

SESSION OF 2012

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

As Amended by House Committee of the Whole

Brief*

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

- Require a physical therapist, when treating a patient without a referral, to refer the patient to a licensed healthcare practitioner after ten visits, or a period of 15 business days from the initial treatment visit following the initial evaluation visit, if the patient is not progressing toward documented treatment goals as demonstrated by 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;

*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>

- Delete existing language that allows physical therapists to initiate treatment under the approval of a practitioner of the healing arts licensed by 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;
- Delete existing language allowing physical therapists to provide services which do not constitute treatment for a specific condition, disease, or injury without a referral;
- State the section is not to be construed to prevent a hospital or ambulatory surgical center from requiring a physician's order or referral for physical therapy services for a patient currently being treated in such a facility;
- Require the physical therapist, prior to commencing treatment, to provide written notice to the patient that a physical therapy diagnosis is not a medical diagnosis;
- Require the physical therapist to perform wound debridement services only after approval by a person licensed to practice medicine and surgery or other licensed healthcare practitioner in appropriately related cases; and
- Define "licensed healthcare practitioner" to mean a person licensed to practice medicine and surgery, or a licensed podiatrist, physician assistant, or advanced practice registered nurse working under specified direction.

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 Chairperson 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 Orthopedic Society, the Kansas Chiropractic Association, the Kansas Medical Society, and the Kansas Association of Osteopathic Medicine.

The House Committee recommended a substitute bill to revise 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.

The House Committee of the Whole amended the bill by doing the following:

- Revise the conditions upon which the physical therapist must refer a patient to a licensed healthcare practitioner. The new conditions are that the patient is not progressing toward documented treatment goals, and this lack of progress is evident after ten patient visits or in a period of 15 business (as opposed to 30 calendar) days;
- Adding requirements regarding written notice to the patient and when debridement services may be performed;
- Clarifying that a hospital or ambulatory surgical center still may require a physician order or referral for physical therapy services for a patient; and

- Changing references to "licensed practitioners of the healing arts" to "licensed healthcare practitioners," and defined the latter term.

According to the fiscal note on the original bill, the Board of Healing Arts believes 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.