

SSB 5292 - S AMD

By Senators Keiser, Fairley

ADOPTED 03/13/2007

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

3 "Sec. 1. RCW 18.74.010 and 2005 c 501 s 2 are each amended to read  
4 as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

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 care and services provided by or  
11 under the direction and supervision of a physical therapist licensed by  
12 the state. The use of Roentgen rays and radium for diagnostic and  
13 therapeutic purposes, the use of electricity for surgical purposes,  
14 including cauterization, and the use of spinal manipulation, or  
15 manipulative mobilization of the spine and its immediate articulations,  
16 are not included under the term "physical therapy" as used in this  
17 chapter.

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

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

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

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

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

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

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

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

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

37 (e) Reducing the risk of injury, impairment, functional limitation,

1 and disability related to movement, including the promotion and  
2 maintenance of fitness, health, and quality of life in all age  
3 populations; and

4 (f) Engaging in administration, consultation, education, and  
5 research.

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

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

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

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

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

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

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

13        The state board of physical therapy is hereby created. The board  
14 shall consist of (~~five~~) six members who shall be appointed by the  
15 governor. Of the initial appointments, two shall be appointed for a  
16 term of two years, two for a term of three years, and one for a term of  
17 four years. Thereafter, all appointments shall be for terms of four  
18 years. Four members of the board shall be physical therapists licensed  
19 under this chapter and residing in this state, shall have not less than  
20 five years' experience in the practice of physical therapy, and shall  
21 be actively engaged in practice within two years of appointment. One  
22 member shall be a physical therapist assistant licensed under this  
23 chapter and residing in this state, shall not have less than five  
24 years' experience in the practice of physical therapy, and shall be  
25 actively engaged in practice within two years of appointment. The  
26 (~~fifth~~) sixth member shall be appointed from the public at large,  
27 shall have an interest in the rights of consumers of health services,  
28 and shall not be or have been a member of any other licensing board, a  
29 licensee of any health occupation board, an employee of any health  
30 facility nor derive his or her primary livelihood from the provision of  
31 health services at any level of responsibility. In the event that a  
32 member of the board for any reason cannot complete his or her term of  
33 office, another appointment shall be made by the governor in accordance  
34 with the procedure stated (~~above~~) in this section to fill the  
35 remainder of the term. No member may serve for more than two  
36 successive four-year terms.

1       The secretary of health shall furnish such secretarial, clerical,  
2 and other assistance as the board may require. Each member of the  
3 board shall, in addition to travel expenses in accordance with RCW  
4 43.03.050 and 43.03.060, be compensated in accordance with RCW  
5 43.03.240.

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

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

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

11       ~~((2))~~ (b) Have obtained either ~~((a))~~ (i) a baccalaureate degree  
12 in physical therapy from an institution of higher learning approved by  
13 the board or ~~((b))~~ (ii) a baccalaureate degree from an institution of  
14 higher learning and a certificate or advanced degree from a school of  
15 physical therapy approved by the board.

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

18       (a) Be of good moral character; and

19       (b) Have successfully completed a board-approved physical therapist  
20 assistant program.

21       (3) The applicant shall present proof of qualification to the board  
22 in the manner and on the forms prescribed by ~~((it))~~ the board.

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

25       (1) All qualified applicants for a license as a physical therapist  
26 shall be examined by the board at such time and place as the board may  
27 determine. The board may approve an examination prepared or  
28 administered by a private testing agency or association of licensing  
29 authorities. The examination shall embrace the following subjects:  
30 The applied sciences of anatomy, neuroanatomy, kinesiology, physiology,  
31 pathology, psychology, physics; physical therapy, as defined in this  
32 chapter, applied to medicine, neurology, orthopedics, pediatrics,  
33 psychiatry, surgery; medical ethics; technical procedures in the  
34 practice of physical therapy as defined in this chapter; and such other  
35 subjects as the board may deem useful to test the applicant's fitness  
36 to practice physical therapy, but not including the adjustment or

1 manipulation of the spine or use of a thrusting force as mobilization.  
2 Examinations shall be held within the state at least once a year, at  
3 such time and place as the board shall determine. An applicant who  
4 fails an examination may apply for reexamination upon payment of a  
5 reexamination fee determined by the secretary.

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

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

13 (1) The secretary ((of health)) shall license as a physical  
14 therapist, and shall furnish a license to, each applicant who  
15 successfully passes the examination for licensure as a physical  
16 therapist.

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

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

22 Upon the recommendation of the board, the secretary shall license  
23 as a physical therapist or physical therapist assistant and shall  
24 furnish a license to any person who is a physical therapist or physical  
25 therapist assistant registered, certified, or licensed under the laws  
26 of another state or territory, or the District of Columbia, if the  
27 qualifications for such registration, certification, or license  
28 required of the applicant were substantially equal to the requirements  
29 under this chapter. At the time of making application, the applicant  
30 shall comply with administrative procedures, administrative  
31 requirements, and fees established pursuant to RCW 43.70.250 and  
32 43.70.280.

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

35 The board shall waive the examination and grant a license to a

1 person who meets the commonly accepted standards for practicing as a  
2 physical therapist assistant, as adopted by rule. Persons eligible for  
3 licensure as a physical therapist assistant under this section must  
4 apply for a license within one year of the effective date of this  
5 section.

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

8 Every licensed physical therapist and physical therapist assistant  
9 shall apply to the secretary for a renewal of the license and pay to  
10 the state treasurer a fee determined by the secretary as provided in  
11 RCW 43.70.250 and 43.70.280.

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

14 Any physical therapist or physical therapist assistant licensed  
15 under this chapter not practicing physical therapy or providing  
16 services may place his or her license in an inactive status. The board  
17 shall prescribe requirements for maintaining an inactive status and  
18 converting from an inactive or active status. The secretary may  
19 establish fees for alterations in license status.

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

22 (1) A person who is not licensed with the secretary of health as a  
23 physical therapist under the requirements of this chapter shall not  
24 represent him or herself as being so licensed and shall not use in  
25 connection with his or her name the words or letters "P.T.", "R.P.T.",  
26 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or  
27 "physiotherapist", or any other letters, words, signs, numbers, or  
28 insignia indicating or implying that he or she is a physical therapist.  
29 No person may practice physical therapy without first having a valid  
30 license. Nothing in this chapter prohibits any person licensed in this  
31 state under any other act from engaging in the practice for which he or  
32 she is licensed. It shall be the duty of the prosecuting attorney of  
33 each county to prosecute all cases involving a violation of this  
34 chapter arising within his or her county. The attorney general may

1 assist in such prosecution and shall appear at all hearings when  
2 requested to do so by the board.

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

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

11 The secretary of health shall keep a record of proceedings under  
12 this chapter and a register of all persons licensed under it. The  
13 register shall show the name of every living licensed physical  
14 therapist and physical therapist assistant, his or her last known place  
15 of residence, and the date and number of his or her license as a  
16 physical therapist or physical therapist assistant.

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

19 This chapter does not prohibit or regulate:

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

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

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



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

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

6 (1) It is unlawful for any person to practice or in any manner hold  
7 himself or herself out to practice physical therapy or designate  
8 himself or herself as a physical therapist or physical therapist  
9 assistant, unless he or she is licensed in accordance with this  
10 chapter.

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

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

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

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

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

32 (4) The following persons are exempt from licensure as physical  
33 therapist assistants under this chapter when engaged in the following  
34 activities:

35 (a) A person who is pursuing a course of study leading to a degree  
36 as a physical therapist assistant in an approved professional education

1 program and is satisfying supervised clinical education requirements  
2 related to his or her physical therapist assistant education while  
3 under direct supervision of a licensed physical therapist;

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

8 (c) A physical therapist assistant licensed in another United  
9 States jurisdiction, or a foreign-educated physical therapist assistant  
10 credentialed in another country, or a physical therapist assistant who  
11 is teaching or participating in an educational seminar of no more than  
12 sixty days in a calendar year.

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

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

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

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

25 (4) A physical therapist may perform electroneuromyographic  
26 examinations for the purpose of testing neuromuscular function only by  
27 referral from an authorized health care practitioner identified in RCW  
28 18.74.010(7) and only upon demonstration of further education and  
29 training in electroneuromyographic examinations as established by rule.  
30 Within two years after July 1, 2005, the secretary shall waive the  
31 requirement for further education and training for those physical  
32 therapists licensed under this chapter who perform  
33 electroneuromyographic examinations.

34 (5) A physical therapist licensed under this chapter may purchase,  
35 store, and administer medications such as hydrocortisone, fluocinonide,  
36 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,  
37 zinc oxide, and other similar medications, and may administer such

1 other drugs or medications as prescribed by an authorized health care  
2 practitioner for the practice of physical therapy. A pharmacist who  
3 dispenses such drugs to a licensed physical therapist is not liable for  
4 any adverse reactions caused by any method of use by the physical  
5 therapist.

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

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

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

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

23 A physical therapist is professionally and legally responsible for  
24 patient care given by assistive personnel under his or her supervision.  
25 If a physical therapist fails to adequately supervise patient care  
26 given by assistive personnel, the board may take disciplinary action  
27 against the physical therapist.

28 (1) Regardless of the setting in which physical therapy services  
29 are provided, only the licensed physical therapist may perform the  
30 following responsibilities:

31 (a) Interpretation of referrals;

32 (b) Initial examination, problem identification, and diagnosis for  
33 physical therapy;

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

1 (d) Determination of which tasks require the expertise and  
2 decision-making capacity of the physical therapist and must be  
3 personally rendered by the physical therapist, and which tasks may be  
4 delegated;

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

8 (f) Delegation and instruction of the services to be rendered by  
9 the physical therapist, physical therapist assistant, or physical  
10 therapy aide including, but not limited to, specific tasks or  
11 procedures, precautions, special problems, and contraindicated  
12 procedures;

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

15 (h) Establishment of a discharge plan.

16 (2) Supervision requires that the patient reevaluation is  
17 performed:

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

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

22 (3) Supervision of assistive personnel means:

23 (a) Physical therapist assistants may function under direct or  
24 indirect supervision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25       NEW SECTION. Sec. 19. (1) Sections 1 and 3 through 18 of this act  
26 take effect July 1, 2008.

27       (2) Section 2 of this act takes effect December 1, 2008."

**SSB 5292** - S AMD

By Senators Keiser, Fairley

**ADOPTED 03/13/2007**

28       On page 1, line 1 of the title, after "assistants;" strike the  
29 remainder of the title and insert "amending RCW 18.74.010, 18.74.020,

1 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073,  
2 18.74.090, 18.74.120, 18.74.130, 18.74.150, 18.74.160, 18.74.170, and  
3 48.43.045; adding new sections to chapter 18.74 RCW; and providing  
4 effective dates."

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