

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2159**

As Recommended by House Committee on
Health and Human Services

Brief*

Sub. for HB 2159 would allow physical therapists to initiate treatment without referral from a licensed practitioner of the healing arts. In doing so, the bill would:

- Require a physical therapist, when treating a patient without a referral, to refer the patient after ten visits, or a period of 30 calendar days, if the patient does not demonstrate objective, measurable, or functional improvement, or any combination thereof;
- Require the physical therapist to transmit a copy of the initial evaluation to the licensed practitioner identified by the patient no later than five business days after the evaluation is performed;
- Delete existing language that restricts a physical therapist from initiating treatment only after the approval of a licensed physician, podiatrist, physician assistant or advanced registered nurse practitioner working under the direction of a licensed physician, chiropractor, dentist, or optometrist in appropriately related cases;
- Delete existing language that allows physical therapists to initiate treatment under the approval of a practitioner of the healing arts licensed by

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

another state, based upon an order by that practitioner in any setting in which physical therapists would be authorized to provide the treatment by a Kansas licensee; and

- Delete existing language allowing physical therapists to provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury.

Background

The bill received two hearings in the House Health and Human Services Committee: one in 2011 and one in 2012. Proponents at one or both of the hearings included representatives of the Kansas Physical Therapy Association, physical therapists, patients, a licensed physician, and the Chair of the Department of Physical Therapy and Rehabilitation Services at the University of Kansas. Opponents included a physician and representatives of the Kansas Academy of Family Physicians, the Kansas Occupational Therapy Association, the Kansas Orthopaedic Society, the Kansas Chiropractic Association, the Kansas Medical Society, and the Kansas Association of Osteopathic Medicine.

The House Committee recommended a substitute bill to make technical changes.

The House Committee amended the substitute bill by revising the period after the initial evaluation at which time the physical therapist must obtain a referral from a licensed practitioner before continuing treatment. The original bill had required such a referral after 45 calendar days from the date of the initial evaluation; the amendment changed this to after ten patient visits, or a period of 30 calendar days. The House Committee also made technical changes to the bill.

According to the fiscal note on the original bill, the Board

of Healing Arts believes that passage of the bill would result in additional complaints against physical therapy practitioners, the investigation and disposition of which would result in the need for an unpredictable amount of additional money.