

SENATE BILL 1960

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 13, relative to the practice of physical
therapy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-13-103(12), is amended by deleting the subdivision and substituting the following:

(12) "Physical therapist" or "physiotherapist" means a person who is licensed pursuant to this chapter to practice physical therapy;

SECTION 2. Tennessee Code Annotated, Section 63-13-103, is amended by adding the following as new subdivisions:

() "Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the patient's role and environment;

() "Electrodiagnostic tests and measures" means electrodiagnostic studies, sometimes called EMG for electromyography, that use common techniques to test the function of muscles and nerves and are ordered by physicians to help determine the causes of various areas of pain, numbness, tingling, and strength loss;

() "Electrophysiologic tests and measures" means studies that focus on electrotherapy, and electrotherapy in wound care management, and encompass physical therapies and assistive devices that improve strength, ambulation, and mobility for those with chronic pain, neuromuscular, and musculoskeletal disorders;

() "Testing" means standard methods and techniques used to gather data about the patient, including electrodiagnostic and electrophysiologic tests and measures;

SECTION 3. Tennessee Code Annotated, Section 63-13-104, is amended by deleting subdivision (b)(2).

SECTION 4. Tennessee Code Annotated, Section 63-13-301, is amended by deleting subsection (a) and substituting the following:

(1) A physical therapist, or physiotherapist, licensed under this chapter is fully authorized to practice physical therapy.

(2) A physical therapist, or physiotherapist, is not licensed under this chapter unless the individual holds a degree from a professional physical therapy program accredited by a national accreditation agency recognized by the United States department of education and by the board of physical therapy.

SECTION 5. Tennessee Code Annotated, Section 63-13-303(a), is amended by deleting the subsection and substituting the following:

(a) The practice of physical therapy must be under the written or oral referral of a referring practitioner who is a licensed doctor of medicine, chiropractic, dentistry, podiatry, or osteopathy, except a licensed physical therapist may:

(1) Conduct an initial evaluation of a patient without referral;

(2) Provide physical assessments or instructions, including a recommendation of exercise to an asymptomatic person, without the referral of a referring practitioner;

(3)

(A) In emergency circumstances, including minor emergencies, provide assistance to a person to the best of a physical therapist's ability without the referral of a referring practitioner. Except as provided in subdivision (a)(4), the physical therapist shall refer the person to the appropriate healthcare practitioner, as indicated, immediately after providing assistance;

(B) For the purposes of subdivision (a)(3)(A):

(i) "Emergency circumstances" means instances where emergency medical care is required; and

(ii) "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part;

and

(4) Treat a patient without a referral when, within the scope of practice of physical therapy, the following are met:

(A) The patient's physician, as defined in § 63-6-204(f)(7)(F) has been notified;

(B) If the physical therapist determines, based on reasonable evidence, that no progress has been made with respect to that patient's condition within thirty (30) days, immediately following the date of the patient's initial visit with the physical therapist, then the physical therapist shall not provide any additional physical therapy services and shall refer the patient to a physician;

(C) Physical therapy services must not continue beyond ninety (90) days without consulting with the patient's physician;

(D) If the patient was previously diagnosed by a licensed physician with chronic, neuromuscular, or developmental conditions, and the evaluation, treatment, or services are being provided for problems or symptoms associated with one (1) or more of those previously diagnosed conditions, then subdivisions (a)(4)(B) and (a)(4)(C) do not apply; and

(E) A physical therapist shall refer patients under the physical therapist's care to appropriate healthcare practitioners, if, at any time, the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of a physical therapist, reasonable therapeutic progress is not being achieved for the patient, or physical therapy treatment is contraindicated.

SECTION 6. Tennessee Code Annotated, Section 63-13-303, is amended by adding the following as a new subsection:

(c) It is unprofessional conduct, for the purposes of § 63-13-312, for a physical therapist to knowingly initiate services to a patient in violation of subdivision (a)(4).

SECTION 7. Tennessee Code Annotated, Section 63-13-305, is amended by deleting subdivision (b)(3) and substituting the following:

(3) A physical therapist or physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated or internationally trained physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty (60) days in a calendar year; and

SECTION 8. Tennessee Code Annotated, Section 63-13-306, is amended by deleting subsection (e) and substituting the following:

(e) Applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure. This must occur within six (6) months of initial board approval to take the examination. Prior to being approved by the board for subsequent testing beyond two (2) attempts, individuals must submit a new application with all applicable fees and demonstrate evidence satisfactory to the board of having successfully completed additional clinical training or course work as determined by the board and defined in the rules. Applicants who do not pass the examination on the sixth attempt are no longer eligible to take the examination.

SECTION 9. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivisions (a)(1) and (b)(1).

SECTION 10. Tennessee Code Annotated, Section 63-13-307, is amended by deleting the following language:

An applicant for licensure as a physical therapist who has been educated outside the United States shall meet the following qualifications:

and substituting the following:

An applicant for licensure as a physical therapist who has been educated outside the United States, foreign-educated, or internationally trained must meet the following qualifications:

SECTION 11. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivision (d)(1).

SECTION 12. Tennessee Code Annotated, Section 63-13-308, is amended by deleting the section and substituting the following:

63-13-308. License renewal – Eligibility to apply for physical therapy licensure compact privileges – Changes in name or address – Retirement – Inactive Status – Exemption from continuing education requirements.

(a) A physical therapist or physical therapist assistant licensed under this part shall renew the person's license as specified in the rules. An individual who fails to renew the license by the date of expiration shall not practice physical therapy or function as a physical therapist assistant in this state.

(b) A physical therapist or physical therapist assistant licensed in a jurisdiction that is a member state of the Physical Therapy Licensure Compact is eligible to become a licensee for compact privileges in this state, subject to the requirements in § 63-13-402.

(c) Each licensee shall report to the division a name change and changes in business and home address within thirty (30) days of the change.

(d) A person licensed by the board to the practice of physical therapy in this state who has retired, or may retire, from the practice in this state is not required to register as required by this part if the person files with the board an affidavit on a form to be furnished by the board, which affidavit states the date on which the person retired from the practice and any other facts the board considers necessary that tends to verify the retirement. If the person thereafter reengages in the practice in this state, the person must apply for licensure with the board as provided by this part and meet the continuing education requirements that are established by the board, except for good and sufficient reasons as determined by the board.

(e) A person licensed by the board may place their license on inactive status by filing the proper forms with the board and by paying a biennial fee in accordance with rules. If the person thereafter reengages in active practice of physical therapy in this state, then the person must apply for relicensure with the board as provided by this part and meet the continuing education requirements as are established by the board, except for good and sufficient reasons as determined by the board.

SECTION 13. Tennessee Code Annotated, Section 63-13-310, is amended by deleting subsection (a) and substituting the following:

(a) A physical therapist shall use the letters "PT" or "DPT", as appropriate for the individual's education, in connection with their name or place of business to denote licensure under this part.

SECTION 14. Tennessee Code Annotated, Section 63-13-312(a), is amended by adding the following as new subdivisions:

() Acting in a manner inconsistent with generally accepted standards of physical therapy practice;

() Participating in underutilization or overutilization of physical therapy services for personal or institutional financial gain;

() Practicing physical therapy with a mental or physical condition that impairs the ability of the licensee to practice with skill and safety;

SECTION 15. Tennessee Code Annotated, Section 63-13-318, is amended by deleting subsection (k) and substituting the following:

(k) In making appointments to the board, the governor shall strive to ensure that at least one (1) member is fifty-five (55) years of age or older, that at least one (1) member is a racial minority, and that the gender balance of the board reflects the gender balance of the state's population.

SECTION 16. The heading to a section in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it and applies to actions occurring on or after that date.