

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5292

60th Legislature
2007 Regular Session

Passed by the Senate March 13, 2007
YEAS 44 NAYS 3

President of the Senate

Passed by the House April 4, 2007
YEAS 94 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5292** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5292

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette)

READ FIRST TIME 02/14/07.

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, 18.74.170, and 48.43.045; adding new sections to chapter
5 18.74 RCW; and providing effective dates.

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

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

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

11 (1) "Board" means the board of physical therapy created by RCW
12 18.74.020.

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

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

1 manipulative mobilization of the spine and its immediate articulations,
2 are not included under the term "physical therapy" as used in this
3 chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and if properly credentialed and not prohibited by any other law, other
2 assistive personnel may be identified by the title specific to their
3 training or education.

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

11 (11) "Indirect supervision" means the supervisor is not on the
12 premises, but has given either written or oral instructions for
13 treatment of the patient and the patient has been examined by the
14 physical therapist at such time as acceptable health care practice
15 requires and consistent with the particular delegated health care task.

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

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

28 The state board of physical therapy is hereby created. The board
29 shall consist of (~~five~~) six members who shall be appointed by the
30 governor. Of the initial appointments, two shall be appointed for a
31 term of two years, two for a term of three years, and one for a term of
32 four years. Thereafter, all appointments shall be for terms of four
33 years. Four members of the board shall be physical therapists licensed
34 under this chapter and residing in this state, shall have not less than
35 five years' experience in the practice of physical therapy, and shall
36 be actively engaged in practice within two years of appointment. One
37 member shall be a physical therapist assistant licensed under this

1 chapter and residing in this state, shall not have less than five
2 years' experience in the practice of physical therapy, and shall be
3 actively engaged in practice within two years of appointment. The
4 ~~((fifth))~~ sixth member shall be appointed from the public at large,
5 shall have an interest in the rights of consumers of health services,
6 and shall not be or have been a member of any other licensing board, a
7 licensee of any health occupation board, an employee of any health
8 facility nor derive his or her primary livelihood from the provision of
9 health services at any level of responsibility. In the event that a
10 member of the board for any reason cannot complete his or her term of
11 office, another appointment shall be made by the governor in accordance
12 with the procedure stated ~~((above))~~ in this section to fill the
13 remainder of the term. No member may serve for more than two
14 successive four-year terms.

15 The secretary of health shall furnish such secretarial, clerical,
16 and other assistance as the board may require. Each member of the
17 board shall, in addition to travel expenses in accordance with RCW
18 43.03.050 and 43.03.060, be compensated in accordance with RCW
19 43.03.240.

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

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

24 ~~((+1))~~ (a) Be of good moral character; and

25 ~~((+2))~~ (b) Have obtained either ~~((+a))~~ (i) a baccalaureate degree
26 in physical therapy from an institution of higher learning approved by
27 the board or ~~((+b))~~ (ii) a baccalaureate degree from an institution of
28 higher learning and a certificate or advanced degree from a school of
29 physical therapy approved by the board.

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

32 (a) Be of good moral character; and

33 (b) Have successfully completed a board-approved physical therapist
34 assistant program.

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

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

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

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

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

27 (1) The secretary (~~(of health)~~) shall license as a physical
28 therapist, and shall furnish a license to, each applicant who
29 successfully passes the examination for licensure as a physical
30 therapist.

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

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

36 Upon the recommendation of the board, the secretary shall license

1 as a physical therapist or physical therapist assistant and shall
2 furnish a license to any person who is a physical therapist or physical
3 therapist assistant registered, certified, or licensed under the laws
4 of another state or territory, or the District of Columbia, if the
5 qualifications for such registration, certification, or license
6 required of the applicant were substantially equal to the requirements
7 under this chapter. At the time of making application, the applicant
8 shall comply with administrative procedures, administrative
9 requirements, and fees established pursuant to RCW 43.70.250 and
10 43.70.280.

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

13 The board shall waive the examination and grant a license to a
14 person who meets the commonly accepted standards for practicing as a
15 physical therapist assistant, as adopted by rule. Persons eligible for
16 licensure as a physical therapist assistant under this section must
17 apply for a license within one year of the effective date of this
18 section.

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

21 Every licensed physical therapist and physical therapist assistant
22 shall apply to the secretary for a renewal of the license and pay to
23 the state treasurer a fee determined by the secretary as provided in
24 RCW 43.70.250 and 43.70.280.

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

27 Any physical therapist or physical therapist assistant licensed
28 under this chapter not practicing physical therapy or providing
29 services may place his or her license in an inactive status. The board
30 shall prescribe requirements for maintaining an inactive status and
31 converting from an inactive or active status. The secretary may
32 establish fees for alterations in license status.

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

1 (1) A person who is not licensed with the secretary of health as a
2 physical therapist under the requirements of this chapter shall not
3 represent him or herself as being so licensed and shall not use in
4 connection with his or her name the words or letters "P.T.", "R.P.T.",
5 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or
6 "physiotherapist", or any other letters, words, signs, numbers, or
7 insignia indicating or implying that he or she is a physical therapist.
8 No person may practice physical therapy without first having a valid
9 license. Nothing in this chapter prohibits any person licensed in this
10 state under any other act from engaging in the practice for which he or
11 she is licensed. It shall be the duty of the prosecuting attorney of
12 each county to prosecute all cases involving a violation of this
13 chapter arising within his or her county. The attorney general may
14 assist in such prosecution and shall appear at all hearings when
15 requested to do so by the board.

16 (2) No person assisting in the practice of physical therapy may use
17 the title "physical therapist assistant," the letters "PTA," or any
18 other words, abbreviations, or insignia in connection with his or her
19 name to indicate or imply, directly or indirectly, that he or she is a
20 physical therapist assistant without being licensed in accordance with
21 this chapter as a physical therapist assistant.

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

24 The secretary of health shall keep a record of proceedings under
25 this chapter and a register of all persons licensed under it. The
26 register shall show the name of every living licensed physical
27 therapist and physical therapist assistant, his or her last known place
28 of residence, and the date and number of his or her license as a
29 physical therapist or physical therapist assistant.

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

32 This chapter does not prohibit or regulate:

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

1 (2) Auxiliary services provided by physical therapy aides carrying
2 out duties necessary for the support of physical therapy including
3 those duties which involve minor physical therapy services when
4 performed under the direct supervision of licensed physical therapists
5 so long as such activities do not go beyond the scope of practice
6 defined by this chapter.

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

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

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

18 (1) It is unlawful for any person to practice or in any manner hold
19 himself or herself out to practice physical therapy or designate
20 himself or herself as a physical therapist or physical therapist
21 assistant, unless he or she is licensed in accordance with this
22 chapter.

23 (2) This chapter does not restrict persons licensed under any other
24 law of this state from engaging in the profession or practice for which
25 they are licensed, if they are not representing themselves to be
26 physical therapists, physical therapist assistants, or providers of
27 physical therapy.

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

30 (a) A person who is pursuing a course of study leading to a degree
31 as a physical therapist in an approved professional education program
32 and is satisfying supervised clinical education requirements related to
33 his or her physical therapy education while under direct supervision of
34 a licensed physical therapist;

35 (b) A physical therapist while practicing in the United States
36 armed services, United States public health service, or veterans

1 administration as based on requirements under federal regulations for
2 state licensure of health care providers; and

3 (c) A physical therapist licensed in another United States
4 jurisdiction, or a foreign-educated physical therapist credentialed in
5 another country, performing physical therapy as part of teaching or
6 participating in an educational seminar of no more than sixty days in
7 a calendar year.

8 (4) The following persons are exempt from licensure as physical
9 therapist assistants under this chapter when engaged in the following
10 activities:

11 (a) A person who is pursuing a course of study leading to a degree
12 as a physical therapist assistant in an approved professional education
13 program and is satisfying supervised clinical education requirements
14 related to his or her physical therapist assistant education while
15 under direct supervision of a licensed physical therapist;

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

20 (c) A physical therapist assistant licensed in another United
21 States jurisdiction, or a foreign-educated physical therapist assistant
22 credentialed in another country, or a physical therapist assistant who
23 is teaching or participating in an educational seminar of no more than
24 sixty days in a calendar year.

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

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

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

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

1 (4) A physical therapist may perform electroneuromyographic
2 examinations for the purpose of testing neuromuscular function only by
3 referral from an authorized health care practitioner identified in RCW
4 18.74.010(7) and only upon demonstration of further education and
5 training in electroneuromyographic examinations as established by rule.
6 Within two years after July 1, 2005, the secretary shall waive the
7 requirement for further education and training for those physical
8 therapists licensed under this chapter who perform
9 electroneuromyographic examinations.

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

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

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

26 (2) Nothing in this chapter may be construed to prohibit other
27 licensed health care providers from using the services of physical
28 therapist assistants, as long as the title "physical therapist
29 assistant" is not used in violation of RCW 18.74.090, physical
30 therapist aides, or other assistive personnel as long as the licensed
31 health care provider is responsible for the activities of such
32 assistants, aides, and other personnel and provides appropriate
33 supervision.

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

36 A physical therapist is professionally and legally responsible for

1 patient care given by assistive personnel under his or her supervision.
2 If a physical therapist fails to adequately supervise patient care
3 given by assistive personnel, the board may take disciplinary action
4 against the physical therapist.

5 (1) Regardless of the setting in which physical therapy services
6 are provided, only the licensed physical therapist may perform the
7 following responsibilities:

8 (a) Interpretation of referrals;

9 (b) Initial examination, problem identification, and diagnosis for
10 physical therapy;

11 (c) Development or modification of a plan of care that is based on
12 the initial examination and includes the goals for physical therapy
13 intervention;

14 (d) Determination of which tasks require the expertise and
15 decision-making capacity of the physical therapist and must be
16 personally rendered by the physical therapist, and which tasks may be
17 delegated;

18 (e) Assurance of the qualifications of all assistive personnel to
19 perform assigned tasks through written documentation of their education
20 or training that is maintained and available at all times;

21 (f) Delegation and instruction of the services to be rendered by
22 the physical therapist, physical therapist assistant, or physical
23 therapy aide including, but not limited to, specific tasks or
24 procedures, precautions, special problems, and contraindicated
25 procedures;

26 (g) Timely review of documentation, reexamination of the patient,
27 and revision of the plan of care when indicated;

28 (h) Establishment of a discharge plan.

29 (2) Supervision requires that the patient reevaluation is
30 performed:

31 (a) Every fifth visit, or if treatment is performed more than five
32 times per week, reevaluation must be performed at least once a week;

33 (b) When there is any change in the patient's condition not
34 consistent with planned progress or treatment goals.

35 (3) Supervision of assistive personnel means:

36 (a) Physical therapist assistants may function under direct or
37 indirect supervision;

38 (b) Physical therapy aides must function under direct supervision;

1 (c) The physical therapist may supervise a total of two assistive
2 personnel at any one time.

3 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.74 RCW
4 to read as follows:

5 Nothing in this chapter may be construed to require that a health
6 carrier defined in RCW 48.43.005 contract with a person licensed as a
7 physical therapist assistant under this chapter.

8 **Sec. 18.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read
9 as follows:

10 (1) Every health plan delivered, issued for delivery, or renewed by
11 a health carrier on and after January 1, 1996, shall:

12 ~~((1))~~ (a) Permit every category of health care provider to
13 provide health services or care for conditions included in the basic
14 health plan services to the extent that:

15 ~~((a))~~ (i) The provision of such health services or care is within
16 the health care providers' permitted scope of practice; and

17 ~~((b))~~ (ii) The providers agree to abide by standards related to:

18 ~~((i))~~ (A) Provision, utilization review, and cost containment of
19 health services;

20 ~~((ii))~~ (B) Management and administrative procedures; and

21 ~~((iii))~~ (C) Provision of cost-effective and clinically
22 efficacious health services.

23 ~~((2))~~ (b) Annually report the names and addresses of all
24 officers, directors, or trustees of the health carrier during the
25 preceding year, and the amount of wages, expense reimbursements, or
26 other payments to such individuals, unless substantially similar
27 information is filed with the commissioner or the national association
28 of insurance commissioners. This requirement does not apply to a
29 foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW
30 that files a supplemental compensation exhibit in its annual statement
31 as required by law.

32 (2) The requirements of subsection (1)(a) of this section do not
33 apply to a licensed health care profession regulated under Title 18 RCW
34 when the licensing statute for the profession states that such
35 requirements do not apply.

1 NEW SECTION. **Sec. 19.** (1) Sections 1 and 3 through 18 of this act
2 take effect July 1, 2008.
3 (2) Section 2 of this act takes effect December 1, 2008.

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