

TO: Senate Public Health and Welfare Committee

FROM: Pam Palmer, PT  
KPTA Legislative Chair

DATE: March 15, 2012

SUBJECT: HB 2159 (Patient Self-Referral to Physical Therapy Services)

Thank you for giving me the opportunity to speak in favor of HB 2159, a bill which would remove the requirement that physical therapists must have a referral from a physician prior to treating a patient.

Compromise. That's a word rarely heard in politics these days. But that's what occurred with this bill. Neither side was happy with the outcome in its entirety, but after 25+ years of trying to find some common ground with this issue, we compromised. Only somebody didn't hold up their end of the deal. And here we are again, driven apart by the political process.

In addition, this must be noted. In the 25+ years the KPTA has worked for the passage of this bill, the insurance industry has NEVER spoke in opposition to the language. We did not hear one word from the insurance lobbyists when the bill was introduced last year, nor when the bill passed unanimously through the House. Why, all of a sudden, do we hear of this opposition? I believe I know the answer to this question.

It must be difficult, as legislators, to decide what legislation should be passed. Both proponents and opponents provide plenty of supposition regarding the merits of the bill. And often times, no one is really sure how the law will affect the people of the State of Kansas after it has been enacted. That is simply not the case with this bill. There is plenty of evidence on record that shows how well this bill works. There is no supposition on the part of the KPTA. We have facts that show this proposed legislation is in no way harmful to the public.

- This bill, which allows physical therapy services to be performed without a physician referral, is law in many states. The public has been able to seek physical therapy services without a physician referral in Nebraska since 1957, in Arizona since 1983, and Colorado since 1988 (with 14 other states also allowing unrestricted patient self-referral). In the noted states alone, we have **25-50 years** of history showing how this law performs. That's a lot of evidence.
- The evidence shows that this bill works. Otherwise, the law would have been revoked in Nebraska, Arizona, and Colorado (and in the other 14 states that have the law). **If the public was being harmed, the laws would have been changed by now. But they have not.**
- More evidence, not supposition. **If this law was harmful to the public, the public would sue more physical therapists for malpractice in the states that currently have patient self referral.** But again, the facts show differently. A written statement from HPSO, the largest provider of malpractice insurance for physical therapists in the United States, proves that malpractice claims against PTs are no different in Nebraska, Arizona, or Colorado than they are in states without patient self-referral.

On the other hand, you will be hearing from our opposition plenty of supposition, but no evidence to support their claims. They claim that Physical Therapists do not have the educational background to practice without a physician referral, which would result in patient harm. They claim we would be treating patients outside of our scope of practice, which would result in patient harm. And they claim that Physical Therapists will miss cancer diagnoses with our patients. But when looking at PT practice in 17 states which have complete unrestricted patient self-referral to PT services, we know that none of their claims are factual. **Current law regarding access to physical therapy services in Nebraska, Colorado, and Arizona (along with many other states) has worked well for over 25 years.**

Please note that the KPTA is not seeking unrestricted patient self-referral with this bill. We offer compromise to our opponents by adding the requirement of sending a copy of the patient evaluation, to a physician the patient identifies, no later than 5 business days after the PT evaluation. As an additional measure, it requires the PT to secure a physician referral should the patient not make progress after 10 patient visits or 15 business days from the initial treatment visit.

In conclusion, I encourage you to look at the facts regarding this bill. Our opposition would have you believe this proposed legislation will cause great harm to the public, but there is hard evidence to refute those claims.

Thank you.

Pam Palmer PT  
Legislative Chair  
Kansas Physical Therapy