As Amended by Senate Committee

Session of 2011

SENATE BILL No. 76

By Committee on Public Health and Welfare

AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 65-2901 is hereby amended to read as follows: 65-2901. As used in article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplement thereto:

(a) "Physical therapy" means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist who is licensed pursuant to article 29 of chapter...
of the Kansas Statutes Annotated, and amendments thereto. This act.
Physical therapy does not include the use of roentgen rays and radium
for diagnostic and therapeutic purposes, the use of electricity for
surgical purposes, including cauterization, the practice of any branch of
the healing arts and the making of a medical diagnosis.
(b) "Physical therapist" means a person who is licensed to practice
physical therapy pursuant to article 29 of chapter 65 of the Kansas
Statutes Annotated, and amendments thereto. This act. Any person who
successfully meets the requirements of K.S.A. 65-2906, and
amendments thereto, shall be known and designated as a physical
therapist and may designate or describe oneself, as appropriate, as a
physical therapist, physiotherapist, licensed physical therapist, doctor
of physical therapy, abbreviations thereof, or words similar thereto or
use of the designated letters P.T., Ph.T., M.P.T., D.P.T. or L.P.T.
Nothing in this section shall be construed to prohibit physical
therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and
amendments thereto, from listing or using in conjunction with their
name any letters, words, abbreviations or other insignia to designate
any educational degrees, certifications or credentials recognized by
the board which such licensee has earned. Each licensee when using
the letters or term "Dr." or "Doctor" in conjunction with such
licensee's professional practice, whether in any written or oral
communication, shall identify oneself as a "physical therapist" or
"doctor of physical therapy."
(c) "Physical therapist assistant" means a person who is certified
pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated,
and amendments thereto, this act and who works under the direction of
a physical therapist, and who assists the physical therapist in selected
components of physical therapy intervention. Any person who
successfully meets the requirements of K.S.A. 65-2906, and
amendments thereto, shall be known and designated as a physical
therapist assistant, and may designate or describe oneself as a physical
therapist assistant, certified physical therapist assistant, abbreviations
thereof, or words similar thereto or use of the designated letters P.T.A.,
C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to
prohibit physical therapist assistants certified under K.S.A. 2010 Supp.
65-2906 and 65-2909, and amendments thereto, from listing or using in
conjunction with their name any letters, words, abbreviations or other
insignia to designate any educational degrees, certifications or
credentials which such physical therapist assistant has earned.

(d) "Board" means the state board of healing arts.

(e) "Council" means the physical therapy advisory council.

(f) "Physician" means a person licensed to practice medicine and surgery.

Sec. 2. K.S.A. 2010 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under this article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, to act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A., or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, the provisions of this act, shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words,
abbreviations or other insignia to designate any educational degrees,
certifications or credentials which such physical therapist assistant has
earned.

(c) Nothing in this act is intended to limit, preclude or otherwise
interfere with the practices of other health care providers formally
trained and practicing their profession. The provisions of article 29 of
chapter 65 of the Kansas Statutes Annotated, and acts amendatory
thereof or supplemental amendments thereto, shall not apply to the
following individuals so long as they do not hold themselves out in a
manner prohibited under subsection (a) or (b) of this section:

(1) Persons rendering assistance in the case of an emergency;
(2) members of any church practicing their religious tenets;
(3) persons whose services are performed pursuant to the
delegation of and under the supervision of a physical therapist who is
licensed under this act;
(4) health care providers in the United States armed forces, public
health services, federal facilities and coast guard or other military
service when acting in the line of duty in this state;
(5) licensees under the healing arts act, and practicing their
professions, when licensed and practicing in accordance with the
provisions of law or persons performing services pursuant to the
delegation of a licensee under subsection (g) of K.S.A. 65-2872, and
amendments thereto;
(6) dentists practicing their professions, when licensed and
practicing in accordance with the provisions of law;
(7) nurses practicing their professions, when licensed and
practicing in accordance with the provisions of law or persons
performing services pursuant to the delegation of a licensed nurse
under subsection (m) of K.S.A. 65-1124, and amendments thereto;
(8) health care providers who have been formally trained and are
practicing in accordance with their training or have received specific
training in one or more functions included in this act pursuant to
established educational protocols or both;
(9) students while in actual attendance in an accredited health care
educational program and under the supervision of a qualified instructor;
(10) self-care by a patient or gratuitous care by a friend or family
member;
(11) optometrists practicing their profession when licensed and
practicing in accordance with the provisions of article 15 of chapter 65
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of the Kansas Statutes Annotated, and amendments thereto;
(12) podiatrists practicing their profession when licensed and
practicing in accordance with the provisions of article 20 of chapter 65
of the Kansas Statutes Annotated, and amendments thereto;
(13) occupational therapists practicing their profession when
licensed and practicing in accordance with the occupational therapy
practice act and occupational therapy assistants practicing their
profession when licensed and practicing in accordance with the
occupational therapy practice act;
(14) respiratory therapists practicing their profession when
licensed and practicing in accordance with the respiratory therapy
practice act;
(15) physician assistants practicing their profession when licensed
and practicing in accordance with the physician assistant licensure act;
(16) persons practicing corrective therapy in accordance with their
training in corrective therapy;
(17) athletic trainers practicing their profession when licensed and
practicing in accordance with the athletic trainers licensure act;
(18) persons who massage for the purpose of relaxation, muscle
conditioning or figure improvement, so long as no drugs are used and
such persons do not hold themselves out to be physicians or healers;
(19) barbers practicing their profession when licensed and
practicing in accordance with the provisions of article 18 of chapter 65
of the Kansas Statutes Annotated, and amendments thereto;
(20) cosmetologists practicing their profession when licensed and
practicing in accordance with the provisions of article 19 of chapter 65
of the Kansas Statutes Annotated, and amendments thereto;
(21) attendants practicing their profession when certified and
practicing in accordance with the provisions of article 61 of chapter 65
of the Kansas Statutes Annotated, and amendments thereto; and
(22) naturopathic doctors practicing their profession when licensed
and practicing in accordance with the naturopathic doctor licensure act.
(d) Any patient monitoring, assessment or other procedures
designed to evaluate the effectiveness of prescribed physical therapy
must be performed by or pursuant to the delegation of a licensed
physical therapist or other health care provider.
(e) Nothing in this act shall be construed to permit the practice of
medicine and surgery. No statute granting authority to licensees of the
state board of healing arts shall be construed to confer authority upon
physical therapists to engage in any activity not conferred by article 29
of chapter 65 of the Kansas Statutes Annotated, and amendments
thereto.
Sec. 3. K.S.A. 2010 Supp. 65-2901 and 65-2913 are hereby
repealed.
Sec. 4. This act shall take effect and be in force from and after its
publication in the statute book.