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HOUSE BILL 1309

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Morrell, Curtis, Eddy, Orcutt, Santos, McDonald, Moeller, Bailey, Kagi, Hinkle, Campbell, Simpson and Kenney

Read first time 01/16/2007. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to physical therapist assistants; amending RCW  
2 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060,  
3 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150,  
4 18.74.160, and 18.74.170; and adding new sections to chapter 18.74 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 18.74.010 and 2005 c 501 s 2 are each amended to read  
7 as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Board" means the board of physical therapy created by RCW  
11 18.74.020.

12            (2) "Department" means the department of health.

13            (3) "Physical therapy" means the care and services provided by or  
14 under the direction and supervision of a physical therapist licensed by  
15 the state. The use of Roentgen rays and radium for diagnostic and  
16 therapeutic purposes, the use of electricity for surgical purposes,  
17 including cauterization, and the use of spinal manipulation, or  
18 manipulative mobilization of the spine and its immediate articulations,

1 are not included under the term "physical therapy" as used in this  
2 chapter.

3 (4) "Physical therapist" means a person who meets all the  
4 requirements of this chapter and is licensed in this state to practice  
5 physical therapy.

6 (5) "Secretary" means the secretary of health.

7 (6) Words importing the masculine gender may be applied to females.

8 (7) "Authorized health care practitioner" means and includes  
9 licensed physicians, osteopathic physicians, chiropractors,  
10 naturopaths, podiatric physicians and surgeons, dentists, and advanced  
11 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein  
12 shall be construed as altering the scope of practice of such  
13 practitioners as defined in their respective licensure laws.

14 (8) "Practice of physical therapy" is based on movement science and  
15 means:

16 (a) Examining, evaluating, and testing individuals with mechanical,  
17 physiological, and developmental impairments, functional limitations in  
18 movement, and disability or other health and movement-related  
19 conditions in order to determine a diagnosis, prognosis, plan of  
20 therapeutic intervention, and to assess and document the ongoing  
21 effects of intervention;

22 (b) Alleviating impairments and functional limitations in movement  
23 by designing, implementing, and modifying therapeutic interventions  
24 that include therapeutic exercise; functional training related to  
25 balance, posture, and movement to facilitate self-care and  
26 reintegration into home, community, or work; manual therapy including  
27 soft tissue and joint mobilization and manipulation; therapeutic  
28 massage; assistive, adaptive, protective, and devices related to  
29 postural control and mobility except as restricted by (c) of this  
30 subsection; airway clearance techniques; physical agents or modalities;  
31 mechanical and electrotherapeutic modalities; and patient-related  
32 instruction;

33 (c) Training for, and the evaluation of, the function of a patient  
34 wearing an orthosis or prosthesis as defined in RCW 18.200.010.  
35 Physical therapists may provide those direct-formed and prefabricated  
36 upper limb, knee, and ankle-foot orthoses, but not fracture orthoses  
37 except those for hand, wrist, ankle, and foot fractures, and assistive  
38 technology devices specified in RCW 18.200.010 as exemptions from the

1 defined scope of licensed orthotic and prosthetic services. It is the  
2 intent of the legislature that the unregulated devices specified in RCW  
3 18.200.010 are in the public domain to the extent that they may be  
4 provided in common with individuals or other health providers, whether  
5 unregulated or regulated under Title 18 RCW, without regard to any  
6 scope of practice;

7 (d) Performing wound care services that (~~is~~~~are~~) are limited to  
8 sharp debridement, debridement with other agents, dry dressings, wet  
9 dressings, topical agents including enzymes, hydrotherapy, electrical  
10 stimulation, ultrasound, and other similar treatments. Physical  
11 therapists may not delegate sharp debridement. A physical therapist  
12 may perform wound care services only by referral from or after  
13 consultation with an authorized health care practitioner;

14 (e) Reducing the risk of injury, impairment, functional limitation,  
15 and disability related to movement, including the promotion and  
16 maintenance of fitness, health, and quality of life in all age  
17 populations; and

18 (f) Engaging in administration, consultation, education, and  
19 research.

20 (9)(a) "Physical therapist assistant" means a person who (~~has~~  
21 ~~successfully completed a board approved physical therapist assistant~~  
22 ~~program~~) meets all the requirements of this chapter and is licensed as  
23 a physical therapist assistant and who performs physical therapy  
24 procedures and related tasks that have been selected and delegated only  
25 by the supervising physical therapist. However, a physical therapist  
26 may not delegate sharp debridement to a physical therapist assistant.

27 (b) "Physical therapy aide" means a person who is involved in  
28 direct physical therapy patient care who does not meet the definition  
29 of a physical therapist or physical therapist assistant and receives  
30 ongoing on-the-job training.

31 (c) "Other assistive personnel" means other trained or educated  
32 health care personnel, not defined in (a) or (b) of this subsection,  
33 who perform specific designated tasks related to physical therapy under  
34 the supervision of a physical therapist, including but not limited to  
35 licensed massage practitioners, athletic trainers, and exercise  
36 physiologists. At the direction of the supervising physical therapist,  
37 and if properly credentialed and not prohibited by any other law, other

1 assistive personnel may be identified by the title specific to their  
2 training or education.

3 (10) "Direct supervision" means the supervising physical therapist  
4 must (a) be continuously on-site and present in the department or  
5 facility where assistive personnel or holders of interim permits are  
6 performing services; (b) be immediately available to assist the person  
7 being supervised in the services being performed; and (c) maintain  
8 continued involvement in appropriate aspects of each treatment session  
9 in which a component of treatment is delegated to assistive personnel.

10 (11) "Sharp debridement" means the removal of devitalized tissue  
11 from a wound with scissors, scalpel, and tweezers without anesthesia.  
12 "Sharp debridement" does not mean surgical debridement. A physical  
13 therapist may perform sharp debridement, to include the use of a  
14 scalpel, only upon showing evidence of adequate education and training  
15 as established by rule. Until the rules are established, but no later  
16 than July 1, 2006, physical therapists licensed under this chapter who  
17 perform sharp debridement as of July 24, 2005, shall submit to the  
18 secretary an affidavit that includes evidence of adequate education and  
19 training in sharp debridement, including the use of a scalpel.

20 **Sec. 2.** RCW 18.74.020 and 1991 c 3 s 174 are each amended to read  
21 as follows:

22 The state board of physical therapy is hereby created. The board  
23 shall consist of (~~five~~) six members who shall be appointed by the  
24 governor. Of the initial appointments, two shall be appointed for a  
25 term of two years, two for a term of three years, and one for a term of  
26 four years. Thereafter, all appointments shall be for terms of four  
27 years. Four members of the board shall be physical therapists licensed  
28 under this chapter and residing in this state, shall have not less than  
29 five years' experience in the practice of physical therapy, and shall  
30 be actively engaged in practice within two years of appointment. One  
31 member shall be a physical therapist assistant licensed under this  
32 chapter and residing in this state, shall not have less than five  
33 years' experience in the practice of physical therapy, and shall be  
34 actively engaged in practice within two years of appointment. The  
35 (~~fifth~~) sixth member shall be appointed from the public at large,  
36 shall have an interest in the rights of consumers of health services,  
37 and shall not be or have been a member of any other licensing board, a

1 licensee of any health occupation board, an employee of any health  
2 facility nor derive his or her primary livelihood from the provision of  
3 health services at any level of responsibility. In the event that a  
4 member of the board for any reason cannot complete his or her term of  
5 office, another appointment shall be made by the governor in accordance  
6 with the procedure stated (~~(above)~~) in this section to fill the  
7 remainder of the term. No member may serve for more than two  
8 successive four-year terms.

9 The secretary of health shall furnish such secretarial, clerical,  
10 and other assistance as the board may require. Each member of the  
11 board shall, in addition to travel expenses in accordance with RCW  
12 43.03.050 and 43.03.060, be compensated in accordance with RCW  
13 43.03.240.

14 **Sec. 3.** RCW 18.74.030 and 1983 c 116 s 6 are each amended to read  
15 as follows:

16 (1) An applicant for a license as a physical therapist shall have  
17 the following minimum qualifications:

- 18 ~~((+1))~~ (a) Be of good moral character; and
- 19 ~~((+2))~~ (b) Have obtained either ~~((+a))~~ (i) a baccalaureate degree  
20 in physical therapy from an institution of higher learning approved by  
21 the board or ~~((+b))~~ (ii) a baccalaureate degree from an institution of  
22 higher learning and a certificate or advanced degree from a school of  
23 physical therapy approved by the board.

24 (2) An applicant for a license as a physical therapist assistant  
25 must have the following minimum qualifications:

- 26 (a) Be of good moral character; and
- 27 (b) Have successfully completed a board-approved physical therapist  
28 assistant program.

29 (3) The applicant shall present proof of qualification to the board  
30 in the manner and on the forms prescribed by ~~((+t))~~ the board.

31 **Sec. 4.** RCW 18.74.035 and 1995 c 198 s 10 are each amended to read  
32 as follows:

33 (1) All qualified applicants for a license as a physical therapist  
34 shall be examined by the board at such time and place as the board may  
35 determine. The board may approve an examination prepared or  
36 administered by a private testing agency or association of licensing

1 authorities. The examination shall embrace the following subjects:  
2 The applied sciences of anatomy, neuroanatomy, kinesiology, physiology,  
3 pathology, psychology, physics; physical therapy, as defined in this  
4 chapter, applied to medicine, neurology, orthopedics, pediatrics,  
5 psychiatry, surgery; medical ethics; technical procedures in the  
6 practice of physical therapy as defined in this chapter; and such other  
7 subjects as the board may deem useful to test the applicant's fitness  
8 to practice physical therapy, but not including the adjustment or  
9 manipulation of the spine or use of a thrusting force as mobilization.  
10 Examinations shall be held within the state at least once a year, at  
11 such time and place as the board shall determine. An applicant who  
12 fails an examination may apply for reexamination upon payment of a  
13 reexamination fee determined by the secretary.

14 (2) All qualified applicants for a license as a physical therapist  
15 assistant must be examined by the board at such a time and place as the  
16 board may determine. The board may approve an examination prepared or  
17 administered by a private testing agency or association of licensing  
18 authorities.

19 **Sec. 5.** RCW 18.74.040 and 1991 c 3 s 177 are each amended to read  
20 as follows:

21 (1) The secretary ((of health)) shall license as a physical  
22 therapist, and shall furnish a license to, each applicant who  
23 successfully passes the examination for licensure as a physical  
24 therapist.

25 (2) The secretary shall license as a physical therapist assistant,  
26 and shall furnish a license to, each applicant who successfully passes  
27 the examination for licensure as a physical therapist assistant.

28 **Sec. 6.** RCW 18.74.060 and 1996 c 191 s 60 are each amended to read  
29 as follows:

30 Upon the recommendation of the board, the secretary shall license  
31 as a physical therapist or physical therapist assistant and shall  
32 furnish a license to any person who is a physical therapist or physical  
33 therapist assistant registered, certified, or licensed under the laws  
34 of another state or territory, or the District of Columbia, if the  
35 qualifications for such registration, certification, or license  
36 required of the applicant were substantially equal to the requirements

1 under this chapter. At the time of making application, the applicant  
2 shall comply with administrative procedures, administrative  
3 requirements, and fees established pursuant to RCW 43.70.250 and  
4 43.70.280.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.74 RCW  
6 to read as follows:

7 The board shall waive the examination and grant a license to a  
8 person who meets the commonly accepted standards for practicing as a  
9 physical therapist assistant, as adopted by rule. Persons eligible for  
10 licensure as a physical therapist assistant under this section must  
11 apply for a license within one year of the effective date of this  
12 section.

13 **Sec. 8.** RCW 18.74.070 and 1996 c 191 s 61 are each amended to read  
14 as follows:

15 Every licensed physical therapist and physical therapist assistant  
16 shall apply to the secretary for a renewal of the license and pay to  
17 the state treasurer a fee determined by the secretary as provided in  
18 RCW 43.70.250 and 43.70.280.

19 **Sec. 9.** RCW 18.74.073 and 1998 c 143 s 1 are each amended to read  
20 as follows:

21 Any physical therapist or physical therapist assistant licensed  
22 under this chapter not practicing physical therapy or providing  
23 services may place his or her license in an inactive status. The board  
24 shall prescribe requirements for maintaining an inactive status and  
25 converting from an inactive or active status. The secretary may  
26 establish fees for alterations in license status.

27 **Sec. 10.** RCW 18.74.090 and 1991 c 3 s 181 are each amended to read  
28 as follows:

29 (1) A person who is not licensed with the secretary of health as a  
30 physical therapist under the requirements of this chapter shall not  
31 represent him or herself as being so licensed and shall not use in  
32 connection with his or her name the words or letters "P.T.", "R.P.T.",  
33 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or  
34 "physiotherapist", or any other letters, words, signs, numbers, or

1 insignia indicating or implying that he or she is a physical therapist.  
2 No person may practice physical therapy without first having a valid  
3 license. Nothing in this chapter prohibits any person licensed in this  
4 state under any other act from engaging in the practice for which he or  
5 she is licensed. It shall be the duty of the prosecuting attorney of  
6 each county to prosecute all cases involving a violation of this  
7 chapter arising within his or her county. The attorney general may  
8 assist in such prosecution and shall appear at all hearings when  
9 requested to do so by the board.

10 (2) No person may use the title "physical therapist assistant," the  
11 letters "PTA," or any other words, abbreviations, or insignia in  
12 connection with his or her name to indicate or imply, directly or  
13 indirectly, that he or she is a physical therapist assistant without  
14 being licensed in accordance with this chapter as a physical therapist  
15 assistant.

16 **Sec. 11.** RCW 18.74.120 and 1991 c 3 s 183 are each amended to read  
17 as follows:

18 The secretary of health shall keep a record of proceedings under  
19 this chapter and a register of all persons licensed under it. The  
20 register shall show the name of every living licensed physical  
21 therapist and physical therapist assistant, his or her last known place  
22 of residence, and the date and number of his or her license as a  
23 physical therapist or physical therapist assistant.

24 **Sec. 12.** RCW 18.74.130 and 1983 c 116 s 22 are each amended to  
25 read as follows:

26 This chapter does not prohibit or regulate:

27 (1) The practice of physical therapy by students enrolled in  
28 approved schools as may be incidental to their course of study so long  
29 as such activities do not go beyond the scope of practice defined by  
30 this chapter.

31 (2) Auxiliary services provided by physical therapy aides carrying  
32 out duties necessary for the support of physical therapy including  
33 those duties which involve minor physical therapy services when  
34 performed under the direct supervision of licensed physical therapists  
35 or physical therapist assistants so long as such activities do not go  
36 beyond the scope of practice defined by this chapter.



1 (3) The practice of physical therapy by licensed or registered  
2 physical therapists of other states or countries while appearing as  
3 clinicians of bona fide educational seminars sponsored by physical  
4 therapy, medical, or other healing art professional associations so  
5 long as such activities do not go beyond the scope of practice defined  
6 by this chapter.

7 (4) The practice of physical therapists and physical therapist  
8 assistants in the armed services or employed by any other branch of the  
9 federal government.

10 **Sec. 13.** RCW 18.74.150 and 2005 c 501 s 4 are each amended to read  
11 as follows:

12 (1) It is unlawful for any person to practice or in any manner hold  
13 himself or herself out to practice physical therapy or designate  
14 himself or herself as a physical therapist or physical therapist  
15 assistant, unless he or she is licensed in accordance with this  
16 chapter.

17 (2) This chapter does not restrict persons licensed under any other  
18 law of this state from engaging in the profession or practice for which  
19 they are licensed, if they are not representing themselves to be  
20 physical therapists, physical therapy assistants, or providers of  
21 physical therapy.

22 (3) The following persons are exempt from licensure as physical  
23 therapists under this chapter when engaged in the following activities:

24 (a) A person who is pursuing a course of study leading to a degree  
25 as a physical therapist in an approved professional education program  
26 and is satisfying supervised clinical education requirements related to  
27 his or her physical therapy education while under direct supervision of  
28 a licensed physical therapist;

29 (b) A physical therapist while practicing in the United States  
30 armed services, United States public health service, or veterans  
31 administration as based on requirements under federal regulations for  
32 state licensure of health care providers; and

33 (c) A physical therapist licensed in another United States  
34 jurisdiction, or a foreign-educated physical therapist credentialed in  
35 another country, performing physical therapy as part of teaching or  
36 participating in an educational seminar of no more than sixty days in  
37 a calendar year.

1       (4) The following persons are exempt from licensure as physical  
2 therapist assistants under this chapter when engaged in the following  
3 activities:

4       (a) A person who is pursuing a course of study leading to a degree  
5 as a physical therapist assistant in an approved professional education  
6 program and is satisfying supervised clinical education requirements  
7 related to his or her physical therapist assistant education while  
8 under direct supervision of a licensed physical therapist;

9       (b) A physical therapist assistant while practicing in the United  
10 States armed services, United States public health service, or veterans  
11 administration as based on requirements under federal regulations for  
12 state licensure of health care providers; and

13       (c) A physical therapist assistant licensed in another United  
14 States jurisdiction, or a foreign-educated physical therapist assistant  
15 credentialed in another country, or a physical therapist assistant who  
16 is teaching or participating in an educational seminar of no more than  
17 sixty days in a calendar year.

18       **Sec. 14.** RCW 18.74.160 and 2005 c 501 s 5 are each amended to read  
19 as follows:

20       (1) A physical therapist licensed under this chapter is fully  
21 authorized to practice physical therapy as defined in this chapter.

22       (2) A physical therapist shall refer persons under his or her care  
23 to appropriate health care practitioners if the physical therapist has  
24 reasonable cause to believe symptoms or conditions are present that  
25 require services beyond the scope of practice under this chapter or  
26 when physical therapy is contraindicated.

27       (3) Physical therapists and physical therapist assistants shall  
28 adhere to the recognized standards of ethics of the physical therapy  
29 profession and as further established by rule.

30       (4) A physical therapist may perform electroneuromyographic  
31 examinations for the purpose of testing neuromuscular function only by  
32 referral from an authorized health care practitioner identified in RCW  
33 18.74.010(7) and only upon demonstration of further education and  
34 training in electroneuromyographic examinations as established by rule.  
35 Within two years after July 1, 2005, the secretary shall waive the  
36 requirement for further education and training for those physical

1 therapists licensed under this chapter who perform  
2 electroneuromyographic examinations.

3 (5) A physical therapist licensed under this chapter may purchase,  
4 store, and administer medications such as hydrocortisone, fluocinonide,  
5 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,  
6 zinc oxide, and other similar medications, and may administer such  
7 other drugs or medications as prescribed by an authorized health care  
8 practitioner for the practice of physical therapy. A pharmacist who  
9 dispenses such drugs to a licensed physical therapist is not liable for  
10 any adverse reactions caused by any method of use by the physical  
11 therapist.

12 **Sec. 15.** RCW 18.74.170 and 2005 c 501 s 6 are each amended to read  
13 as follows:

14 (1) Physical therapists are responsible for patient care given by  
15 assistive personnel under their supervision. A physical therapist may  
16 delegate to assistive personnel and supervise selected acts, tasks, or  
17 procedures that fall within the scope of physical therapy practice but  
18 do not exceed the education or training of the assistive personnel.

19 (2) Nothing in this chapter may be construed to prohibit other  
20 licensed health care providers from using the services of physical  
21 therapist assistants, as long as the title "physical therapist  
22 assistant" is not used in violation of RCW 18.74.090, physical  
23 therapist aides, or other assistive personnel as long as the licensed  
24 health care provider is responsible for the activities of such  
25 assistants, aides, and other personnel and provides appropriate  
26 supervision.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.74 RCW  
28 to read as follows:

29 A physical therapist is professionally and legally responsible for  
30 patient care given by supportive personnel under his or her  
31 supervision. If a physical therapist fails to adequately supervise  
32 patient care given by supportive personnel, the board may take  
33 disciplinary action against the physical therapist.

34 (1) Regardless of the setting in which physical therapy services  
35 are provided, only the licensed physical therapist may perform the  
36 following responsibilities:

- 1 (a) Interpretation of referrals;
- 2 (b) Initial examination, problem identification, and diagnosis for  
3 physical therapy;
- 4 (c) Development or modification of a plan of care that is based on  
5 the initial examination and includes the goals for physical therapy  
6 intervention;
- 7 (d) Determination of which tasks require the expertise and  
8 decision-making capacity of the physical therapist and must be  
9 personally rendered by the physical therapist, and which tasks may be  
10 delegated;
- 11 (e) Assurance of the qualifications of all assistive personnel to  
12 perform assigned tasks through written documentation of their education  
13 or training that is maintained and available at all times;
- 14 (f) Delegation and instruction of the services to be rendered by  
15 the physical therapist, physical therapist assistant, or physical  
16 therapy aide including, but not limited to, specific tasks or  
17 procedures, precautions, special problems, and contraindicated  
18 procedures;
- 19 (g) Timely review of documentation, reexamination of the patient,  
20 and revision of the plan of care when indicated;
- 21 (h) Establishment of a discharge plan.
- 22 (2) Supervision requires that the patient reevaluation is  
23 performed:
- 24 (a) Every fifth visit, or if treatment is performed more than five  
25 times per week, reevaluation must be performed at least once a week;
- 26 (b) When there is any change in the patient's condition not  
27 consistent with planned progress or treatment goals.
- 28 (3) Supervision of supportive personnel means:
- 29 (a) Physical therapist assistants may function under direct or  
30 indirect supervision;
- 31 (b) Physical therapy aides must function under direct supervision;
- 32 (c) The physical therapist may supervise a total of two supportive  
33 personnel at any one time.

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