

Substitute for HOUSE BILL No. 2159

By Committee on Health and Human Services

2-9

1 AN ACT concerning physical therapists; evaluation and treatment of
2 patients; amending K.S.A. 2011 Supp. 65-2921 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 65-2921 is hereby amended to read as
7 follows: 65-2921. (a) Except as otherwise provided in subsection (b), (c)
8 or (d) ~~subsections (b) and (c)~~ **{subsection (d)}**, a physical therapist may
9 evaluate ~~patients without physician referral but may initiate treatment only~~
10 ~~after approval by a licensed physician, a licensed podiatrist, a licensed~~
11 ~~physician assistant or a licensed advanced practice registered nurse~~
12 ~~working pursuant to the order or direction of a licensed physician, a~~
13 ~~licensed chiropractor, a licensed dentist or licensed optometrist in~~
14 ~~appropriately related cases. Physical therapists may initiate physical~~
15 ~~therapy treatment with the approval of a practitioner of the healing arts~~
16 ~~duly licensed under the laws of another state and may provide such~~
17 ~~treatment based upon an order by such practitioner in any setting in which~~
18 ~~physical therapists would be authorized to provide such treatment with the~~
19 ~~approval of a physician licensed by the board, notwithstanding any~~
20 ~~provisions of the Kansas healing arts act or any rules and regulations~~
21 ~~adopted by the board thereunder and initiate physical therapy treatment on~~
22 ~~a patient without referral from a licensed {healthcare} practitioner of the~~
23 ~~healing arts. If treating a patient without a referral from a licensed~~
24 ~~practitioner of the healing arts and the patient does not demonstrate~~
25 ~~objective, measurable or functional improvement, or any combination~~
26 ~~thereof, after 10 patient visits or in a period of 30 calendar days from the~~
27 ~~initial evaluation, the physical therapist shall obtain a referral from an~~
28 ~~appropriate licensed practitioner prior to continuing treatment. {If~~
29 **treating a patient without a referral from a licensed healthcare**
30 **practitioner and the patient is not progressing toward documented**
31 **treatment goals as demonstrated by objective, measurable or**
32 **functional improvement, or any combination thereof, after 10 patient**
33 **visits or in a period of 15 business days from the initial treatment visits**
34 **following the initial evaluation visit, the physical therapist shall obtain**
35 **a referral from an appropriate licensed healthcare practitioner prior**
36 **to continuing treatment.}** *The physical therapist must {shall} transmit to*

1 *the licensed {healthcare} practitioner, identified by the patient, a copy of*
2 *the initial evaluation no later than five business days after the evaluation*
3 *is performed.*

4 ~~(b) Physical therapists may evaluate and treat a patient for no more~~
5 ~~than 30 consecutive calendar days without a referral under the following~~
6 ~~conditions: (1) The patient has previously been referred to a physical~~
7 ~~therapist for physical therapy services by a person authorized by this~~
8 ~~section to approve treatment; (2) the patient's referral for physical therapy~~
9 ~~was made within one year from the date a physical therapist implements a~~
10 ~~program of physical therapy treatment without a referral; (3) the physical~~
11 ~~therapy being provided to the patient without referral is for the same~~
12 ~~injury, disease or condition as indicated in the referral for such previous~~
13 ~~injury, disease or condition; and (4) the physical therapist transmits to the~~
14 ~~physician or other practitioner identified by the patient a copy of the initial~~
15 ~~evaluation no later than five business days after treatment commences.~~
16 ~~Treatment of such patient for more than 30 consecutive calendar days shall~~
17 ~~only be upon the approval of a person authorized by this section to~~
18 ~~approve treatment.~~

19 (e) Physical therapists may provide, without a referral, services which
20 do not constitute treatment for a specific condition, disease or injury to: (1)
21 Employees solely for the purpose of education and instruction related to
22 workplace injury prevention; or (2) the public for the purpose of fitness,
23 health promotion and education.

24 ~~(d)~~ (c) Physical therapists may provide services without a referral to
25 special education students who need physical therapy services to fulfill the
26 provisions of their individualized education plan (IEP) or individualized
27 family service plan (IFSP).

28 **{(d) Nothing in this section shall be construed to prevent a**
29 **hospital or ambulatory surgical center from requiring a physician**
30 **order or referral for physical therapy services for a patient currently**
31 **being treated in such facility.**

32 (e) When a patient self-refers to a physical therapist pursuant to
33 this section, the physical therapist, prior to commencing treatment,
34 shall provide written notice to the patient that a physical therapy
35 diagnosis is not a medical diagnosis by a physician.

36 (f) Physical therapists shall perform wound debridement services
37 only after approval by a person licensed to practice medicine and
38 surgery or other licensed healthcare practitioner in appropriately
39 related cases.

40 (g) As used in this section, "licensed healthcare practitioner"
41 means a person licensed to practice medicine and surgery, a licensed
42 podiatrist, a licensed physician assistant or a licensed advanced
43 practice registered nurse working pursuant to the order or direction

1 **of a person licensed to practice medicine and surgery, a licensed**
2 **chiropractor, a licensed dentist or licensed optometrist in**
3 **appropriately related cases.}**

4 Sec. 2. K.S.A. 2011 Supp. 65-2921 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.