

SHB 1137 - S COMM AMD

By Committee on Health & Long-Term Care

ADOPTED 04/07/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.74.005 and 1983 c 116 s 1 are each amended to read
4 as follows:

5 ~~((In order to safeguard the public safety and welfare, to protect~~
6 ~~the public from being misled by incompetent, unethical, and~~
7 ~~unauthorized persons, and to assure the highest degree of professional~~
8 ~~conduct and competency, it is))~~ The purpose of this chapter ~~((to~~
9 ~~strengthen existing regulation of persons offering physical therapy~~
10 ~~services to the public))~~ is to protect the public health, safety, and
11 welfare, and to provide for state administrative control, supervision,
12 licensure, and regulation of the practice of physical therapy. It is
13 the intent of the legislature that only individuals who meet and
14 maintain prescribed standards of competence and conduct be allowed to
15 engage in the practice of physical therapy as defined and authorized by
16 this chapter.

17 "Sec. 2. RCW 18.74.010 and 1997 c 275 s 8 are each amended to read
18 as follows:

19 ~~((Unless the context otherwise requires,))~~ The definitions in this
20 section apply throughout this chapter unless the context clearly
21 requires otherwise.

22 (1) "Board" means the board of physical therapy created by RCW
23 18.74.020.

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

25 (3) "Physical therapy" means the ~~((treatment of any bodily or~~
26 ~~mental condition of any person by the use of the physical, chemical,~~
27 ~~and other properties of heat, cold, air, light, water, electricity,~~
28 ~~sound, massage, and therapeutic exercise, which includes posture and~~
29 ~~rehabilitation procedures; the performance of tests and measurements of~~

1 neuromuscular function as an aid to the diagnosis or treatment of any
2 human condition; performance of treatments on the basis of test
3 findings after consultation with and periodic review by an authorized
4 health care practitioner except as provided in RCW 18.74.012;
5 supervision of selective forms of treatment by trained supportive
6 personnel; and provision of consultative services for health,
7 education, and community agencies. The use of Roentgen rays and radium
8 for diagnostic and therapeutic purposes, the use of electricity for
9 surgical purposes, including cauterization, and the use of spinal
10 manipulation or manipulative mobilization of the spine and its
11 immediate articulations, are not included under the term "physical
12 therapy" as used in this chapter)) care and services provided by or
13 under the direction and supervision of a physical therapist licensed by
14 the state. The use of Roentgen rays and radium for diagnostic and
15 therapeutic purposes, the use of electricity for surgical purposes,
16 including cauterization, and the use of spinal manipulation, or
17 manipulative mobilization of the spine and its immediate articulations,
18 are not included under the term "physical therapy" as used in this
19 chapter.

20 (4) "Physical therapist" means a person who (~~practices physical~~
21 ~~therapy as defined in this chapter but does not include massage~~
22 ~~operators as defined in RCW 18.108.010~~) meets all the requirements of
23 this chapter and is licensed in this state to practice physical
24 therapy.

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

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

27 (7) "Authorized health care practitioner" means and includes
28 licensed physicians, osteopathic physicians, chiropractors,
29 naturopaths, podiatric physicians and surgeons, dentists, and advanced
30 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein
31 shall be construed as altering the scope of practice of such
32 practitioners as defined in their respective licensure laws.

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

35 (a) Examining, evaluating, and testing individuals with mechanical,
36 physiological, and developmental impairments, functional limitations in
37 movement, and disability or other health and movement-related

1 conditions in order to determine a diagnosis, prognosis, plan of
2 therapeutic intervention, and to assess and document the ongoing
3 effects of intervention;

4 (b) Alleviating impairments and functional limitations in movement
5 by designing, implementing, and modifying therapeutic interventions
6 that include therapeutic exercise; functional training related to
7 balance, posture, and movement to facilitate self-care and
8 reintegration into home, community, or work; manual therapy including
9 soft tissue and joint mobilization and manipulation; therapeutic
10 massage; assistive, adaptive, protective, and devices related to
11 postural control and mobility except as restricted by (c) of this
12 subsection; airway clearance techniques; physical agents or modalities;
13 mechanical and electrotherapeutic modalities; and patient-related
14 instruction;

15 (c) Training for, and the evaluation of, the function of a patient
16 wearing an orthosis or prosthesis as defined in RCW 18.200.010.
17 Physical therapists may provide those direct-formed and prefabricated
18 upper limb, knee, and ankle-foot orthoses, but not fracture orthoses
19 except those for hand, wrist, ankle, and foot fractures, and assistive
20 technology devices specified in RCW 18.200.010 as exemptions from the
21 defined scope of licensed orthotic and prosthetic services. It is the
22 intent of the legislature that the unregulated devices specified in RCW
23 18.200.010 are in the public domain to the extent that they may be
24 provided in common with individuals or other health providers, whether
25 unregulated or regulated under Title 18 RCW, without regard to any
26 scope of practice;

27 (d) Performing wound care services that is limited to sharp
28 debridement, debridement with other agents, dry dressings, wet
29 dressings, topical agents including enzymes, hydrotherapy, electrical
30 stimulation, ultrasound, and other similar treatments. Physical
31 therapists may not delegate sharp debridement. A physical therapist
32 may perform wound care services only by referral from or after
33 consultation with an authorized health care practitioner;

34 (e) Reducing the risk of injury, impairment, functional limitation,
35 and disability related to movement, including the promotion and
36 maintenance of fitness, health, and quality of life in all age
37 populations; and

1 (f) Engaging in administration, consultation, education, and
2 research.

3 (9)(a) "Physical therapist assistant" means a person who has
4 successfully completed a board-approved physical therapist assistant
5 program.

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

10 (c) "Other assistive personnel" means other trained or educated
11 health care personnel, not defined in (a) or (b) of this subsection,
12 who perform specific designated tasks related to physical therapy under
13 the supervision of a physical therapist, including but not limited to
14 licensed massage practitioners, athletic trainers, and exercise
15 physiologists. At the direction of the supervising physical therapist,
16 and if properly credentialed and not prohibited by any other law, other
17 assistive personnel may be identified by the title specific to their
18 training or education.

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

26 (11) "Sharp debridement" means the removal of devitalized tissue
27 from a wound with scissors, scalpel, and tweezers without anesthesia.
28 "Sharp debridement" does not mean surgical debridement. A physical
29 therapist may perform sharp debridement, to include the use of a
30 scalpel, only upon showing evidence of adequate education and training
31 as established by rule. Until the rules are established, but no later
32 than July 1, 2006, physical therapists licensed under this chapter who
33 perform sharp debridement as of the effective date of this section
34 shall submit to the secretary an affidavit that includes evidence of
35 adequate education and training in sharp debridement, including the use
36 of a scalpel.

1 **Sec. 3.** RCW 18.74.012 and 2000 c 171 s 24 are each amended to read
2 as follows:

3 (~~Notwithstanding the provisions of RCW 18.74.010(3),~~) A
4 consultation and periodic review by an authorized health care
5 practitioner is not required for treatment of neuromuscular or
6 musculoskeletal conditions(~~(+ PROVIDED, That a physical therapist may~~
7 ~~only provide treatment utilizing orthoses that support, align, prevent,~~
8 ~~or correct any structural problems intrinsic to the foot or ankle by~~
9 ~~referral or consultation from an authorized health care practitioner)).~~

10 NEW SECTION. **Sec. 4.** (1) It is unlawful for any person to
11 practice or in any manner hold himself or herself out to practice
12 physical therapy or designate himself or herself as a physical
13 therapist, unless he or she is licensed in accordance with this
14 chapter.

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

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

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

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

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

35 NEW SECTION. **Sec. 5.** (1) A physical therapist licensed under this

1 chapter is fully authorized to practice physical therapy as defined in
2 this chapter.

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

8 (3) Physical therapists shall adhere to the recognized standards of
9 ethics of the physical therapy profession and as further established by
10 rule.

11 (4) A physical therapist may perform electroneuromyographic
12 examinations for the purpose of testing neuromuscular function only by
13 referral from an authorized health care practitioner identified in RCW
14 18.74.010(7) and only upon demonstration of further education and
15 training in electroneuromyographic examinations as established by rule.
16 Within two years after July 1, 2005, the secretary shall waive the
17 requirement for further education and training for those physical
18 therapists licensed under this chapter who perform
19 electroneuromyographic examinations.

20 (5) A physical therapist licensed under this chapter may purchase,
21 store, and administer medications such as hydrocortisone, fluocinonide,
22 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,
23 zinc oxide, and other similar medications, and may administer such
24 other drugs or medications as prescribed by an authorized health care
25 practitioner for the practice of physical therapy. A pharmacist who
26 dispenses such drugs to a licensed physical therapist is not liable for
27 any adverse reactions caused by any method of use by the physical
28 therapist.

29 NEW SECTION. **Sec. 6.** (1) Physical therapists are responsible for
30 patient care given by assistive personnel under their supervision. A
31 physical therapist may delegate to assistive personnel and supervise
32 selected acts, tasks, or procedures that fall within the scope of
33 physical therapy practice but do not exceed the education or training
34 of the assistive personnel.

35 (2) Nothing in this chapter may be construed to prohibit other
36 licensed health care providers from using the services of physical
37 therapist assistants, physical therapist aides, or other assistive

1 personnel as long as the licensed health care provider is responsible
2 for the activities of such assistants, aides, and other personnel and
3 provides appropriate supervision.

4 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act are each
5 added to chapter 18.74 RCW."

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6 On page 1, line 1 of the title, after "therapy;" strike the
7 remainder of the title and insert "amending RCW 18.74.005, 18.74.010,
8 and 18.74.012; and adding new sections to chapter 18.74 RCW."

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