

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 586

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-0.5-3-29, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29. IC 25-1-2-6(b) applies to the Indiana physical therapy ~~committee~~ **board**.

SECTION 2. IC 25-0.5-4-22, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. The Indiana physical therapy ~~committee~~ **board** (IC 25-27-1) is a board under IC 25-1-4.

SECTION 3. IC 25-0.5-5-14, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana physical therapy ~~committee~~ **board** (IC 25-27) under IC 25-1-5-3(a).

SECTION 4. IC 25-0.5-6-13, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. An individual licensed, certified, registered, or permitted by the Indiana physical therapy ~~committee~~ **board** (IC 25-27) is a provider under IC 25-1-5-10.

SECTION 5. IC 25-0.5-8-31, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SEA 586 — Concur



JULY 1, 2019]: Sec. 31. An occupation for which a person is licensed, certified, or registered by the Indiana physical therapy **committee board** (IC 25-27) is a regulated occupation under IC 25-1-7.

SECTION 6. IC 25-0.5-9-33, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 33. The Indiana physical therapy **committee board** (IC 25-27) is a board under IC 25-1-8.

SECTION 7. IC 25-0.5-10-22, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. The Indiana physical therapy **committee board** (IC 25-27) is a board under IC 25-1-8-6.

SECTION 8. IC 25-0.5-11-13, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The Indiana physical therapy **committee board** (IC 25-27-1) is a board under IC 25-1-9.

SECTION 9. IC 25-27-1-1, AS AMENDED BY P.L.98-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the **evaluation of; administration of; or instruction in physical rehabilitative and habilitative techniques and procedures to evaluate; prevent, correct, treat, alleviate, and limit physical disability; pathokinesiobiological function; bodily malfunction; pain from injury; disease; and any other physical disability or mental disorder; including:**

(A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;

(B) neurodevelopmental procedures;

(C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

care and services provided by or under the direction and supervision of a physical therapist that includes any of the following:

(A) Examining, evaluating, and conduct testing on patients with mechanical, physiological, or developmental impairments, functional limitations, and disabilities or other health and movement related conditions in order to determine a physical therapy diagnosis.

(B) Alleviating impairments, functional limitations, and



disabilities by designing, implementing, and modifying treatment interventions that may include therapeutic exercise, functional training in home, community, or work integration or reintegration that is related to physical movement and mobility, manual therapy, including soft tissue and joint mobilization or manipulation, therapeutic massage, prescription, application, and fabrication of assistive, adaptive, orthotic, protective, and supportive devices and equipment, including prescription and application of prosthetic devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities, and patient related instruction.

(C) Using solid filiform needles to treat neuromusculoskeletal pain and dysfunction (dry needling), after completing board approved continuing education and complying with applicable board rules. However, a physical therapist may not engage in the practice of acupuncture (as defined in IC 25-2.5-1-5) unless the physical therapist is licensed under IC 25-2.5.

(D) Reducing the risk of injury, impairment, functional limitation, and disability, including the promotion and maintenance of fitness, health, and wellness in populations of all ages.

(E) Engaging in administration, consultation, education, and research.

(2) "Physical therapist" means a person who ~~practices~~ **is licensed under this chapter to practice physical therapy.** as defined in this chapter.

(3) "Physical therapist's ~~therapist~~ assistant" means a person who:
 (A) **is certified under this chapter; and**
 (B) **assists in the practice of a physical therapist in selected components of physical therapy as defined in this chapter: treatment interventions.**

(4) "Board" refers to the ~~medical licensing~~ **Indiana board of physical therapy.**

(5) "Committee" refers to the ~~Indiana physical therapy committee~~ established under section 4 of this chapter.

(5) "Physical therapy aide" means support personnel who perform designated tasks related to the operation of physical therapy services.



(6) "Person" means an individual.

(7) "Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:

- (A) a sterile scalpel;
- (B) scissors;
- (C) forceps;
- (D) tweezers; or
- (E) other sharp medical instruments;

in order to expose healthy tissue, prevent infection, and promote healing.

(8) "Spinal manipulation" means a method of skillful and beneficial treatment by which a physical therapist uses direct thrust to move a joint of the patient's spine beyond its normal range of motion, but without exceeding the limits of anatomical integrity.

(9) "Tasks" means activities that do not require the clinical decision making of a physical therapist or the clinical problem solving of a physical therapist assistant.

(10) "Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the patient's role and environment.

(11) "Continuing competence" is the process of maintaining and documenting competence through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(13) "Direct supervision" means that a physical therapist or physical therapist assistant is physically present and immediately available to direct and supervise tasks that are related to patient management.

(14) "General supervision" means supervision provided by a physical therapist who is available by telecommunication.

(15) "Onsite supervision" means supervision provided by a physical therapist who is continuously onsite and present in the department or facility where services are provided. The supervising therapist must be immediately available to the person being supervised and maintain continued involvement in the necessary aspects of patient care.



(16) **"Conduct testing"** means standard methods and techniques used to gather data about a patient, including, subject to section 2.5(c) of this chapter, electrodiagnostic and electrophysiologic tests and measures. The term does not include x-rays.

(17) **"Physical therapy diagnosis"** means a systematic examination, evaluation, and testing process that culminates in identifying the dysfunction toward which physical therapy treatment will be directed. The term does not include a medical diagnosis.

SECTION 10. IC 25-27-1-2, AS AMENDED BY P.L.98-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person or business entity to do the following:

(1) Practice physical therapy **without first obtaining from the board a license authorizing the person to practice physical therapy in this state.**

(2) Profess to be or promote an employee to be a physical therapist, physiotherapist, **doctor of physiotherapy, doctor of physical therapy, or registered physical therapy technician therapist** or to use the initials "P.T.", "P.T.T.", "D.P.T.", "L.P.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is physical therapy is provided by a physical therapist, **unless physical therapy is provided by or under the direction of a physical therapist. or**

(3) practice or assume the duties incident to physical therapy; without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(3) **Advertise services for physical therapy or physiotherapy services, unless the individual performing those services is a physical therapist.**

(b) Except as provided in section 2.5 of this chapter, it is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist, chiropractor, dentist, nurse practitioner, or physician assistant holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, dentistry, nursing, or as a physician assistant, respectively. It is unlawful for a physical therapist to use the services of a physical therapist's therapist assistant except as provided under this chapter. For the purposes of this subsection, the function of:

(1) teaching;



- (2) doing research;
 - (3) providing advisory services; or
 - (4) conducting seminars on physical therapy;
- is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for a person to **profess to be or** act as a physical ~~therapist's therapist~~ assistant or to use **the initials "P.T.A." or any other** letters, words, abbreviations, or insignia indicating that the person is a physical ~~therapist's therapist~~ assistant without first obtaining from the board a certificate authorizing the person to act as a physical ~~therapist's therapist~~ assistant. It is unlawful for the person to act as a physical ~~therapist's therapist~~ assistant other than under the **direct general** supervision of a licensed physical therapist who is in responsible charge of a patient. ~~or under the direct supervision of a physician.~~ However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of ~~osteopathy;~~ **osteopathic medicine**, chiropractic, or podiatric medicine.

(d) Except as provided in section 2.5 of this chapter, this chapter does not authorize a person who is licensed as a physical therapist or certified as a physical ~~therapist's therapist~~ assistant to:

- (1) evaluate any physical disability or mental disorder except upon the order or referral of a physician, podiatrist, psychologist, chiropractor, **physician assistant, nurse practitioner**, or dentist;
- (2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, ~~osteopathy;~~ **osteopathic medicine**, psychology, chiropractic, or podiatric medicine; or
- (3) prescribe a drug or other remedial substance used in medicine.

SECTION 11. IC 25-27-1-2.5, AS ADDED BY P.L.98-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) Except as provided in subsection (b), a physical therapist may evaluate and treat an individual during a period not to exceed ~~twenty-four (24)~~ **forty-two (42)** calendar days beginning with the date of the initiation of treatment without a referral from a provider described in section 2(b) of this chapter. However, if the individual needs additional treatment from the physical therapist after ~~twenty-four (24)~~ **forty-two (42)** calendar days, the physical therapist shall obtain a referral from the individual's provider, as described in section 2(b) of this chapter.

(b) A physical therapist may not perform spinal manipulation of the



spinal column or the vertebral column unless:

- (1) the physical therapist is acting on the order or referral of a physician, an ~~osteopath~~, **osteopathic physician**, or a chiropractor; and
- (2) the referring physician, ~~osteopath~~, **osteopathic physician**, or chiropractor has examined the patient before issuing the order or referral.

(c) A physical therapist who conducts testing using electrophysiologic or electrodiagnostic testing must obtain and maintain the American Board of Physical Therapy Specialties Clinical Electrophysiologic Specialist Certification.

SECTION 12. IC 25-27-1-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. This chapter does not prohibit any of the following:

- (1) The practice of any occupation or profession for which a person is licensed, certified, or registered in Indiana by a state agency. The persons who are exempted by this subdivision include persons licensed, certified, or registered to practice ~~osteopathy~~, **osteopathic medicine**, chiropractic, or podiatric medicine.
- (2) The practice of any health care occupation or profession by a person who is practicing within the scope of the person's education and experience.
- (3) The performance of any first aid procedure incidental to a person's employment or volunteer duties.
- (4) The performance of an emergency first aid procedure by any person.
- (5) Except as provided in section 2(a)(3) of this chapter, the provision of the following by a chiropractor licensed under IC 25-10:**

- (A) Physical therapy modality services.**
- (B) Physical rehabilitation services.**
- (C) Therapeutic procedures.**
- (D) Tests and measurements.**
- (E) Therapeutic devices.**
- (F) Physiotherapy, as included in the chiropractic licensure examination.**

However, nothing in this section allows a person to claim or imply that the person is a physical therapist or a physical therapist assistant unless the person is a physical therapist or a physical therapist assistant.

SECTION 13. IC 25-27-1-3.3 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: **Sec. 3.3. The following persons are exempt from the licensure or certification requirements of this article:**

(1) A person in an entry level professional education program approved by the board who is satisfying supervised clinical education requirements related to the person's physical therapist education while under onsite supervision of a physical therapist.

(2) A physical therapist who is practicing in the armed forces of the United States, United States Public Health Service, or United States Department of Veterans Affairs under federal regulations for jurisdiction licensure of health care providers. However, if the person, while federally employed as a physical therapist, engages in the practice of physical therapy outside the course and scope of federal employment, the person must obtain a license under this chapter.

(3) A physical therapist who is licensed in another state or credentialed to practice physical therapy in another country, if the person is teaching, demonstrating, or providing physical therapy services in connection with an educational seminar. However, the exemption under this subdivision may not exceed sixty (60) days in a calendar year.

(4) A physical therapist who is licensed in another state or credentialed in another country if the person by contract or employment is providing physical therapy to patients affiliated with or employed by established athletic teams, athletic organizations, or performing arts companies temporarily practicing, competing, or performing in Indiana. However, the exemption under this subdivision may not exceed sixty (60) days in a calendar year.

(5) A physical therapist who is licensed in another state and who provides physical therapy during a declared local or national disaster or emergency. However, the exemption may not exceed sixty (60) days following the declaration of the emergency. To be eligible for the exemption the physical therapist must notify the board of the person's intent to practice.

(6) A physical therapist licensed in another state who is forced to leave the person's residence or place of employment due to a declared local or national disaster or emergency and due to the displacement seeks to practice physical therapy. However,



the exemption may not exceed sixty (60) days following the declaration of the emergency. To be eligible for the exemption the physical therapist must notify the board of the person's intent to practice.

(7) A physical therapist assistant who is licensed or certified in another state and assisting a physical therapist engaged specifically in activities related to subdivision (2), (3), (4), (5), or (6).

SECTION 14. IC 25-27-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) There is created a ~~five (5) member~~ **the Indiana board of physical therapy. committee** to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical therapist's assistants. The ~~committee~~ **board** is comprised of **the following:**

(1) Three (3) physical therapists.

(2) ~~a licensed physician;~~ and **One (1) physical therapist assistant.**

(3) One (1) member who is a resident of the state and who is not associated with physical therapy in any way, other than as a consumer.

(b) **Beginning July 1, 2019,** the governor shall make each appointment for a term of ~~three (3)~~ **four (4) years. A member of the board may not serve more than eight (8) years in a ten (10) year period.**

(c) Each physical therapist **and physical therapist assistant** appointed must:

(1) ~~be a licensed physical therapist meeting the requirements of this chapter;~~ **have an unrestricted license or certificate issued under this chapter;**

(2) have had not less than ~~three (3)~~ **five (5) years** experience in the actual practice of physical therapy immediately preceding appointment; and

(3) be a resident of the state and actively engaged in this state in the practice of physical therapy during incumbency as a member of the ~~committee.~~ **board.**

(d) The affirmative vote of a majority of the members appointed to the board is required for the board to take action on any measure.

(e) The board shall meet at least quarterly.

SECTION 15. IC 25-27-1-5, AS AMENDED BY P.L.197-2011, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The ~~committee~~ **board** shall



do the following:

- (1) Pass upon the qualifications of physical therapists who apply for licensure and physical ~~therapist's~~ **therapist** assistants who apply for certification.
 - (2) Provide all examinations either directly or by delegation under subsection (c);
 - (3) Determine the applicants who successfully pass examinations.
 - (4) License **and certify** qualified applicants. ~~and~~
 - (5) ~~propose~~ **Adopt** rules concerning the competent practice of physical therapy to the board.
- (b) The board shall adopt rules ~~considering the committee's proposed rules~~; establishing standards for the competent practice of physical therapy.
- (c) The ~~committee~~ **board** may approve and utilize the services of a testing company or agent to prepare, conduct, and score examinations.
- (d) The board shall adopt rules ~~considering the committee's proposed rules~~; concerning a continuing competency requirement for the renewal of a:
- (1) license for a physical therapist; and
 - (2) certificate for a physical ~~therapist's~~ **therapist** assistant.

SECTION 16. IC 25-27-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Each applicant for a license as a physical therapist or certification as a physical ~~therapist's~~ **therapist** assistant must present satisfactory evidence that the applicant:

- (1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently; and
 - (2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical ~~therapist's~~ **therapist** assistant without endangering the public.
- (b) Each applicant for a license as a physical therapist must submit proof to the committee of the applicant's graduation from a school or program of physical therapy that meets standards set by the committee. Each applicant for a certificate as a physical therapist's assistant must present satisfactory evidence that the applicant is a graduate of a two (2) year college level education program for physical therapist's assistants that meets the standards of the committee. At the time of making application, each applicant must pay a fee determined by the board after consideration of any recommendation of the committee.
- (c) ~~(b)~~ An applicant may appeal the ~~committee's~~ **board's** decision

SEA 586 — Concur



to deny licensure or certification to the committee board within fifteen (15) days after the applicant receives notification of the committee's board's decision. Upon receiving an appeal under this subsection, the committee board shall set the matter for an administrative hearing under IC 4-21.5.

SECTION 17. IC 25-27-1-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.1. An applicant for a license as a physical therapist must do the following:**

- (1) Complete the application process, including payment of fees.
- (2) Submit proof of graduation from a professional physical therapist education program accredited by a national accreditation agency approved by the board.
- (3) Pass an examination approved by the board.
- (4) Submit to a national criminal history background check under IC 25-1-1.1-4.
- (5) Meet any other requirements established by board rule.

SECTION 18. IC 25-27-1-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.2. An applicant for a license as a physical therapist who has been educated outside the United States must do the following:**

- (1) Complete the application process, including payment of fees.
- (2) Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry level program as determined by the board by any of the following:
 - (A) Providing evidence of graduation outside the United States from a professional education program accredited by the same accrediting agency that the board approves for programs within the United States.
 - (B) Do the following:
 - (i) Provide evidence of graduation from a physical therapist education program that prepares the applicant to engage in physical therapy without restriction.
 - (ii) Provide evidence that the applicant's school is recognized by its own ministry of education.
 - (iii) Undergo a credentials evaluation as directed by the board to determine if the candidate meets uniform criteria for educational requirements established by rule.



- (3) Complete any additional education required by the board.**
- (4) Pass a board approved English proficiency examination if the applicant's native language is not English.**
- (5) Pass an examination approved by the board.**
- (6) Submit to a national criminal history background check under IC 25-1-1.1-4.**
- (7) Complete supervised clinical practice with a restricted license if required by rule.**
- (8) Meet any other requirements established by board rule.**

SECTION 19. IC 25-27-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.3. An applicant for a certificate as a physical therapist assistant must do the following:**

- (1) Complete the application process, including payment of fees.**
- (2) Submit proof of graduation from a professional physical therapist assistant education program accredited by a national accreditation agency approved by the board.**
- (3) Pass an examination approved by the board.**
- (4) Submit to a national criminal history background check under IC 25-1-1.1-4.**
- (5) Meet any other requirements established by rule.**

SECTION 20. IC 25-27-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.4. An applicant for a certificate as a physical therapist assistant who has been educated outside the United States must do the following:**

- (1) Complete the application process, including payment of fees.**
- (2) Provide satisfactory evidence that the applicant's education is substantially equivalent to the education of a physical therapist assistant educated in an accredited entry level program as determined by the board by any of the following:**
 - (A) Provide evidence of graduation outside the United States from a professional education program accredited by the same accrediting agency that the board approves for programs within the United States.**
 - (B) Do the following:**
 - (i) Provide evidence of graduation from a physical therapist assistant education program that prepares the**



applicant to engage as a physical therapist assistant without restriction.

(ii) Provide evidence that the applicant's school is recognized by its own ministry of education.

(iii) Undergo a credentials evaluation as directed by the board to determine if the candidate meets uniform criteria for educational requirements established by rule.

(3) Complete any additional education required by the board.

(4) Pass a board approved English proficiency examination if the applicant's native language is not English.

(5) Pass an examination approved by the board.

(6) Submit to a national criminal history background check under IC 25-1-1.1-4.

(7) Complete supervised clinical practice with a restricted license if required by rule.

(8) Meet any other requirements established by rule.

SECTION 21. IC 25-27-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) All examinations of the applicants for licensure as physical therapists or for certification as physical therapist's assistants shall be held in Indiana at least twice a year:

(b) Examinations shall include a written or computer examination which must test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures; and such other subjects as the committee may deem useful to test the applicant's fitness to practice physical therapy or to act as a physical therapist's assistant.

(c) Any qualified applicant who fails an examination and is refused a license or certificate may take another examination within the time limits set by the committee upon payment of an additional fee determined by the board after consideration of any recommendation of the committee:

(a) To be eligible to sit for the examination, an applicant must meet:

(1) the qualifying standards of any testing company or national organization employed to administer the examination; and

(2) requirements adopted by rule.

(b) The board shall provide for examinations within Indiana for the licensure of physical therapists and the certification of physical therapist assistants. The board may employ a testing company or a national organization to administer the examination.



(c) **The physical therapist examination must test the applicant's entry level competence related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation.**

(d) **The physical therapist assistant examination must test the applicant's requisite knowledge and skills in the technical application of physical therapy services.**

~~(d)~~ (e) **Nothing in this section shall be construed as a prohibition against any qualified An applicant who has failed an examination from making further application for a license to practice physical therapy or for a certificate to act as a physical therapist's therapist assistant when the application is accompanied by the fee determined by the board after consideration of any recommendation of the committee: may take the respective examination not more than six (6) times.**

(f) **An applicant for licensure or certification must agree to abide by any security and copyright provisions related to the examination. If the board determines that an applicant has violated the agreement or engaged in or attempted to engage in any other conduct that subverts or undermines the integrity of the examination process or validity of examination results, the board may disqualify the applicant from taking or retaking the examination. The disqualification by the board may be permanent or for a specified period of time. A determination by the board may be appealed under IC 4-21.5.**

(g) **The board shall report any violation of security and copyright related to the examination or subversion or attempts to subvert the national examination to the Federation of State Boards of Physical Therapy.**

SECTION 22. IC 25-27-1-8, AS AMENDED BY P.L.177-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) ~~The committee~~ **board** shall license as a physical therapist **or certify as a physical therapist assistant** each applicant who:

- (1) successfully passes the examination provided for in this chapter; and
- (2) is otherwise qualified as required by this chapter.

(b) Subject to IC 25-1-2-6(e), all licenses and certificates issued by the ~~committee~~ **board** expire on the date of each even-numbered year specified by the Indiana professional licensing agency under IC 25-1-5-4. A renewal fee established by the board ~~after consideration of any recommendation of the committee~~ must be paid biennially on or before the date specified by the Indiana professional licensing agency,



and if not paid on or before that date, the license or certificate becomes invalid, without further action by the ~~committee~~. **board**. A penalty fee set by the board ~~after consideration of any recommendation of the committee~~ shall be in effect for any reinstatement within three (3) years from the original date of expiration.

(c) An expired license or certificate may be reinstated by the ~~committee~~ **board** up to three (3) years after the expiration date if the holder of the expired license or certificate:

- (1) pays a penalty fee set by the board; ~~after consideration of any recommendation of the committee~~; and
- (2) pays the renewal fees for the biennium; **and**
- (3) demonstrates evidence of continuing competence.**

If more than three (3) years have elapsed since expiration of the license or certificate, the holder may be reexamined by the ~~committee~~. **board**. The board may adopt ~~after consideration of any recommendation of the committee~~; rules setting requirements for reinstatement of an expired license.

(d) The committee may issue not more than two (2) temporary permits to a physical therapist or physical ~~therapist's~~ **therapist** assistant. A person with a temporary permit issued under this subsection may practice physical therapy only under the **direct onsite** supervision of a licensed physical therapist who is responsible for the patient. A temporary permit may be issued to any person who has paid a fee set by the board ~~after consideration of any recommendation of the committee~~ and who:

- (1) has a valid license from another state to practice physical therapy, or has a valid certificate from another state to act as a physical ~~therapist's~~ **therapist** assistant; or
- (2) has applied for and been approved by the ~~committee~~ **board** to take the examination for licensure or certification, has not previously failed the licensure or certification examination in Indiana or any other state, and has:
 - (A) graduated from a school or program of physical therapy; or
 - (B) graduated from a two (2) year college level education program for physical ~~therapist's~~ **therapist** assistants that meets the standards set by the ~~committee~~. **board**.

The applicant must take the examination within the time limits set by the ~~committee~~. **board**.

(e) A temporary permit issued under subsection (d) expires when the applicant becomes licensed or certified, or approved for endorsement licensing or certification by the ~~committee~~. **board**, or



when the application for licensure has been disapproved, whichever occurs first. An application for licensure or certification is disapproved and any temporary permit based upon the application expires when the applicant fails to take the examination within the time limits set by the **committee board** or when the **committee board** receives notification of the applicant's failure to pass any required examination in Indiana or any other state.

(f) A holder of a license or certificate under this chapter who intends to retire from practice shall notify the committee in writing. Upon receipt of the notice, the **committee board** shall record the fact that the holder of the license or certificate is retired and release the person from further payment of renewal fees. If a holder of the license or certificate surrenders a license or certificate, reinstatement of the license or certificate may be considered by the **committee board** upon written request. The **committee board** may impose conditions it considers appropriate to the surrender or reinstatement of a surrendered license or certificate. A license or certificate may not be surrendered to the **committee board** without the written consent of the **committee board** if any disciplinary proceedings are pending against a holder of a license or certificate under this chapter.

SECTION 23. IC 25-27-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) The **committee board** may register and furnish a license to or certify by endorsement any applicant who presents evidence satisfactory to the **committee board** of being duly licensed to practice physical therapy or to act as a physical ~~therapist's~~ **therapist** assistant in another state if the applicant is otherwise qualified as required in section 6 of this chapter. However, the **committee board** shall register and furnish a license or certificate by endorsement to any applicant who is licensed to practice physical therapy or to act as a physical ~~therapist's~~ **therapist** assistant in another state if:

- (1) the applicant is otherwise qualified as required under ~~section~~ **sections** 6(a) and ~~6(b)~~ **6.1** of this chapter; and
- (2) the applicant has successfully passed a licensure examination in another state equal to or exceeding the examination standards of Indiana.

At the time of making an application, the applicant shall pay a fee determined by the board. ~~after consideration of any recommendation of the committee.~~

(b) The **committee board** may license as a physical therapist or certify as a physical ~~therapist's~~ **therapist** assistant any person who has graduated as a physical therapist or physical ~~therapist's~~ **therapist**

SEA 586 — Concur



assistant, whichever is appropriate, in a foreign country from an educational program approved by the ~~committee~~ **board** if the applicant presents satisfactory evidence to the ~~committee~~ **board** that the applicant:

- (1) does not have a conviction for:
 - (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or
 - (B) a crime that has a direct bearing on the applicant's ability to practice competently; and
- (2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical ~~therapist's~~ **therapist** assistant without endangering the public;

and that the applicant has successfully passed the physical therapy licensure or physical ~~therapist's~~ **therapist** assistant certification examination provided for by this chapter. However, the ~~committee,~~ **board**, in evaluating an educational program under this subsection shall approve at least three (3) credential evaluating agencies acceptable to the board for the purpose of evaluating educational programs.

(c) At the time of making an application under subsection (b), the applicant shall pay a fee determined by the board. ~~after consideration of any recommendation of the committee.~~

SECTION 24. IC 25-27-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. A person who violates this chapter commits a Class B misdemeanor. In addition the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical ~~therapist's~~ **therapist** assistant, in violation of IC 25-27-1-2.

SECTION 25. IC 25-27-1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a) A physical therapist is responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide the following:**

- (1) The initial evaluation, determination of a physical therapy diagnosis, prognosis, and plan of treatment intervention and documentation of each encounter with each patient.**
- (2) Periodic reevaluation and documentation of each patient.**



(3) The documented discharge of the patient, including the patient's response to treatment intervention at the time of discharge.

(b) A physical therapist shall assure the qualifications of all physical therapist assistants and physical therapy aides under the physical therapist's direction and supervision.

(c) For each patient on each date of service, a physical therapist shall:

(1) provide all of the treatment intervention that requires the education, skills, and knowledge of a physical therapist; and

(2) determine the use of physical therapist assistants to ensure that the delivery of care is safe, effective, and efficient.

(d) A physical therapist assistant shall work under a physical therapist's supervision. A physical therapist assistant shall document the care that the physical therapist assistant provides.

(e) A physical therapist may use physical therapy aides for designated tasks. A physical therapy aide shall work under the direct supervision of a physical therapist. Tasks related to patient services must be assigned to a physical therapy aide by a physical therapist or physical therapist assistant.

SECTION 26. IC 25-27-1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. (a) A physical therapist is responsible for accurate documentation and billing of the services the physical therapist provides.**

(b) A physical therapist assistant is responsible for accurate documentation and billing of the services the physical therapist assistant provides.

SECTION 27. IC 25-27-1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. A physical therapist shall communicate the overall physical therapy plan of care with the patient or the patient's legally authorized representative.**

SECTION 28. IC 25-27-1-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16. A physical therapist and physical therapist assistant shall comply with the standards of practice under IC 25-1-9.**

SECTION 29. IC 25-27-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 17. (a) Except as provided in subsection (b), information relating to the physical**



therapist-patient relationship is confidential and may not be communicated to a third party who is not involved in the patient's care without the written authorization of the patient.

(b) The physical therapist-patient privilege does not extend to cases in which the physical therapist or physical therapy assistant has a duty to report information as required by law.

SECTION 30. IC 25-27-1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 18. Each physical therapist and physical therapist assistant shall:**

- (1) conspicuously display a copy of the license or certificate in a location accessible to public view;
- (2) immediately produce a copy of the license or certificate upon request; or
- (3) notify a patient how the patient may verify the therapist's license or certificate online.

SECTION 31. IC 25-27-1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) The rules of the medical licensing board concerning physical therapy under this chapter adopted before July 1, 2019, are considered, after June 30, 2019, rules of the Indiana board of physical therapy.**

(b) Any duties, investigation, or disciplinary action taken or begun by the medical licensing board before July 1, 2019, is considered, after June 30, 2019, a duty, investigation, or disciplinary action of the board.

(c) Any records of the medical licensing board concerning physical therapy under this chapter are transferred to the board.

(d) This section expires July 1, 2025.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 586 — Concur

