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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1189**

February 19, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health occupations; adding a definition for licensed health care
1.3 professional; modifying licensing provisions for physical therapists; amending
1.4 Minnesota Statutes 2006, sections 148.65, by adding a subdivision; 148.75;
1.5 148.76, subdivision 2; repealing Minnesota Rules, parts 5601.0100, subparts 5,
1.6 6, 7, 8; 5601.1200; 5601.1800; 5601.1900; 5601.2000.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 148.65, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 8. Licensed health care professional. "Licensed health care professional"
1.11 means a person licensed in good standing in Minnesota to practice medicine, osteopathy,
1.12 chiropractic, podiatry, dentistry, or advanced practice nursing.

1.13 Sec. 2. Minnesota Statutes 2006, section 148.75, is amended to read:

1.14 **148.75 LICENSES; DENIAL, SUSPENSION, REVOCATION.**

1.15 (a) The state Board of Physical Therapy may refuse to grant a license to any physical
1.16 therapist, or may suspend or revoke the license of any physical therapist for any of the
1.17 following grounds:

1.18 (1) using drugs or intoxicating liquors to an extent which affects professional
1.19 competence;

1.20 (2) conviction of a felony;

1.21 (3) conviction for violating any state or federal narcotic law;

1.22 (4) obtaining a license or attempting to obtain a license by fraud or deception;

1.23 (5) conduct unbecoming a person licensed as a physical therapist or conduct
1.24 detrimental to the best interests of the public;

- 2.1 (6) gross negligence in the practice of physical therapy as a physical therapist;
- 2.2 ~~(7) treating human ailments by physical therapy after an initial 30-day period of~~
- 2.3 ~~patient admittance to treatment has lapsed, except by the order or referral of a person~~
- 2.4 ~~licensed in this state in the practice of medicine as defined in section 147.081, the practice~~
- 2.5 ~~of chiropractic as defined in section 148.01, the practice of podiatry as defined in section~~
- 2.6 ~~153.01, or the practice of dentistry as defined in section 150A.05 and whose license is~~
- 2.7 ~~in good standing; or when a previous diagnosis exists indicating an ongoing condition~~
- 2.8 ~~warranting physical therapy treatment, subject to periodic review defined by board of~~
- 2.9 ~~physical therapy rule;~~
- 2.10 ~~(8) treating human ailments, without referral, by physical therapy treatment without~~
- 2.11 ~~first having practiced one year under a physician's orders as verified by the board's records;~~
- 2.12 ~~(9) failing to consult with the patient's health care provider who prescribed the~~
- 2.13 ~~physical therapy treatment if the treatment is altered by the physical therapist from the~~
- 2.14 ~~original written order. The provision does not include written orders to "evaluate and~~
- 2.15 ~~treat";~~
- 2.16 (7) failing to consult with a patient's licensed health care professional when a
- 2.17 patient's medical condition has been determined by the physical therapist to be beyond the
- 2.18 scope of practice of a physical therapist;
- 2.19 ~~(10) (8) treating human ailments other than by physical therapy unless duly licensed~~
- 2.20 ~~or registered to do so under the laws of this state;~~
- 2.21 ~~(11) (9) inappropriate delegation to a physical therapist assistant or inappropriate~~
- 2.22 ~~task assignment to an aide or inadequate supervision of a student physical therapist,~~
- 2.23 ~~physical therapist assistant, student physical therapist assistant, or a physical therapy aide;~~
- 2.24 ~~(12) (10) practicing as a physical therapist performing medical diagnosis, the~~
- 2.25 ~~practice of medicine as defined in section 147.081, or the practice of chiropractic as~~
- 2.26 ~~defined in section 148.01;~~
- 2.27 ~~(13) (11) failing to comply with a reasonable request to obtain appropriate clearance~~
- 2.28 ~~for mental or physical conditions that would interfere with the ability to practice physical~~
- 2.29 ~~therapy, and that may be potentially harmful to patients;~~
- 2.30 ~~(14) (12) dividing fees with, or paying or promising to pay a commission or part~~
- 2.31 ~~of the fee to, any person who contacts the physical therapist for consultation or sends~~
- 2.32 ~~patients to the physical therapist for treatment;~~
- 2.33 ~~(15) (13) engaging in an incentive payment arrangement, other than that prohibited~~
- 2.34 ~~by clause (14) (12), that tends to promote physical therapy overuse, that allows the~~
- 2.35 ~~referring person or person who controls the availability of physical therapy services to a~~
- 2.36 ~~client to profit unreasonably as a result of patient treatment;~~

3.1 ~~(16)~~ (14) practicing physical therapy and failing to refer to a licensed health care
 3.2 professional a patient whose medical condition ~~at the time of evaluation~~ has been
 3.3 determined by the physical therapist to be beyond the scope of practice of a physical
 3.4 therapist;

3.5 ~~(17)~~ (15) failing to report to the board other licensed physical therapists who violate
 3.6 this section; and

3.7 ~~(18)~~ (16) practicing physical therapy under lapsed or nonrenewed credentials.

3.8 (b) A license to practice as a physical therapist is suspended if (1) a guardian of
 3.9 the physical therapist is appointed by order of a court pursuant to sections 524.5-101
 3.10 to 524.5-502, for reasons other than the minority of the physical therapist; or (2) the
 3.11 physical therapist is committed by order of a court pursuant to chapter 253B. The license
 3.12 remains suspended until the physical therapist is restored to capacity by a court and, upon
 3.13 petition by the physical therapist, the suspension is terminated by the Board of Physical
 3.14 Therapy after a hearing.

3.15 (c) No physical therapist shall be subject to disciplinary action by the state Board
 3.16 of Physical Therapy for a patient's refusal to comply with a referral, as required under
 3.17 paragraph (a), clause (14), when the referral is documented in the physical therapy record.

3.18 Sec. 3. Minnesota Statutes 2006, section 148.76, subdivision 2, is amended to read:

3.19 Subd. 2. **Prohibitions.** No physical therapist may:

3.20 ~~(1) treat human ailments by physical therapy after an initial 30-day period of patient~~
 3.21 ~~admittance to treatment has lapsed, except by the order or referral of a person licensed in~~
 3.22 ~~this state to practice medicine as defined in section 147.081, the practice of chiropractic~~
 3.23 ~~as defined in section 148.01, the practice of podiatry as defined in section 153.01, the~~
 3.24 ~~practice of dentistry as defined in section 150A.05, or the practice of advanced practice~~
 3.25 ~~nursing as defined in section 62A.15, subdivision 3a, when orders or referrals are made in~~
 3.26 ~~collaboration with a physician, chiropractor, podiatrist, or dentist, and whose license is~~
 3.27 ~~in good standing; or when a previous diagnosis exists indicating an ongoing condition~~
 3.28 ~~warranting physical therapy treatment, subject to periodic review defined by Board~~
 3.29 ~~of Physical Therapy rule;~~

3.30 ~~(2) treat human ailments by physical therapy treatment without first having practiced~~
 3.31 ~~one year under a physician's orders as verified by the board's records;~~

3.32 ~~(3)~~ (1) use any chiropractic manipulative technique whose end is the chiropractic
 3.33 adjustment of an abnormal articulation of the body; and

3.34 ~~(4)~~ (2) treat human ailments other than by physical therapy unless duly licensed or
 3.35 registered to do so under the laws of this state.

4.1 Sec. 4. **REPEALER.**

4.2 Minnesota Rules, parts 5601.0100, subparts 5, 6, 7, and 8; 5601.1200; 5601.1800;

4.3 5601.1900; and 5601.2000, are repealed.