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HOUSE BILL 2732

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Morris and Prince

Read first time 01/24/92. Referred to Committee on Health Care.

1            AN ACT Relating to certification of physical therapist assistants;  
2 amending RCW 18.74.010, 18.74.020, 18.74.027, 18.74.029, 18.74.060,  
3 18.74.070, and 18.74.090; reenacting and amending RCW 18.74.023; and  
4 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 1991 c 12 s 1 are each amended to read  
7 as follows:

8            Unless the context otherwise requires, the definitions in this  
9 section apply throughout this chapter.

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 treatment of any bodily or mental  
14 condition of any person by the use of the physical, chemical, and other

1 properties of heat, cold, air, light, water, electricity, sound,  
2 massage, and therapeutic exercise, which includes posture and  
3 rehabilitation procedures; the performance of tests and measurements of  
4 neuromuscular function as an aid to the diagnosis or treatment of any  
5 human condition; performance of treatments on the basis of test  
6 findings after consultation with and periodic review by an authorized  
7 health care practitioner except as provided in RCW 18.74.012;  
8 supervision of selective forms of treatment by trained supportive  
9 personnel; and provision of consultative services for health,  
10 education, and community agencies. The use of Roentgen rays and radium  
11 for diagnostic and therapeutic purposes, the use of electricity for  
12 surgical purposes, including cauterization, and the use of spinal  
13 manipulation or manipulative mobilization of the spine and its  
14 immediate articulations, are not included under the term "physical  
15 therapy" as used in this chapter.

16 (4) "Physical therapist" means a person who practices physical  
17 therapy as defined in this chapter but does not include massage  
18 operators as defined in RCW 18.108.010.

19 (5) "Physical therapist assistant" means a person under the  
20 indirect supervision of a licensed physical therapist who assists in  
21 the practice of physical therapy and who is certified pursuant to this  
22 chapter.

23 (6) "Indirect supervision" of a physical therapist assistant means:

24 (a) The supervisor shall initially evaluate each patient;

25 (b) The supervisor shall interpret all referrals received from  
26 other health care providers;

27 (c) The supervisor shall plan each patient's treatment program and  
28 determine which elements can be delegated;

1        (d) The supervisor shall provide periodic reevaluation of the  
2 treatment program and the assistant's performance in relation to the  
3 patient;

4        (e) The supervisor shall perform discharge planning; and

5        (f) The supervisor is not required to be on the physical premises,  
6 but must provide either written or oral instructions for treatment of  
7 the patient by the assistant.

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

9        ~~((+6))~~ (8) Words importing the masculine gender may be applied to  
10 females.

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

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

19        The state board of physical therapy is hereby created. The board  
20 shall consist of ~~((five))~~ seven members who shall be appointed by the  
21 governor. Of the initial appointments, two shall be appointed for a  
22 term of two years, two for a term of three years, and one for a term of  
23 four years. Thereafter, all appointments shall be for terms of four  
24 years. ~~((Four))~~ Five members of the board shall be physical therapists  
25 licensed under this chapter and residing in this state, shall have not  
26 less than five years' experience in the practice of physical therapy,  
27 and shall be actively engaged in practice within two years of  
28 appointment. One member of the board shall be a physical therapist  
29 assistant. The ~~((fifth))~~ seventh member shall be appointed from the

1 public at large, shall have an interest in the rights of consumers of  
2 health services, and shall not be or have been a member of any other  
3 licensing board, a licensee of any health occupation board, an employee  
4 of any health facility nor derive his or her primary livelihood from  
5 the provision of health services at any level of responsibility. In  
6 the event that a member of the board for any reason cannot complete his  
7 or her term of office, another appointment shall be made by the  
8 governor in accordance with the procedure stated above to fill the  
9 remainder of the term. No member may serve for more than two  
10 successive four-year terms. To the maximum extent practicable, the  
11 members of the board shall reflect different practice settings,  
12 physical therapy specialties, geographic regions of the state, and  
13 diverse ethnic heritage.

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

19 **Sec. 3.** RCW 18.74.023 and 1991 c 12 s 3 and 1991 c 3 s 175 are  
20 each reenacted and amended to read as follows:

21 The board has the following powers and duties:

22 (1) To administer examinations to applicants (~~for a license~~)  
23 under this chapter.

24 (2) To pass upon the qualifications of applicants (~~for a license~~)  
25 and to certify to the secretary duly qualified applicants.

26 (3) To make such rules not inconsistent with the laws of this state  
27 as may be deemed necessary or proper to carry out the purposes of this  
28 chapter.

1 (4) To establish and administer requirements for continuing  
2 competency, which shall be a prerequisite to renewing a license or  
3 certificate under this chapter.

4 (5) To keep an official record of all its proceedings, which record  
5 shall be evidence of all proceedings of the board which are set forth  
6 therein.

7 (6) To adopt rules not inconsistent with the laws of this state,  
8 when it deems appropriate, in response to questions put to it by  
9 professional health associations, physical therapists, physical  
10 therapist assistants, and consumers in this state concerning the  
11 authority of physical therapists and physical therapist assistants to  
12 perform particular acts.

13 **Sec. 4.** RCW 18.74.027 and 1983 c 116 s 5 are each amended to read  
14 as follows:

15 The board shall elect from its members a chairperson and vice  
16 chairperson-secretary, who shall serve for one year and until their  
17 successors are elected. The board shall meet at least once a year and  
18 upon the call of the chairperson at such times and places as the  
19 chairperson designates. (~~Three~~) Four members constitute a quorum of  
20 the full board for the transaction of any business. Meetings of the  
21 board shall be open and public, except the board may hold executive  
22 sessions to the extent permitted by chapter 42.30 RCW.

23 **Sec. 5.** RCW 18.74.029 and 1987 c 150 s 47 are each amended to read  
24 as follows:

25 The uniform disciplinary act, chapter 18.130 RCW, governs  
26 unlicensed practice, the issuance and denial of licenses and  
27 certificates, and the discipline of licensees and certificate holders  
28 under this chapter.

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

3        An applicant for a certificate as a physical therapist assistant  
4 shall have the following qualifications:

5        (1)    Be of good moral character; and

6        (2)    Have successfully completed a program of study for physical  
7 therapist assistants which has been approved by the board or an  
8 equivalent educational program that meets criteria established by the  
9 board.

10       Applications for certification must be submitted on forms provided  
11 by the board.    The board may require any information and documentation  
12 which reasonably relates to the need to determine whether the applicant  
13 meets the criteria for certification provided for in this chapter and  
14 chapter 18.130 RCW.    Each applicant shall pay a fee determined by the  
15 secretary as provided in RCW 43.70.250, which shall accompany the  
16 application.

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

19       All qualified applicants for a certificate as a physical therapist  
20 assistant shall be examined by the board at such time and place within  
21 the state as the board may determine.    The examination shall include  
22 subjects as the board deems useful to test the applicant's fitness to  
23 be certified as a physical therapist assistant.    Examinations shall be  
24 held at least twice a year.    Applicants who fail the examination may  
25 apply for reexamination upon payment of a reexamination fee determined  
26 by the secretary.

27       The secretary of health shall certify as a physical therapist  
28 assistant each applicant who successfully passes the examination for

1 certification as a physical therapist assistant and shall furnish a  
2 certificate to those applicants.

3 **Sec. 8.** RCW 18.74.060 and 1991 c 3 s 179 are each amended to read  
4 as follows:

5 Upon the recommendation of the board, the secretary shall license  
6 as a physical therapist ~~((and shall furnish a license to))~~, or certify  
7 as a physical therapist assistant, any person who is a physical  
8 therapist ~~((registered or licensed))~~ or physical therapist assistant  
9 under the laws of another state or territory, or the District of  
10 Columbia, if the qualifications ~~((for such registration or license))~~  
11 required of the applicant were substantially equal to the requirements  
12 under this chapter. At the time of making application, the applicant  
13 shall pay to the state treasurer a fee determined by the secretary as  
14 provided in RCW 43.70.250.

15 **Sec. 9.** RCW 18.74.070 and 1991 c 3 s 180 are each amended to read  
16 as follows:

17 Every licensed physical therapist and certified physical therapist  
18 assistant shall apply to the secretary for a renewal of the license or  
19 certificate and pay to the state treasurer a fee determined by the  
20 secretary as provided in RCW 43.70.250. The license of a physical  
21 therapist, or certificate of a physical therapist assistant, who fails  
22 to renew the license or certificate within thirty days of the date set  
23 by the secretary for renewal shall automatically lapse. Within three  
24 years from the date of lapse and upon the ~~((recommendation))~~ approval  
25 of the board, the secretary may revive a lapsed license or certificate  
26 upon the payment of all past unpaid renewal fees and a penalty fee to  
27 be determined by the secretary. The board may require reexamination of  
28 an applicant whose license or certificate has lapsed for more than

1 three years and who has not continuously engaged in lawful practice in  
2 another state or territory, or waive reexamination in favor of evidence  
3 of continuing education satisfactory to the board.

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

6 (1) A person who is not licensed with the secretary of health as a  
7 physical therapist under the requirements of this chapter shall not  
8 represent him or herself as being so licensed and shall not use in  
9 connection with his or her name the words or letters "P.T.", "R.P.T.",  
10 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or  
11 "physiotherapist", or any other letters, words, signs, numbers, or  
12 insignia indicating or implying that he or she is a physical therapist.  
13 No person may practice physical therapy without first having a valid  
14 license.

15 (2) A person who is not certified with the secretary as a physical  
16 therapist assistant and not working under the indirect supervision of  
17 a licensed physical therapist under the requirements of this chapter  
18 shall not represent him or herself as being so certified and shall not  
19 use in connection with his or her name the words or letters "P.T.A.,"  
20 "C.P.T.A.," "physical therapist assistant," "physical therapy  
21 assistant," "physical therapy technician," "physiotherapy assistant,"  
22 "physiotherapist assistant," or any other letters, words, signs,  
23 numbers, or insignia indicating or implying that he or she is a  
24 physical therapist assistant or certified physical therapist assistant  
25 except that a graduate of an approved school of physical therapy may  
26 use the title of physical therapist assistant for a period of one year  
27 after graduation or one year after establishing residence in this  
28 state.



1       (3) Nothing in this chapter prohibits any person licensed in this  
2 state under any other act from engaging in the practice for which he or  
3 she is licensed. It shall be the duty of the prosecuting attorney of  
4 each county to prosecute all cases involving a violation of this  
5 chapter arising within his or her county. The attorney general may  
6 assist in such prosecution and shall appear at all hearings when  
7 requested to do so by the board.

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

10       The board shall waive the examination requirements and grant a  
11 certificate to a person engaged in practice as a physical therapist  
12 assistant on the effective date of this act if the person meets the  
13 education requirements as established by rule of the board.

14       NEW SECTION. **Sec. 12.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.