

{As Amended by House Committee of the Whole}

Session of 2012

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.