

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1137

59th Legislature
2005 Regular Session

Passed by the House April 18, 2005
Yeas 94 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 7, 2005
Yeas 40 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1137** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1137

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Morrell, Orcutt, Cody, McDonald, Green, Campbell, Clibborn, Schindler, Kagi, Woods, Hunt, Miloscia, Linville, Lantz, Moeller, Williams, Wallace and Kenney)

READ FIRST TIME 02/10/05.

1 AN ACT Relating to physical therapy; amending RCW 18.74.005,
2 18.74.010, and 18.74.012; and adding new sections to chapter 18.74 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.74.005 and 1983 c 116 s 1 are each amended to read
5 as follows:

6 (~~In order to safeguard the public safety and welfare, to protect~~
7 ~~the public from being misled by incompetent, unethical, and~~
8 ~~unauthorized persons, and to assure the highest degree of professional~~
9 ~~conduct and competency, it is~~) The purpose of this chapter ((to
10 strengthen existing regulation of persons offering physical therapy
11 services to the public)) is to protect the public health, safety, and
12 welfare, and to provide for state administrative control, supervision,
13 licensure, and regulation of the practice of physical therapy. It is
14 the intent of the legislature that only individuals who meet and
15 maintain prescribed standards of competence and conduct be allowed to
16 engage in the practice of physical therapy as defined and authorized by
17 this chapter.

1 **Sec. 2.** RCW 18.74.010 and 1997 c 275 s 8 are each amended to read
2 as follows:

3 (~~Unless the context otherwise requires,~~) The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "Board" means the board of physical therapy created by RCW
7 18.74.020.

8 (2) "Department" means the department of health.

9 (3) "Physical therapy" means the (~~treatment of any bodily or~~
10 ~~mental condition of any person by the use of the physical, chemical,~~
11 ~~and other properties of heat, cold, air, light, water, electricity,~~
12 ~~sound, massage, and therapeutic exercise, which includes posture and~~
13 ~~rehabilitation procedures; the performance of tests and measurements of~~
14 ~~neuromuscular function as an aid to the diagnosis or treatment of any~~
15 ~~human condition; performance of treatments on the basis of test~~
16 ~~findings after consultation with and periodic review by an authorized~~
17 ~~health care practitioner except as provided in RCW 18.74.012;~~
18 ~~supervision of selective forms of treatment by trained supportive~~
19 ~~personnel; and provision of consultative services for health,~~
20 ~~education, and community agencies. The use of Roentgen rays and radium~~
21 ~~for diagnostic and therapeutic purposes, the use of electricity for~~
22 ~~surgical purposes, including cauterization, and the use of spinal~~
23 ~~manipulation or manipulative mobilization of the spine and its~~
24 ~~immediate articulations, are not included under the term "physical~~
25 ~~therapy" as used in this chapter)) care and services provided by or
26 under the direction and supervision of a physical therapist licensed by
27 the state. The use of Roentgen rays and radium for diagnostic and
28 therapeutic purposes, the use of electricity for surgical purposes,
29 including cauterization, and the use of spinal manipulation, or
30 manipulative mobilization of the spine and its immediate articulations,
31 are not included under the term "physical therapy" as used in this
32 chapter.~~

33 (4) "Physical therapist" means a person who (~~practices physical~~
34 ~~therapy as defined in this chapter but does not include massage~~
35 ~~operators as defined in RCW 18.108.010)) meets all the requirements of
36 this chapter and is licensed in this state to practice physical
37 therapy.~~

38 (5) "Secretary" means the secretary of health.

1 (6) Words importing the masculine gender may be applied to females.

2 (7) "Authorized health care practitioner" means and includes
3 licensed physicians, osteopathic physicians, chiropractors,
4 naturopaths, podiatric physicians and surgeons, dentists, and advanced
5 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein
6 shall be construed as altering the scope of practice of such
7 practitioners as defined in their respective licensure laws.

8 (8) "Practice of physical therapy" is based on movement science and
9 means:

10 (a) Examining, evaluating, and testing individuals with mechanical,
11 physiological, and developmental impairments, functional limitations in
12 movement, and disability or other health and movement-related
13 conditions in order to determine a diagnosis, prognosis, plan of
14 therapeutic intervention, and to assess and document the ongoing
15 effects of intervention;

16 (b) Alleviating impairments and functional limitations in movement
17 by designing, implementing, and modifying therapeutic interventions
18 that include therapeutic exercise; functional training related to
19 balance, posture, and movement to facilitate self-care and
20 reintegration into home, community, or work; manual therapy including
21 soft tissue and joint mobilization and manipulation; therapeutic
22 massage; assistive, adaptive, protective, and devices related to
23 postural control and mobility except as restricted by (c) of this
24 subsection; airway clearance techniques; physical agents or modalities;
25 mechanical and electrotherapeutic modalities; and patient-related
26 instruction;

27 (c) Training for, and the evaluation of, the function of a patient
28 wearing an orthosis or prosthesis as defined in RCW 18.200.010.
29 Physical therapists may provide those direct-formed and prefabricated
30 upper limb, knee, and ankle-foot orthoses, but not fracture orthoses
31 except those for hand, wrist, ankle, and foot fractures, and assistive
32 technology devices specified in RCW 18.200.010 as exemptions from the
33 defined scope of licensed orthotic and prosthetic services. It is the
34 intent of the legislature that the unregulated devices specified in RCW
35 18.200.010 are in the public domain to the extent that they may be
36 provided in common with individuals or other health providers, whether
37 unregulated or regulated under Title 18 RCW, without regard to any
38 scope of practice;

1 (d) Performing wound care services that is limited to sharp
2 debridement, debridement with other agents, dry dressings, wet
3 dressings, topical agents including enzymes, hydrotherapy, electrical
4 stimulation, ultrasound, and other similar treatments. Physical
5 therapists may not delegate sharp debridement. A physical therapist
6 may perform wound care services only by referral from or after
7 consultation with an authorized health care practitioner;

8 (e) Reducing the risk of injury, impairment, functional limitation,
9 and disability related to movement, including the promotion and
10 maintenance of fitness, health, and quality of life in all age
11 populations; and

12 (f) Engaging in administration, consultation, education, and
13 research.

14 (9)(a) "Physical therapist assistant" means a person who has
15 successfully completed a board-approved physical therapist assistant
16 program.

17 (b) "Physical therapy aide" means a person who is involved in
18 direct physical therapy patient care who does not meet the definition
19 of a physical therapist or physical therapist assistant and receives
20 ongoing on-the-job training.

21 (c) "Other assistive personnel" means other trained or educated
22 health care personnel, not defined in (a) or (b) of this subsection,
23 who perform specific designated tasks related to physical therapy under
24 the supervision of a physical therapist, including but not limited to
25 licensed massage practitioners, athletic trainers, and exercise
26 physiologists. At the direction of the supervising physical therapist,
27 and if properly credentialed and not prohibited by any other law, other
28 assistive personnel may be identified by the title specific to their
29 training or education.

30 (10) "Direct supervision" means the supervising physical therapist
31 must (a) be continuously on-site and present in the department or
32 facility where assistive personnel or holders of interim permits are
33 performing services; (b) be immediately available to assist the person
34 being supervised in the services being performed; and (c) maintain
35 continued involvement in appropriate aspects of each treatment session
36 in which a component of treatment is delegated to assistive personnel.

37 (11) "Sharp debridement" means the removal of devitalized tissue
38 from a wound with scissors, scalpel, and tweezers without anesthesia.

1 "Sharp debridement" does not mean surgical debridement. A physical
2 therapist may perform sharp debridement, to include the use of a
3 scalpel, only upon showing evidence of adequate education and training
4 as established by rule. Until the rules are established, but no later
5 than July 1, 2006, physical therapists licensed under this chapter who
6 perform sharp debridement as of the effective date of this section
7 shall submit to the secretary an affidavit that includes evidence of
8 adequate education and training in sharp debridement, including the use
9 of a scalpel.

10 **Sec. 3.** RCW 18.74.012 and 2000 c 171 s 24 are each amended to read
11 as follows:

12 ~~((Notwithstanding the provisions of RCW 18.74.010(3),))~~ A
13 consultation and periodic review by an authorized health care
14 practitioner is not required for treatment of neuromuscular or
15 musculoskeletal conditions(~~(+ PROVIDED, That a physical therapist may~~
16 ~~only provide treatment utilizing orthoses that support, align, prevent,~~
17 ~~or correct any structural problems intrinsic to the foot or ankle by~~
18 ~~referral or consultation from an authorized health care practitioner)).~~

19 NEW SECTION. **Sec. 4.** (1) It is unlawful for any person to
20 practice or in any manner hold himself or herself out to practice
21 physical therapy or designate himself or herself as a physical
22 therapist, unless he or she is licensed in accordance with this
23 chapter.

24 (2) This chapter does not restrict persons licensed under any other
25 law of this state from engaging in the profession or practice for which
26 they are licensed, if they are not representing themselves to be
27 physical therapists or providers of physical therapy.

28 (3) The following persons are exempt from licensure as physical
29 therapists under this chapter when engaged in the following activities:

30 (a) A person who is pursuing a course of study leading to a degree
31 as a physical therapist in an approved professional education program
32 and is satisfying supervised clinical education requirements related to
33 his or her physical therapy education while under direct supervision of
34 a licensed physical therapist;

35 (b) A physical therapist while practicing in the United States

1 armed services, United States public health service, or veterans
2 administration as based on requirements under federal regulations for
3 state licensure of health care providers; and

4 (c) A physical therapist licensed in another United States
5 jurisdiction, or a foreign-educated physical therapist credentialed in
6 another country, performing physical therapy as part of teaching or
7 participating in an educational seminar of no more than sixty days in
8 a calendar year.

9 NEW SECTION. **Sec. 5.** (1) A physical therapist licensed under this
10 chapter is fully authorized to practice physical therapy as defined in
11 this chapter.

12 (2) A physical therapist shall refer persons under his or her care
13 to appropriate health care practitioners if the physical therapist has
14 reasonable cause to believe symptoms or conditions are present that
15 require services beyond the scope of practice under this chapter or
16 when physical therapy is contraindicated.

17 (3) Physical therapists shall adhere to the recognized standards of
18 ethics of the physical therapy profession and as further established by
19 rule.

20 (4) A physical therapist may perform electroneuromyographic
21 examinations for the purpose of testing neuromuscular function only by
22 referral from an authorized health care practitioner identified in RCW
23 18.74.010(7) and only upon demonstration of further education and
24 training in electroneuromyographic examinations as established by rule.
25 Within two years after July 1, 2005, the secretary shall waive the
26 requirement for further education and training for those physical
27 therapists licensed under this chapter who perform
28 electroneuromyographic examinations.

29 (5) A physical therapist licensed under this chapter may purchase,
30 store, and administer medications such as hydrocortisone, fluocinonide,
31 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,
32 zinc oxide, and other similar medications, and may administer such
33 other drugs or medications as prescribed by an authorized health care
34 practitioner for the practice of physical therapy. A pharmacist who
35 dispenses such drugs to a licensed physical therapist is not liable for
36 any adverse reactions caused by any method of use by the physical
37 therapist.

1 NEW SECTION. **Sec. 6.** (1) Physical therapists are responsible for
2 patient care given by assistive personnel under their supervision. A
3 physical therapist may delegate to assistive personnel and supervise
4 selected acts, tasks, or procedures that fall within the scope of
5 physical therapy practice but do not exceed the education or training
6 of the assistive personnel.

7 (2) Nothing in this chapter may be construed to prohibit other
8 licensed health care providers from using the services of physical
9 therapist assistants, physical therapist aides, or other assistive
10 personnel as long as the licensed health care provider is responsible
11 for the activities of such assistants, aides, and other personnel and
12 provides appropriate supervision.

13 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act are each
14 added to chapter 18.74 RCW.

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