

# HOUSE BILL REPORT

## HB 2446

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### As Passed Legislature

**Title:** An act relating to physical therapist supervision of assistive personnel.

**Brief Description:** Concerning physical therapist supervision of assistive personnel.

**Sponsors:** Representatives Graves, Jinkins, Cody, Macri, Robinson, Riccelli and Kloba.

#### Brief History:

##### Committee Activity:

Health Care & Wellness: 1/16/18, 1/23/18 [DP].

##### Floor Activity:

Passed House: 2/12/18, 95-3.

Passed Senate: 2/27/18, 49-0.

Passed Legislature.

#### Brief Summary of Bill

- Expands the number of assistive personnel a physical therapist may supervise at any one time to three.
- Decreases the frequency at which a supervising physical therapist is required to perform a patient evaluation to the later of every fifth visit or 30 days if assistive personnel are providing patient care.
- Clarifies the definitions of physical therapy aide and other assistive personnel.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 15 members: Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Schmick, Ranking Minority Member; Caldier.

**Staff:** Kim Weidenaar (786-7120).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

Physical therapy is based on movement science and includes a variety of functions and services such as examining, evaluating, and testing individuals with health and movement-related conditions to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention; alleviating impairments and functional limitations in movement; training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis; performing certain wound care services; reducing the risk of injury, impairment, functional limitation, and disability related to movement; and engaging in administration, consultation, education, and research.

Generally, only licensed physical therapists and physical therapist assistants can practice physical therapy. However, assistive personnel can provide patient care if adequately supervised. Physical therapists are professionally and legally responsible for care given by assistive personnel under his or her supervision.

## Definitions.

Physical therapists may utilize three types of assistive personnel in patient care, which require varying levels of supervision:

- A licensed physical therapist assistant performs physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapist.
- A physical therapy aide is a person who is involved in direct physical therapy patient care, does not meet the definition of a physical therapist or physical therapist assistant, and receives on-the-job training.
- Other assistive personnel are those who are trained or educated health care professionals other than physical therapists and physical therapist assistant that perform designated tasks related to physical therapy such as licensed massage therapists, athletic trainers, and exercise physiologists, and may be identified by the title of their training or education.

## Supervision Requirements.

Physical therapy aides can only provide patient care under direct supervision, which requires that the supervisor is continually on-site and present, immediately available to assist the person being supervised, and maintain continued involvement in each treatment session. If assistive personnel are providing patient care, the supervising physical therapist must perform a patient reevaluation every fifth visit, or if treatment is performed more than five times per week, at least once a week.

A physical therapist can supervise a total of two assistive personnel at any one time, in addition to two individuals who are pursuing a degree or course of study as a physical therapist or physical therapist assistant.

## **Summary of Bill:**

## Definitions.

A physical therapy aide is defined as an unlicensed person who receives on-the-job training and assists a physical therapist or physical therapist assistant in providing physical therapy care and does not meet the definition of a physical therapist, physical therapist assistant, or other assistive personnel. Physical therapy aides are allowed to assist in the implementation of therapeutic intervention but cannot modify the therapy plan or perform any task or procedure that only a physical therapist is allowed to perform.

The definition of other assistive personnel is updated to clarify that other assistive personnel are those that perform specific designated tasks that are related to physical therapy and are within the individual's license, scope of practice, or formal education. If not otherwise prohibited by law, and at the direction of the supervising physical therapist, other assistive personnel may be identified by the title specific to their license, such as a licensed massage therapist, in addition to their training or education.

#### Supervision Requirements.

When patient care is provided by a physical therapist assistant or other assistive personnel, a physical therapist must perform a patient reevaluation the later of every fifth visit or ever 30 days if the physical therapist has not treated the patient in those five visits or 30 days. When other assistive personnel are treating a patient under a physical therapy plan of care, they must function under direct supervision.

Physical therapists are permitted to supervise up to three assistive personnel, unless the physical therapist is working in a nursing home or public school, then the physical therapist may only supervise two assistive personnel. If a physical therapist is supervising three assistive personnel at any one time, only one of the assistive personnel may be a physical therapy aide. In addition, a physical therapist can continue to supervise two individuals who are pursuing a degree or course of study as a physical therapist or physical therapist assistant.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) There is a high demand for physical therapy care and accordingly more aides are needed to keep up with the demand. There must also be adequate limits to ensure assistive personnel are adequately overseen, which this bill includes. A two-year task force examined the issue of aides and supervision and the consensus from the professional group, who had varying needs and demands, was that the current system is working well and that bumping up by one the number of assistive personnel that may be supervised at one time would help patient care. This bill improves patient safety by specifying assistive personnel must work under direct supervision, while also keeping protections for nursing homes and

schools. Finally, this bill updates the restrictive reevaluation process, which has been in place for a long time.

(Opposed) None.

**Persons Testifying:** Representative Graves, prime sponsor; Erik Moan, Physical Therapy Association of Washington; and Tom Diangelis, OrthoSport Physical Therapy.

**Persons Signed In To Testify But Not Testifying:** None.