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**By: Delegate Kach**

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

**2 Health Occupations - Physical Therapists - Licensure and Regulation**

3 FOR the purpose of expanding the authority of a physical therapy aide to practice  
4 physical therapy or limited physical therapy under certain circumstances; altering  
5 the English proficiency requirements for licensure of certain individuals; altering  
6 certain education requirements for licensure of certain individuals; altering the  
7 method by which the State Board of Physical Therapy Examiners notifies applicants  
8 of the time and place of examinations; limiting the number of physical therapy aides  
9 a physical therapy assistant may supervise; altering certain grounds for discipline;  
10 making stylistic changes; and generally relating to the licensure and regulation of  
11 physical therapists.

12 BY repealing and reenacting, with amendments,  
13 Article - Health Occupations  
14 Section 13-301, 13-302(e), 13-303, 13-306, 13-310, 13-313(c) and (d), and  
15 13-316(3), (5), and (6)  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1996 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

**20 Article - Health Occupations**

21 13-301.

22 (a) Except as otherwise provided in this title, an individual shall be licensed by the  
23 Board before the individual may practice physical therapy or limited physical therapy in  
24 this State.

25 (b) This section does not apply to:

26 (1) A student who is supervised directly by a licensed physical therapist in a  
27 Board approved physical therapy educational program; or

28 (2) A physical therapy aide, if the physical therapy aide:

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1 (i) Subject to the rules and regulations adopted by the Board,  
2 performs only procedures that do not require the professional skills of a licensed physical  
3 therapist or a licensed physical therapist assistant; and

4 (ii) Performs procedures only under the direct supervision of a  
5 licensed physical therapist OR A LICENSED PHYSICAL THERAPIST ASSISTANT, IN  
6 ACCORDANCE WITH § 13-310 OF THIS SUBTITLE, WHILE THE LICENSED PHYSICAL  
7 THERAPIST OR LICENSED PHYSICAL THERAPIST ASSISTANT [who] IS personally [is]  
8 present in the area where the procedures are performed.

9 13-302.

10 (e) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF  
11 THIS SUBSECTION, THE Board shall require as part of its examination or licensing  
12 procedures that an applicant for a license to practice physical therapy or limited physical  
13 therapy demonstrate [an] WRITTEN AND oral competency in the English language.

14 (2) [Graduation from a recognized English-speaking undergraduate school  
15 after at least 3 years of enrollment, or from a recognized English-speaking professional  
16 school is acceptable as proof of proficiency in the oral communication of the English  
17 language under this section.] AN APPLICANT SHALL BE EXEMPT FROM THE  
18 PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IF THE APPLICANT  
19 GRADUATED FROM A PHYSICAL THERAPY PROGRAM THAT WAS TAUGHT IN  
20 ENGLISH.

21 (3) By regulation, the Board shall develop a procedure for testing  
22 individuals who because of their speech impairment are unable to complete satisfactorily  
23 a Board approved standardized test of oral competency.

24 (4) If any disciplinary charges or action that involves a problem with the oral  
25 communication of the English language are brought against a licensee under this title, the  
26 Board shall require the licensee to take and pass a Board approved standardized test of  
27 oral competency.

28 13-303.

29 (a) If an applicant for a physical therapy license has been educated in physical  
30 therapy in any state, the applicant shall have:

31 (1) Graduated from a physical therapy [curriculum that, in the year of  
32 graduation, was approved by:

33 (i) The American Medical Association; or

34 (ii) The American Physical Therapy Association] PROGRAM  
35 ACCREDITED BY THE COMMISSION ON ACCREDITATION OF PHYSICAL THERAPY  
36 EDUCATION; and

37 (2) Completed satisfactorily the clinical training required by the physical  
38 therapy curriculum.

39 (b) If an applicant for a physical therapy license has been educated in physical  
40 therapy outside of any state, the applicant shall have:

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1 (1) [Graduated from a physical therapy curriculum] EARNED ALL  
2 CREDITS AT AN INSTITUTION OF HIGHER LEARNING that has educational  
3 requirements [comparable to those approved by:

4 (i) The American Medical Association; or

5 (ii) The American Physical Therapy Association; and] EQUIVALENT  
6 TO THE REQUIREMENTS FOR A BACHELOR'S DEGREE IN PHYSICAL THERAPY IN A  
7 UNITED STATES PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION  
8 OF PHYSICAL THERAPY EDUCATION;

9 (2) EARNED A MINIMUM OF 120 CREDIT HOURS, INCLUDING:

10 (I) 50 CREDIT HOURS IN GENERAL EDUCATION, INCLUDING AT  
11 LEAST A ONE SEMESTER COURSE IN:

- 12 1. HUMANITIES;
- 13 2. SOCIAL SCIENCE;
- 14 3. BEHAVIORAL SCIENCE;
- 15 4. PHYSICS WITH A LABORATORY REQUIREMENT;
- 16 5. CHEMISTRY WITH A LABORATORY REQUIREMENT;
- 17 6. BIOLOGY WITH A LABORATORY REQUIREMENT; AND
- 18 7. MATHEMATICS;

19 (II) 60 CREDIT HOURS IN A PROFESSIONAL PHYSICAL THERAPY  
20 PROGRAM, INCLUDING AT LEAST ONE COURSE IN:

- 21 1. HUMAN ANATOMY;
- 22 2. HUMAN PHYSIOLOGY;
- 23 3. NEUROLOGY;
- 24 4. PHYSICAL AGENTS;
- 25 5. FUNCTIONAL ANATOMY;
- 26 6. KINESIOLOGY;
- 27 7. ORTHOPEDICS;
- 28 8. PEDIATRICS;
- 29 9. GERIATRICS;
- 30 10. MUSCULOSKELETAL ASSESSMENT AND TREATMENT;
- 31 11. NEUROMUSCULAR ASSESSMENT AND TREATMENT; AND
- 32 12. CARDIOPULMONARY ASSESSMENT AND TREATMENT;
- 33 AND

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1 (III) 10 CREDIT HOURS IN ELECTIVES IN GENERAL OR  
2 PROFESSIONAL EDUCATION;

3 (3) COMPLETED AT LEAST TWO CLINICAL AFFILIATIONS TOTALING AT  
4 LEAST 800 HOURS; AND

5 [(2)] (4) Completed [in any state] a preceptorship that fulfills the  
6 requirements set by the Board.

7 13-306.

8 (a) An applicant who otherwise qualifies for a license is entitled to be examined  
9 for that license as provided in this section.

10 (b) The Board shall give examinations at least twice a year, at the times and places  
11 that the Board determines, to applicants for:

12 (1) A physical therapy license; and

13 (2) A physical therapist assistant license.

14 (c) The Board OR ITS AGENT shall[:

15 (1) Notify each qualified applicant of the time and place of examination;  
16 and

17 (2) Publish notice of the time and place of each examination given under  
18 this subtitle:

19 (i) At least one time in a daily newspaper of general circulation in this  
20 State; and

21 (ii) In any other manner that the Board determines] NOTIFY EACH  
22 APPLICANT OF THE TIME AND PLACE OF THE EXAMINATION.

23 (d) The Board shall determine the subjects, scope, form, and passing score for  
24 examinations given under this subtitle.

25 13-310.

26 (a) Subject to subsection (b) of this section, a physical therapist assistant license  
27 authorizes the licensee to practice limited physical therapy while the license is effective.

28 (b) A licensed physical therapist assistant may practice limited physical therapy  
29 only under the direction of a licensed physical therapist who gives periodic onsite  
30 supervision and instruction that is adequate to ensure the safety and welfare of the  
31 patient.

32 (C) A PHYSICAL THERAPIST ASSISTANT MAY SUPERVISE NO MORE THAN ONE  
33 PHYSICAL THERAPY AIDE.

34 13-313.

35 (c) (1) Unless the Board revokes a temporary license, [each] A temporary  
36 license expires [60] 90 days after [the date of the next scheduled examination]  
37 ISSUANCE OF THE LICENSE.

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1 (2) If a holder of a temporary license applies for a license by examination  
 2 but does not report to take the [next scheduled] examination WHEN SCHEDULED, the  
 3 temporary license expires on the date of [that] THE SCHEDULED examination.

4 (d) The Board may[:

5 (1) Extend] EXTEND a temporary license to complete a preceptorship[; or

6 (2) Renew a temporary license once for an additional term under subsection  
 7 (c) of this section, if the holder:

8 (i) Otherwise meets the requirements of this section;

9 (ii) Submits a renewal application to the Board on the form that the  
 10 Board requires; and

11 (iii) Pays to the Board a temporary license renewal fee set by the  
 12 Board].

13 13-316.

14 Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a  
 15 license, temporary license, or restricted license to any applicant, reprimand any licensee  
 16 or holder of a temporary license or restricted license, place any licensee or holder of a  
 17 temporary license or restricted license on probation, or suspend or revoke a license,  
 18 temporary license, or restricted license if the applicant, licensee, or holder:

19 (3) [Practices physical therapy inconsistent with any written or oral order  
 20 of:

21 (i) A physician authorized to practice medicine in any state;

22 (ii) A dentist authorized to practice dentistry in any state; or

23 (iii) A podiatrist authorized to practice podiatry in any state;] FAILS  
 24 TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY PHYSICAL  
 25 THERAPY CARE;

26 (5) In the case of an individual who is authorized to practice physical  
 27 therapy [under this title], is grossly negligent in the:

28 (I) [practice] PRACTICE of physical therapy; [or in the direction]

29 (II) DIRECTION of an individual who is authorized to practice limited  
 30 physical therapy [under this title]; OR

31 (III) SUPERVISION OF A PHYSICAL THERAPY AIDE;

32 (6) In the case of an individual who is authorized to practice limited physical  
 33 therapy [under this title]:

34 (i) Practices LIMITED physical therapy other than as authorized by  
 35 this title; [or]

36 (ii) Is grossly negligent while practicing limited physical therapy; OR

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1 (III) IS GROSSLY NEGLIGENT IN THE SUPERVISION OF A PHYSICAL  
2 THERAPY AIDE;

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1997.