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Date: (Filing No. S-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 571, L.D. 1453, “An Act to Amend the Physical Therapist Practice Laws”

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 32 MRSA §3113-A, as amended by PL 1991, c. 885, Pt. E, §41 and affected by §47, is further amended to read:

§3113-A. License required; limitations and exceptions

A person may not practice or profess to be authorized to practice physical therapy or physiotherapy as a physical therapist in this State or use the words "physical therapist" or "physiotherapist" or the letters "P.T." or other words or letters to indicate that the person using those words or letters is a licensed physical therapist unless that person is licensed in accordance with the provisions of this chapter.

~~After one year from the effective date of this chapter, a~~ A person may not act or profess to be able to act as a physical therapist assistant or physiotherapist assistant in this State or use the words "physical therapist assistant" or the letters "P.T.A." or other words or letters to indicate that the person using those words or letters is a licensed physical therapist assistant unless that person is licensed in accordance with the provisions of this chapter.

Nothing in this chapter may be construed as authorizing a physical therapist or physical therapist assistant, licensed or not licensed, to practice medicine, osteopathy, dentistry, chiropractic or any other form of healing, except that physical therapists may utilize manipulative techniques if practiced within the scope of their profession. ~~Physical therapists may not apply manipulative thrust to the vertebrae of the spine except upon consultation with, and referral by, a duly licensed doctor of medicine, surgery, chiropractic or osteopathy.~~ A licensed physical therapist or physical therapist assistant may not administer drugs except upon the referral of a duly licensed doctor of medicine, surgery, osteopathy, podiatry or dentistry, and or other licensed health care provider who has authority to prescribe drugs. A licensed physical therapist may not use roentgen rays or radium or use electricity for surgical purposes. A licensed physical therapist assistant may act only under the direction of a physical therapist licensed to practice in this State.

COMMITTEE AMENDMENT

1 When treating a patient without referral from a an advanced practice registered nurse,
2 certified nurse midwife, physician assistant, naturopathic doctor or doctor of medicine,
3 osteopathy, podiatry, dentistry or chiropractic, the physical therapist or physical therapist
4 assistant is subject to the following requirements.

5 **1. No medical diagnosis.** A physical therapist or physical therapist assistant may not
6 make a medical diagnosis. The physical therapist or physical therapist assistant shall refer
7 to an advanced practice registered nurse, certified nurse midwife, physician assistant,
8 naturopathic doctor or a licensed doctor of medicine, osteopathy, podiatry, dentistry or
9 chiropractic a patient whose physical condition, either at the initial evaluation or during
10 subsequent treatment, the physical therapist or physical therapist assistant determines to be
11 beyond the scope of the practice of the physical therapist or physical therapist assistant.

12 **2. No improvement.** If no improvement in the patient is documented by the physical
13 therapist or physical therapist assistant within 30 days of initiation of treatment and the
14 condition the physical therapist or physical therapist assistant is treating has not been
15 medically diagnosed in the last 90 days, the physical therapist or physical therapist assistant
16 shall consult with or refer the patient to an advanced practice registered nurse, certified
17 nurse midwife, physician assistant, naturopathic doctor or a licensed doctor of medicine,
18 osteopathy, podiatry, dentistry or chiropractic.

19 **3. Length of treatment.** For treatment required beyond 120 days for a condition that
20 has not been medically diagnosed, the physical therapist or physical therapist assistant shall
21 consult with, or refer the patient to, an advanced practice registered nurse, certified nurse
22 midwife, physician assistant, naturopathic doctor or a licensed doctor of medicine, surgery,
23 osteopathy, podiatry, dentistry or chiropractic. The physical therapist or physical therapist
24 assistant shall document the action taken.

25 **4. Exception.** The requirements to refer a patient in subsections 2 and 3 do not apply
26 to:

27 A. Services provided for purposes of health promotion, injury prevention, wellness,
28 fitness, athletic performance or maintenance therapy;

29 B. Patients diagnosed within the previous 9 months with a chronic neuromuscular or
30 developmental condition when the services are being provided for problems or
31 symptoms associated with that previously diagnosed condition; or

32 C. Services provided pursuant to an individualized education plan or individual family
33 service plan under federal law.

34 ~~And~~ In accordance with this section and except as provided in subsection 4, an employer
35 is not liable under Title 39-A, section 206 for charges for services of a physical therapist
36 or physical therapist assistant unless the employee has been referred to that practitioner by
37 an advanced practice registered nurse, certified nurse midwife, physician assistant,
38 naturopathic doctor or a licensed doctor of medicine, surgery, osteopathy, chiropractic,
39 podiatry or dentistry.'

40 Amend the bill in section 10 in §3121 in subsection 1 in the 4th line (page 3, line 33 in
41 L.D.) by inserting after the following: "and" the following: 'once approved and authorized
42 by the federal Department of Justice, from'

43 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
44 number to read consecutively.

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SUMMARY

This amendment makes changes to the conditions under which a physical therapist must refer a patient to an advanced practice registered nurse, certified nurse midwife, physician assistant, naturopathic doctor or a licensed doctor of medicine, osteopathy, podiatry, dentistry or chiropractic.

The amendment also provides that the authority to request criminal history record information for an applicant for a license as a physical therapist or physical therapist assistant from the Federal Bureau of Investigation is contingent on approval and authorization from the federal Department of Justice.

FISCAL NOTE REQUIRED

(See attached)