CHAPTER 45-A

PHYSICAL THERAPIST PRACTICE ACT

§3111. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings. [PL 1979, c. 555, §2 (NEW).]

1. Board. "Board" means the Board of Examiners in Physical Therapy as created in section 3112.
[PL 1979, c. 555, §2 (NEW).]

2. Direction. "Direction" means continuing verbal and written contact by a physical therapist with a physical therapist assistant including periodic on-site supervision adequate to ensure the safety and welfare of the patient.
[PL 1979, c. 555, §2 (NEW).]

3. Physical therapist. "Physical therapist" means a person who is licensed pursuant to this chapter to practice physical therapy.
[PL 2023, c. 317, §1 (AMD).]

4. Physical therapist assistant. "Physical therapist assistant" means a person who is licensed pursuant to this chapter and who assists a physical therapist in specific components of treatment, prevention and educational interventions within the practice of physical therapy.
[PL 2023, c. 317, §2 (AMD).]

5. Physical therapy or physiotherapy. "Physical therapy" or "physiotherapy" means the provision of services in the scope of practice that is set forth in section 3111-A.
[PL 2023, c. 317, §3 (AMD).]

6. Practice of physical therapy. "Practice of physical therapy" means the rendering of or offering to render any service involving physical therapy to detect, assess, prevent, correct, alleviate or limit physical disability, bodily malfunction and pain from injury, disease or any other bodily condition.
[PL 2023, c. 317, §4 (AMD).]

7. Referral. "Referral" means the request of an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or doctor of medicine, surgery, osteopathy, podiatry or dentistry or any other health care provider acting within the scope of that health care provider's license to a physical therapist to accept one of that health care provider's patients for treatment.
[PL 2023, c. 317, §5 (AMD); PL 2025, c. 316, §3 (REV).]

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1983, c. 468, §9 (AMD). PL 2007, c. 402, Pt. N, §1 (AMD). PL 2023, c. 317, §§1-5 (AMD). PL 2025, c. 316, §3 (REV).

§3111-A. Scope of practice

The practice of physical therapy includes the evaluation, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction and pain from injury, disease and any other bodily condition; the administration, interpretation and evaluation of tests and measurements of bodily functions and structures for the purpose of treatment planning; the planning, administration, evaluation and modification of treatment and instruction; and the use of physical agents and procedures, activities and devices for preventive and therapeutic purposes; and the provision of consultative, educational and other advisory services for the purpose of reducing the

incidence and severity of physical disability, bodily malfunction and pain. [PL 2007, c. 402, Pt. N, §2 (NEW).]

A person licensed as a physical therapist under this chapter may, as part of an evaluation of a person in preparation for treatment by the physical therapist, perform a finger stick blood test in the person's home to assess blood clotting levels of that person. If a person licensed as a physical therapist performs a finger stick blood test pursuant to this section, that person shall communicate the test results to the prescribing health care practitioner. Only the health care practitioner may interpret the test results, determine whether a change is needed in the person's plan of care and make decisions with respect to medication adjustments. [PL 2017, c. 80, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. N, §2 (NEW). PL 2017, c. 80, §1 (AMD).

§3112. Board created; appointment; powers and duties

The Board of Examiners in Physical Therapy, as established by Title 5, section 12004-A, subsection 31, and within the Department of Professional and Financial Regulation, consists of 4 physical therapists and one public member as defined in Title 5, section 12004-A. [PL 2007, c. 621, §7 (AMD).]

1. Appointment. Members of the board are appointed by the Governor for a term of 4 years. Appointments of members must comply with Title 10, section 8009.

A member of the board may be removed from office for cause by the Governor.
[PL 2007, c. 402, Pt. N, §3 (AMD).]

2. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.
[PL 2013, c. 246, Pt. B, §9 (AMD).]

3. Officers.
[PL 2007, c. 402, Pt. N, §3 (RP).]

4. Quorum.
[PL 2007, c. 402, Pt. N, §3 (RP).]

5. Powers and duties. The board has the following powers and duties:

A. To review the qualifications of applicants for licensure and to license physical therapists and physical therapist assistants who qualify under this chapter; [PL 1979, c. 555, §2 (NEW).]

B. To approve physical therapist and physical therapist assistant examinations and to establish passing standards; and [PL 2007, c. 402, Pt. N, §3 (AMD).]

C. To adopt rules in accordance with this chapter necessary for the enforcement of its authority and performance of its duties consistent with the provisions of Title 5, chapter 375. [PL 2007, c. 402, Pt. N, §3 (AMD).]

D. [PL 2003, c. 250, Pt. A, §1 (RP).]

E. [PL 2007, c. 402, Pt. N, §3 (RP).]

F. [PL 2007, c. 402, Pt. N, §3 (RP).]

G. [PL 2007, c. 402, Pt. N, §3 (RP).]

H. [PL 2007, c. 402, Pt. N, §3 (RP).]

I. [PL 2007, c. 402, Pt. N, §3 (RP).]

J. [PL 1995, c. 397, §51 (RP).]

K. [PL 1995, c. 397, §52 (RP).]
[PL 2007, c. 402, Pt. N, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1981, c. 501, §61 (AMD). PL 1983, c. 413, §§126-131 (AMD). PL 1983, c. 553, §46 (AMD). PL 1983, c. 812, §§226,227 (AMD). PL 1985, c. 785, §B137 (AMD). PL 1989, c. 503, §B138 (AMD). PL 1993, c. 600, §A196 (AMD). PL 1995, c. 397, §§49-52 (AMD). PL 1999, c. 386, §K1 (AMD). PL 2003, c. 250, §A1 (AMD). PL 2007, c. 402, Pt. N, §3 (AMD). PL 2007, c. 621, §7 (AMD). PL 2013, c. 246, Pt. B, §9 (AMD).

§3113. License required; limitations and exceptions

(REPEALED)

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1983, c. 468, §10 (AMD). PL 1991, c. 178, §2 (RP).

§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. [PL 2023, c. 317, §6 (AMD).]

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. [PL 2023, c. 317, §6 (AMD).]

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. 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 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. [PL 2023, c. 317, §6 (AMD).]

When treating a patient without referral from an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or doctor of medicine, osteopathy, podiatry, dentistry or chiropractic, the physical therapist or physical therapist assistant is subject to the following requirements. [PL 2023, c. 317, §6 (AMD); PL 2025, c. 316, §3 (REV).]

1. No medical diagnosis. A physical therapist or physical therapist assistant may not make a medical diagnosis. The physical therapist or physical therapist assistant shall refer to an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or a licensed doctor of medicine, osteopathy, podiatry, dentistry or chiropractic a patient whose physical condition, either at the initial evaluation or during subsequent treatment, the physical therapist or physical therapist assistant determines to be beyond the scope of the practice of the physical therapist or physical therapist assistant.
[PL 2023, c. 317, §6 (AMD); PL 2025, c. 316, §3 (REV).]

2. No improvement. If no improvement in the patient is documented by the physical therapist or physical therapist assistant within 30 days of initiation of treatment and the condition the physical therapist or physical therapist assistant is treating has not been medically diagnosed in the last 90 days, the physical therapist or physical therapist assistant shall consult with or refer the patient to an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or a licensed doctor of medicine, osteopathy, podiatry, dentistry or chiropractic.
[PL 2023, c. 317, §6 (AMD); PL 2025, c. 316, §3 (REV).]

3. Length of treatment. For treatment required beyond 120 days for a condition that has not been medically diagnosed, the physical therapist or physical therapist assistant shall consult with, or refer the patient to, an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or a licensed doctor of medicine, surgery, osteopathy, podiatry, dentistry or chiropractic. The physical therapist or physical therapist assistant shall document the action taken.
[PL 2023, c. 317, §6 (AMD); PL 2025, c. 316, §3 (REV).]

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

A. Services provided for purposes of health promotion, injury prevention, wellness, fitness, athletic performance or maintenance therapy; [PL 2023, c. 317, §6 (NEW).]

B. Patients diagnosed within the previous 9 months with a chronic neuromuscular or developmental condition when the services are being provided for problems or symptoms associated with that previously diagnosed condition; or [PL 2023, c. 317, §6 (NEW).]

C. Services provided pursuant to an individualized education plan or individual family service plan under federal law. [PL 2023, c. 317, §6 (NEW).]
[PL 2023, c. 317, §6 (NEW).]

In accordance with this section and except as provided in subsection 4, an employer is not liable under Title 39-A, section 206 for charges for services of a physical therapist or physical therapist assistant unless the employee has been referred to that practitioner by an advanced practice registered nurse, certified nurse midwife, physician associate, naturopathic doctor or a licensed doctor of medicine, surgery, osteopathy, chiropractic, podiatry or dentistry. [PL 2023, c. 317, §6 (AMD); PL 2025, c. 316, §3 (REV).]

SECTION HISTORY

PL 1991, c. 178, §3 (NEW). PL 1991, c. 885, §E41 (AMD). PL 1991, c. 885, §E47 (AFF). PL 2023, c. 317, §6 (AMD). PL 2025, c. 316, §3 (REV).

§3113-B. Exemptions

Nothing in this chapter prohibits: [PL 1991, c. 178, §3 (NEW).]

1. Engaging in licensed practice. Any person licensed in this State under any other provision of law from engaging in the practice for which that person is licensed;
[PL 1991, c. 178, §3 (NEW).]

2. Federal officials. Any person serving in the United States Armed Services or public health service or employed by the Veterans' Administration or other federal agency from performing that person's official duties, provided the duties are limited to that service or employment;
[PL 1991, c. 178, §3 (NEW).]

3. Persons employed by licensed doctors. Any person employed by and under the control of a duly licensed doctor in that doctor's office from administering modalities, as long as that person does not profess to be a physical therapist, physiotherapist, physical therapist assistant or physiotherapist assistant or use words or letters to indicate that the person is a licensed physical therapist or physical therapist assistant;
[PL 2023, c. 317, §7 (AMD).]

4. Graduate physical therapist or assistant. The supervised practice of a graduate physical therapist or graduate physical therapist assistant, who is approved by the board to sit for examination, until 60 days after the publication of examination results. The graduate must work in a facility employing at least one physical therapist licensed to practice in this State who assumes responsibility for patient-related activities of the applicant;
[PL 2013, c. 217, Pt. E, §1 (AMD).]

5. Student physical therapist or assistant. The supervised practice of physical therapy by a student enrolled in an accredited physical therapist or physical therapist assistant program who indicates that that person is a "student"; or
[PL 1991, c. 178, §3 (NEW).]

6. Delegation to aides or assistants. Any physical therapist licensed pursuant to this chapter from delegating to a physical therapy aide or licensed physical therapist assistant treatment procedures or patient-related activities commensurate with the education and training of the person, but not including interpretation of referrals, performance or evaluation procedures or determination and modification of patient treatment programs. The board shall adopt rules governing supervision of physical therapy aides and licensed physical therapist assistants.
[PL 1991, c. 178, §3 (NEW).]

SECTION HISTORY

PL 1991, c. 178, §3 (NEW). PL 1999, c. 386, §K2 (AMD). PL 2007, c. 402, Pt. N, §4 (AMD). PL 2013, c. 217, Pt. E, §1 (AMD). PL 2023, c. 317, §7 (AMD).

§3114. Application; qualification; licensure by examination

(REPEALED)

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1981, c. 501, §62 (RP).

§3114-A. Qualification; application

1. Qualification. To qualify for a license as a physical therapist or physical therapist assistant, an applicant must meet the following requirements:

A. [PL 2019, c. 503, Pt. C, §1 (RP).]

B. Be a graduate of an educational program for the physical therapist or the physical therapist assistant that is accredited by an agency recognized by the United States Commissioner of Education or the Council on Post-Secondary Accreditation, or both, and approved by the board; or if the applicant has been trained in another country, present satisfactory evidence that the applicant has graduated from a school of physical therapy approved or accredited in the country where the school is located and have educational credentials equivalent to those of the United States trained physical therapist or physical therapist assistant; and [PL 1999, c. 386, Pt. K, §3 (AMD).]

C. Pass an examination, approved by the board, to determine the applicant's fitness to practice as a physical therapist or to act as a physical therapist assistant. [PL 2007, c. 402, Pt. N, §5 (AMD).]

Applicants trained in another country must demonstrate proficiency in written and spoken English.
[PL 2019, c. 503, Pt. C, §1 (AMD).]

2. Application. To qualify for examination or to apply for a license as a physical therapist or physical therapist assistant, an applicant shall:

A. Submit an application with supporting documents to the board on forms provided by the board; and [PL 2013, c. 217, Pt. E, §2 (AMD).]

B. Pay a required fee as set under section 3116-A. [PL 2013, c. 217, Pt. E, §2 (AMD).]

C. [PL 1983, c. 413, §135 (RP).]

[PL 2013, c. 217, Pt. E, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 501, §63 (NEW). PL 1983, c. 413, §§132-135 (AMD). PL 1999, c. 386, §§K3,4 (AMD). PL 2003, c. 250, §A2 (AMD). PL 2007, c. 402, Pt. N, §5 (AMD). PL 2013, c. 217, Pt. E, §2 (AMD). PL 2019, c. 503, Pt. C, §1 (AMD).

§3114-B. Examination waiver

The board may waive the examination requirement for an applicant who is currently licensed in another state or other jurisdiction by virtue of having previously passed a qualifying examination acceptable to the board, if the passing standards for the examination are equivalent to those then required by the law of this State. [PL 2007, c. 402, Pt. N, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. N, §6 (NEW). PL 2021, c. 642, §14 (AMD).

§3114-C. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §15 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §15 (NEW).

§3114-D. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a physical therapist or a physical therapist assistant under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2023, c. 506, §5 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2023, c. 506, §5 (NEW).]

C. An applicant shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant of a fee established by the board, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550. [PL 2023, c. 506, §5 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2023, c. 506, §5 (NEW).]

E. State and federal criminal history record information of an applicant for a physical therapist or physical therapist assistant license may be used by the board for the purpose of screening the applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341. [PL 2023, c. 506, §5 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the physical therapy compact commission, established under section 18708, or to any other person. [PL 2023, c. 506, §5 (NEW).]

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, Bureau of State Police, State Bureau of Identification remove the applicant's fingerprints from the State Bureau of Identification's fingerprint file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2023, c. 506, §5 (NEW).]
[PL 2023, c. 506, §5 (NEW).]

2. Rules. The board, following consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 506, §5 (NEW).]

SECTION HISTORY

PL 2023, c. 506, §5 (NEW).

§3115. Licensure

The board shall license an applicant who meets the requirements of this chapter and pays the biennial licensure fee as set under section 3116-A. Licensure as a physical therapist entitles the person to whom it is granted to engage in the practice of physical therapy anywhere in this State and to use the words "physical therapist" or letters "P.T." to indicate that the person is licensed in this State. Licensure as a physical therapist assistant entitles the person to whom it is granted to act as a physical therapist assistant and to use the words "physical therapist assistant" or letters "P.T.A." to indicate that the person is licensed in this State. [PL 2009, c. 112, Pt. A, §8 (AMD).]

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1981, c. 501, §64 (RPR). PL 1983, c. 413, §136 (AMD). PL 2003, c. 250, §A3 (AMD). PL 2007, c. 402, Pt. N, §7 (AMD). PL 2009, c. 112, Pt. A, §8 (AMD).

§3116. License renewal

All licenses must be renewed at such times as the Commissioner of Professional and Financial Regulation may designate upon application by the licensee accompanied by the renewal fee as set under section 3116-A. Any license not renewed by the date set by the commissioner automatically expires. The board may renew an expired license if the renewal notice is returned within 90 days of the expiration date and upon payment of a late fee in addition to the renewal fee as set under section 3116-A. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of that expiration. [PL 2023, c. 317, §8 (AMD).]

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1981, c. 501, §65 (AMD). PL 1983, c. 204, §9 (AMD). PL 1983, c. 413, §137 (RPR). PL 1999, c. 386, §K5 (AMD). PL 2003, c. 250, §A4 (AMD). PL 2007, c. 402, Pt. N, §8 (AMD). PL 2023, c. 317, §8 (AMD).

§3116-A. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed $100 biennially. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 250, Pt. A, §5 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2003, c. 250, §A5 (NEW). PL 2011, c. 286, Pt. B, §5 (REV).

§3116-B. Continuing education requirements for license renewal

The board shall establish by rule continuing education requirements as a condition of renewal of a license as authorized under Title 10, section 8003, subsection 5-A, paragraph D. [PL 2023, c. 317, §9 (NEW).]

SECTION HISTORY

PL 2023, c. 317, §9 (NEW).

§3117. Revocation and reissuance

(REPEALED)

SECTION HISTORY

PL 1979, c. 555, §2 (NEW). PL 1983, c. 413, §138 (RP).

§3117-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the following reasons: [PL 2007, c. 402, Pt. N, §9 (NEW).]

1. Fraud.
[PL 2007, c. 402, Pt. N, §9 (RP).]

2. Addiction. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, that has resulted in the licensed physical therapist or physical therapist assistant being unable to perform the licensed physical therapist's or physical therapist assistant's duties or perform those duties in a manner that would not endanger the health or safety of the patients to be served; or
[PL 2007, c. 402, Pt. N, §9 (AMD).]

3. Incompetency. A medical finding of mental incompetency.
[PL 2007, c. 402, Pt. N, §9 (AMD).]

4. Accomplice.
[PL 2007, c. 402, Pt. N, §9 (RP).]

5. Misconduct.
[PL 2007, c. 402, Pt. N, §9 (RP).]

6. Criminal conviction.

[PL 2007, c. 402, Pt. N, §9 (RP).]

7. Violation.
[PL 2007, c. 402, Pt. N, §9 (RP).]

SECTION HISTORY

PL 1983, c. 413, §139 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 204, §D1 (AMD). PL 2007, c. 402, Pt. N, §9 (AMD).

§3118. Unlicensed practice

Any person who violates section 3113-A is subject to the provisions of Title 10, section 8003-C.
[PL 2007, c. 402, Pt. N, §10 (NEW).]

1. Penalties.
[PL 207, c. 402, Pt. N, §10 (RP).]

2. Injunction.
[PL 2007, c. 402, Pt. N, §10 (RP).]

SECTION HISTORY

PL 1983, c. 413, §139 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. N, §10 (RPR).

§3119. Receipts and disbursements

(REPEALED)

SECTION HISTORY

PL 1985, c. 389, §15 (NEW). PL 1995, c. 397, §53 (RP).

§3120. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter. [PL 2021, c. 291, Pt. B, §8 (NEW).]

B. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter. [PL 2021, c. 291, Pt. B, §8 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider. [PL 2021, c. 291, Pt. B, §8 (NEW).]

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. [PL 2021, c. 291, Pt. B, §8 (NEW).]

E. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. B, §8 (NEW).]
[PL 2021, c. 291, Pt. B, §8 (NEW).]

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.
[PL 2021, c. 291, Pt. B, §8 (NEW).]

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.
[PL 2021, c. 291, Pt. B, §8 (NEW).]

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.
[PL 2021, c. 291, Pt. B, §8 (NEW).]

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 291, Pt. B, §8 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §8 (NEW).

§3121. Criminal history record information; fees

(REPEALED)

SECTION HISTORY

PL 2023, c. 317, §10 (NEW). PL 2023, c. 506, §6 (RP).

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