT IMPAIR THE ABILITY SAFELY AND SKILLFULLY TO PRACTICE PHYSICAL THERAPY.

Sec. 08.84.160

Delete

Practice of licensed physical therapist.
A person licensed under this chapter may not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person licensed to practice medicine, dentistry, osteopathy, or podiatry. This chapter does not authorize any person to practice medicine, dentistry, osteopathy, chiropractic, or other method of healing.

THERAPISTS TREATING PATIENTS WITHOUT A PRESCRIPTION OF A PERSON LICENSED TO PRACTICE MEDICINE, DENTISTRY, OSTEOPATHY, OR PODIATRY MUST COMPLY WITH THE REGULATIONS SET BY THE STATE PHYSICAL THERAPY BOARD. (THERAPISTS INTENDING TO TREAT PATIENTS WITHOUT PRACTITIONERS REFERRAL MUST SEND A LETTER OF INTENTION ALONG WITH THEIR RESUME TO THE BOARD):

*CME
no competency & letters
of evaluator
quality assure per board*

(ADD)

*Competency
Education
Experience
Evaluation letters*

Sec. 08.84.160

(ADD)

THERAPISTS ARE ALLOWED TO SCREEN ANY PERSON OR SUPERVISE PREVENTATIVE HEALTH PROGRAMS WITHOUT PRACTITIONER REFERRAL.

Sec. 08.84.185

(ADD)

Limits or conditions on license; discipline.

(a) in addition to action under AS 08.84.180, upon finding that by reason of demonstrated problems of confidence, experience, education or health the authority to practice physical therapy should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by speciality, procedure or facility, require additional education or training, or revoke or suspend a registration. FAILING TO REFER TO ANOTHER QUALIFIED PROFESSIONAL A PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY OF THE PHYSICAL THERAPIST WILL REQUIRE THE BOARD TO SUSPEND THAT THERAPIST'S PRIVILEGE TO TREAT PATIENTS WITHOUT REFERRAL.

BOARD: PHYSICAL THERAPY BOARD, STATE

TITLE: State Physical Therapy Board

DEPT.: Department of Commerce and Economic Development

AUTHORITY: AS 08.84.010

STATUS: 86/06/30

REQUIREMENTS: LEGISLATIVE CONFIRMATION

PROHIBITIONS: Cannot serve more than two successive terms

TERM: 4 years

DESCRIPTION: 5 members appointed by Governor: , 1 licensed physician; 3 licensed physical therapists or 2 physical therapists and a physical therapy assistant; and 1 lay member with no direct financial interest in health care industry.

SPECIAL FACTS: May be removed for cause; annual report to Governor

FUNCTION: Issues licenses and permits, adopts regulations for physical therapists

COMPENSATION: Standard travel/per diem

MEETINGS: 3 times per year; 6 days maximum

*FOR FURTHER INFORMATION CONTACT: Licensing Examiner, Division of Occupational Licensing, Dept. of Commerce and Economic Development, Box D, Juneau, AK 99811 - 465-2544

Physical Therapy Board

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Gail E. Dudley 1605 Elmendorf Drive Anchorage 99504 Physical Therapist	85/11/12		86/09/01
Morris R. Horning, M.D. 2401 East 42 Ave, Ste 304 Anchorage 99508 Physician	80/12/18	84/09/15	88/09/01
E. "Budd" Simpson 1 Sealaska Plaza, Ste 301 Juneau 99801 Public	81/04/27	84/09/15	88/09/01
Susan J. Thompson 4449 Beaver Loop Kenai 99611 Physical Therapist - Chairman	85/11/12		89/09/01
Merle B. Young, Jr., RPT 2005 Bridgewater Drive Fairbanks 99701 Physical Therapist	84/11/30		88/09/01

Offered: 2/26/86
Referred: Labor & Commerce

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 640 (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;

7

and providing for an effective date."

8

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

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10

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

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1990 [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 affects 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).