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SENATE BILL 6522

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State of Washington

56th Legislature

2000 Regular Session

By Senators Thibaudeau, Deccio and Costa

Read first time . Referred to Committee on .

1 AN ACT Relating to physical therapy; amending RCW 18.74.005,  
2 18.74.010, and 18.74.012; adding new sections to chapter 18.74 RCW;  
3 repealing RCW 18.74.085; and providing an expiration date.

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

5 **Sec. 1.** RCW 18.74.005 and 1983 c 116 s 1 are each amended to read  
6 as follows:

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

1 liberally construed to promote the public interest and to accomplish  
2 its purpose.

3 **Sec. 2.** RCW 18.74.010 and 1997 c 275 s 8 are each amended to read  
4 as follows:

5 Unless the context otherwise requires, the definitions in this  
6 section apply throughout this chapter.

7 (1) "Board" means the board of physical therapy created by RCW  
8 18.74.020.

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

10 (3) "Physical therapy" means the ~~((treatment of any bodily or~~  
11 ~~mental condition of any person by the use of the physical, chemical,~~  
12 ~~and other properties of heat, cold, air, light, water, electricity,~~  
13 ~~sound, massage, and therapeutic exercise, which includes posture and~~  
14 ~~rehabilitation procedures; the performance of tests and measurements of~~  
15 ~~neuromuscular function as an aid to the diagnosis or treatment of any~~  
16 ~~human condition; performance of treatments on the basis of test~~  
17 ~~findings after consultation with and periodic review by an authorized~~  
18 ~~health care practitioner except as provided in RCW 18.74.012;~~  
19 ~~supervision of selective forms of treatment by trained supportive~~  
20 ~~personnel; and provision of consultative services for health,~~  
21 ~~education, and community agencies. The use of Roentgen rays and radium~~  
22 ~~for diagnostic and therapeutic purposes, the use of electricity for~~  
23 ~~surgical purposes, including cauterization, and the use of spinal~~  
24 ~~manipulation or manipulative mobilization of the spine and its~~  
25 ~~immediate articulations, are not included under the term "physical~~  
26 ~~therapy" as used in this chapter)) care and services provided by or  
27 under the direction and supervision of a physical therapist licensed by  
28 the state.~~

29 (4) "Physical therapist" means a person who ~~((practices physical~~  
30 ~~therapy as defined in this chapter but does not include massage~~  
31 ~~operators as defined in RCW 18.108.010)) meets all the requirements of  
32 this chapter and is licensed in this state to practice physical  
33 therapy.~~

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

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

36 (7) "Authorized health care practitioner" means and includes  
37 licensed physicians, osteopathic physicians, chiropractors,  
38 naturopaths, podiatric physicians and surgeons, dentists, and advanced

1 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein  
2 shall be construed as altering the scope of practice of such  
3 practitioners as defined in their respective licensure laws.

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

6 (a) Examining, evaluating, and testing individuals with mechanical,  
7 physiological, and developmental impairments, functional limitations in  
8 movement, and disability or other health and movement-related  
9 conditions in order to determine a diagnosis, prognosis, plan of  
10 therapeutic intervention, and to assess and document the ongoing  
11 effects of intervention;

12 (b) Alleviating impairments and functional limitations in movement  
13 by designing, implementing, and modifying therapeutic interventions  
14 that include, but are not limited to, therapeutic exercise; movement-  
15 related functional training in self-care, in-home, community, or work  
16 reintegration; manual therapy including soft tissue and joint  
17 mobilization and manipulation; therapeutic massage; assistive,  
18 adaptive, protective, and supportive devices and equipment, although  
19 these procedures are not within the exclusive practice scope of  
20 physical therapists; airway clearance techniques; debridement and wound  
21 care; physical agents or modalities; mechanical and electrotherapeutic  
22 modalities; and patient-related instruction;

23 (c) Reducing the risk of injury, impairment, functional limitation,  
24 and disability related to movement, including the promotion and  
25 maintenance of fitness, health, and quality of life in all age  
26 populations; and

27 (d) Engaging in administration, consultation, education, and  
28 research.

29 (9)(a) "Physical therapist assistant" means a person who performs  
30 physical therapy procedures and related tasks that have been selected  
31 and delegated only by the supervising physical therapist.

32 (b) "Physical therapy aide" means a person trained under the  
33 direction of a physical therapist who performs designated and  
34 supervised routine physical therapy tasks.

35 (c) "Other assistive personnel" means other trained or educated  
36 health care personnel, not defined in (a) or (b) of this subsection,  
37 who perform specific designated tasks related to physical therapy under  
38 the supervision of a physical therapist. At the direction of the  
39 supervising physical therapist, and if properly credentialed and not

1 prohibited by any other law, other assistive personnel may be  
2 identified by the title specific to their training or education.

3 (10) "Restricted physical therapy license" means a license to which  
4 restrictions or conditions, or both, as to scope of practice, place of  
5 practice, supervision of practice, duration of licensed status, or type  
6 or condition of patient or client served are imposed by the board.

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

14 (12) Assistive, adaptive, protective, and supportive devices and  
15 equipment means commercially available knee orthoses used following  
16 injury or surgery; spastic muscle tone-inhibiting orthoses; upper  
17 extremity adaptive equipment; finger splints; hand splints; custom-  
18 made, leather wrist gauntlets; face masks used following burns;  
19 wheelchair seating that is an integral part of the wheelchair and not  
20 worn by the patient independent of the wheelchair; fabric or elastic  
21 supports; corsets; arch supports also known as foot orthotics; low-  
22 temperature direct-formed plastic splints; trusses; elastic hose;  
23 canes; crutches; cervical collars; prefabricated orthoses; direct-  
24 formed orthoses; and other similar devices as determined by the  
25 secretary, such as those commonly carried in stock by a pharmacy,  
26 department store, corset shop, or surgical supply facility.  
27 Prefabricated orthoses, also known as custom-fitted or off-the-shelf,  
28 are devices that are manufactured as commercially available stock items  
29 for no specific patient. Direct-formed orthoses are devices formed or  
30 shaped during the molding process directly on the patient's body or  
31 body segment.

32 **Sec. 3.** RCW 18.74.012 and 1991 c 12 s 2 are each amended to read  
33 as follows:

34 Notwithstanding the provisions of RCW 18.74.010(~~((+4))~~) (3), a  
35 consultation and periodic review by an authorized health care  
36 practitioner is not required for treatment of neuromuscular or  
37 musculoskeletal conditions(~~(:—PROVIDED, That a physical therapist may~~  
38 ~~only provide treatment utilizing orthoses that support, align, prevent,~~

1 ~~or correct any structural problems intrinsic to the foot or ankle by~~  
2 ~~referral or consultation from an authorized health care practitioner)).~~

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

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

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

14 (a) A person who is pursuing a course of study leading to a degree  
15 as a physical therapist in an approved professional education program  
16 and is satisfying supervised clinical education requirements related to  
17 his or her physical therapy education while under on-site supervision  
18 of a licensed physical therapist;

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

23 (c) A physical therapist licensed in another United States  
24 jurisdiction, or a foreign-educated physical therapist credentialed in  
25 another country, performing physical therapy as part of teaching or  
26 participating in an educational seminar of no more than sixty days in  
27 a calendar year.

28 NEW SECTION. **Sec. 5.** (1) No person may practice or in any manner  
29 hold himself or herself out to be engaging in the practice of physical  
30 therapy or designate himself or herself as a physical therapist unless  
31 licensed as a physical therapist in accordance with this chapter.

32 (2) A physical therapist licensed under this chapter is fully  
33 authorized to practice physical therapy as defined in this chapter.

34 (3) A physical therapist shall refer persons under his or her care  
35 to appropriate health care practitioners if the physical therapist has  
36 reasonable cause to believe symptoms or conditions are present that

1 require services beyond the scope of practice or when physical therapy  
2 is contraindicated.

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

6 (5) A physical therapist who meets further qualifications as  
7 established by rule may penetrate tissue for the purpose of testing  
8 neuromuscular performance.

9 (6) A physical therapist may perform wound debridement and wound  
10 management that includes, but is not limited to, sharp debridement,  
11 debridement with other agents, dry dressings, wet dressings, topical  
12 agents including enzymes, and hydrotherapy.

13 (7)(a) A physical therapist licensed under this chapter may  
14 purchase, store, and administer medications such as hydrocortisone,  
15 fluocinonide, fluorimethane, silvadine, lidocaine magnesium sulfate,  
16 zinc oxide, and other similar medications, and may administer such  
17 other drugs or medications as prescribed by a physician. A pharmacist  
18 who dispenses such drugs to a licensed physical therapist is not liable  
19 for any adverse reactions caused by any method of use by the physical  
20 therapist.

21 (b) The secretary, after consultation with representatives of the  
22 physical therapy licensing board, the board of pharmacy, and the  
23 medical quality assurance commission, may adopt rules that authorize  
24 licensed physical therapists to purchase and use legend drugs and  
25 devices in addition to the drugs authorized in this chapter.

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

32 (2) Physical therapist assistants shall at all times be under the  
33 supervision of a licensed physical therapist as further set forth in  
34 rule.

35 (3) Physical therapy aides and other assistive personnel shall  
36 perform patient care activities under on-site supervision of a licensed  
37 physical therapist.

1        NEW SECTION.    **Sec. 7.**    (1) The public has access to the following  
2 information:

3        (a) A listing of physical therapists licensed in the state,  
4 including place of practice, license number, date of expiration, and  
5 status of license. This listing shall also include interim permit  
6 holders;

7        (b) A listing of physical therapist assistants licensed in the  
8 state, including place of employment, license number, and date of  
9 expiration; and

10       (c) A listing of official actions taken by the board.

11       (2) Home addresses and telephone numbers of physical therapists and  
12 physical therapist assistants are not public records and shall be kept  
13 confidential by the board.

14       (3) Physical therapists shall disclose in writing to patients if a  
15 referring practitioner is deriving direct or indirect compensation from  
16 the referral to physical therapy.

17       (4) Physical therapists shall disclose in writing any financial  
18 interest in products they endorse and recommend to their patients.

19       (5) Physical therapists have the responsibility to ensure that the  
20 patient has knowledge of freedom of choice in services and products.

21       (6) Information relating to the physical therapist/patient  
22 relationship is confidential and may not be communicated to a third  
23 party not involved in that patient's care without the prior written  
24 consent of the patient. The physical therapist/patient privilege does  
25 not extend to cases in which the physical therapist has a duty to  
26 report information as required by law.

27       (7) Any person may submit a complaint regarding any licensee or any  
28 other person potentially in violation of this chapter. Confidentiality  
29 shall be maintained subject to law.

30       (8) The board shall keep all information relating to the receiving  
31 and investigation of complaints filed against licensees confidential  
32 until the information becomes public record or as required by law.

33       (9) Each licensee shall display a copy of his or her license or  
34 current renewal verification in a location accessible to public view at  
35 his or her place of practice.

36       NEW SECTION.    **Sec. 8.**    In order to use spinal manipulation as a  
37 treatment technique, a physical therapist must meet further

1 qualifications as established by rule. This section expires January 1,  
2 2005.

3 NEW SECTION. **Sec. 9.** RCW 18.74.085 (Advertising of spinal  
4 manipulation or mobilization prohibited) and 1988 c 185 s 4 are each  
5 repealed.

6 NEW SECTION. **Sec. 10.** Sections 4 through 8 of this act are each  
7 added to chapter 18.74 RCW.

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