

HOUSE BILL NO. 341

INTRODUCED BY BRADLEY, JACOBSON, J. BROWN,  
RUSSELL, WHALEN, STRIZICH, SVRCEK

IN THE HOUSE

JANUARY 22, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

JANUARY 23, 1991                   FIRST READING.

FEBRUARY 4, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 5, 1991                   PRINTING REPORT.

FEBRUARY 6, 1991                   SECOND READING, DO PASS.

FEBRUARY 7, 1991                   ENGROSSING REPORT.

FEBRUARY 8, 1991                   THIRD READING, PASSED.  
AYES, 94; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

MARCH 14, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991                   SECOND READING, CONCURRED IN.

MARCH 18, 1991                   THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1991                   RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 341  
 2 INTRODUCED BY Bradley J. Jacobson  
 3 J. Brown F. Russell Whalen A. Sunk  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSURE  
 5 OF PHYSICAL THERAPISTS AND THE PRACTICE OF PHYSICAL THERAPY;  
 6 AUTHORIZING A LICENSED PHYSICAL THERAPIST TO APPLY AND  
 7 ADMINISTER PRESCRIBED TOPICAL MEDICATIONS AS PART OF THE  
 8 PRACTICE OF PHYSICAL THERAPY; DEFINING AND DESCRIBING  
 9 TOPICAL MEDICATIONS; PROVIDING PRESCRIPTION, PURCHASING, AND  
 10 RECORDKEEPING REQUIREMENTS APPLICABLE TO PHYSICAL THERAPISTS  
 11 WHO ADMINISTER TOPICAL MEDICATIONS; REQUIRING THE BOARD OF  
 12 PHYSICAL THERAPY EXAMINERS TO ESTABLISH BY RULE WRITTEN  
 13 PROTOCOLS FOR THE DESCRIPTION, APPLICATION, AND  
 14 ADMINISTRATION OF TOPICAL MEDICATIONS BY PHYSICAL  
 15 THERAPISTS; NARROWING PRACTICE EXEMPTIONS; REVISING  
 16 EXAMINATION PROCEDURES; AND AMENDING SECTIONS 37-11-101,  
 17 37-11-102, AND 37-11-304, MCA."

18 STATEMENT OF INTENT

19  
 20 A statement of intent is required for this bill because  
 21 [section 3] requires the board of physical therapy examiners  
 22 to adopt rules to govern the process of application of  
 23 topical medications by licensed physical therapists. It is  
 24 intended that the rules:

25 (1) be adopted after consultation with the board of

- 1 medical examiners and the board of pharmacy;  
 2 (2) be in the form of written protocols that include:  
 3 (a) a description of the topical medication;  
 4 (b) a description of its actions, indications, and  
 5 contraindications; and  
 6 (c) the proper procedure and technique for the  
 7 application and administration of the medication; and  
 8 (3) apply only to topical medications for which a  
 9 prescription is required under state or federal law.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 37-11-101, MCA, is amended to read:

12 "37-11-101. Definitions. Unless the context requires  
13 otherwise, in this chapter the following definitions apply:

14 (1) "Physical therapy" means the evaluation, treatment,  
 15 and instruction of human beings to detect, assess, prevent,  
 16 correct, alleviate, and limit physical disability, bodily  
 17 malfunction and pain, injury, and any bodily or mental  
 18 conditions by the use of therapeutic exercise, prescribed  
 19 topical medications, and rehabilitative procedures for the  
 20 purpose of preventing, correcting, or alleviating a physical  
 21 or mental disability.

22 (2) "Physical therapist" or "physiotherapist" means a  
 23 person who practices physical therapy.

24 (3) "Physical therapy student" or "physical therapy  
 25



1 intern" means an individual enrolled in an accredited  
2 physical therapy curriculum and who, as part of his  
3 professional, educational, and clinical training, is  
4 practicing in a physical therapy setting under the  
5 direction, guidance, and observation of a licensed physical  
6 therapist.

7 (4) "Physical therapy therapist assistant" means a  
8 person who is a graduate of an accredited curriculum  
9 approved by the board and who assists a physical therapist  
10 in the practice of physical therapy and whose activities  
11 require an understanding of physical therapy.

12 (5) "Physical therapy practitioner", "physical therapy  
13 specialist", "physiotherapy practitioner", or "manual  
14 therapists" are equivalent terms, and any derivation of the  
15 above or any letters implying the above are equivalent  
16 terms; any reference to any one of them in this chapter  
17 includes the others but does not include certified  
18 corrective therapists or massage therapists.

19 (6) "Physical therapy aide" means a person who aids in  
20 the practice of physical therapy and whose activities  
21 require on-the-job training and supervision by a licensed  
22 physical therapist who must be available for periodic checks  
23 during any procedure or treatment involving a patient.

24 (7) "Board" means the board of physical therapy  
25 examiners provided for in 2-15-1858.

1 (8) "Department" means the department of commerce  
2 provided for in Title 2, chapter 15, part 18.

3 (9) "Hearing" means the adjudicative proceeding  
4 concerning the issuance, denial, suspension, or revocation  
5 of a license, after which the appropriate action toward an  
6 applicant or licensee is to be determined by the board.

7 (10) "Topical medications" means medications applied  
8 locally to the skin and includes only medications listed in  
9 [section 2(2)] for which a prescription is required under  
10 state or federal law."

11 NEW SECTION. Section 2. Application and administration  
12 of topical medications -- prescription, purchasing, and  
13 recordkeeping requirements. (1) A licensed physical  
14 therapist may apply or administer topical medications by:

- 15 (a) direct application;  
16 (b) iontophoresis, a process whereby topical  
17 medications are applied through the use of electricity; or  
18 (c) phonophoresis, a process whereby topical  
19 medications are applied through the use of ultrasound.

20 (2) A licensed physical therapist may apply or  
21 administer the following topical medications:

- 22 (a) bactericidal agents;  
23 (b) debriding agents;  
24 (c) anesthetic agents;  
25 (d) anti-inflammatory agents;

1 (e) antispasmodic agents; and

2 (f) adrenocortico-steroids.

3 (3) Topical medications applied or administered by a  
4 physical therapist must be prescribed on a specific or  
5 standing basis by a licensed medical practitioner authorized  
6 to order or prescribe topical medications and must be  
7 purchased from a pharmacy certified under 37-7-321. Topical  
8 medications dispensed under this section must comply with  
9 packaging and labeling guidelines developed by the board of  
10 pharmacists under Title 37, chapter 7.

11 (4) Appropriate recordkeeping is required of a physical  
12 therapist who applies or administers topical medications as  
13 authorized in this section.

14 NEW SECTION. **Section 3.** Board adoption of protocols.

15 The board, in consultation with the board of medical  
16 examiners and the board of pharmacy, shall by rule adopt  
17 written protocols for each class of topical medication  
18 listed in [section 2(2)] for which a prescription is  
19 required under state or federal law. Protocols must include  
20 a description of each topical medication and its actions,  
21 indications, and contraindications, as well as the proper  
22 procedure and technique for the application or  
23 administration of the medication.

24 **Section 4.** Section 37-11-102, MCA, is amended to read:

25 "37-11-102. **Exemptions.** This chapter shall may not be

1 construed to limit or regulate any other business or  
2 profession or any services rendered or performed in  
3 connection therewith with another business or profession,  
4 including osteopathy, chiropractic, or chiropractic  
5 physiotherapy~~7--massage--therapists,--masseurs,--or--Swedish~~  
6 ~~masseurs."~~

7 **Section 5.** Section 37-11-304, MCA, is amended to read:

8 "37-11-304. **Application for examination -- fee.** (1)

9 Unless entitled to a license under 37-11-307, a person who  
10 desires to be licensed as a physical therapist shall apply  
11 to the department in writing, on a form furnished by the  
12 department. He shall embody in that application evidence  
13 under oath, satisfactory to the board, of his possessing the  
14 qualifications preliminary to examination required by  
15 37-11-303.

16 (2) He shall pay to the department at the time of  
17 filing his application a fee as established by the board by  
18 rule. ~~Said~~ The fee shall must be commensurate with the cost  
19 of the examination and its administration and ~~shall must~~ be  
20 deposited in the state special revenue fund for the use of  
21 the board, subject to 37-1-101(6).

22 (3) Anyone failing to pass the first or second required  
23 examination is entitled to ~~a--second~~ another examination  
24 within 6 months. An applicant who fails three successive  
25 examinations may apply for reexamination after 1 year of

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1 additional professional experience or training."

2 NEW SECTION. Section 6. Codification instruction.

3 [Sections 2 and 3] are intended to be codified as an  
4 integral part of Title 37, chapter 11, part 1, and the  
5 provisions of Title 37, chapter 11, part 1, apply to  
6 [sections 2 and 3].

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

HOUSE BILL NO. 341

INTRODUCED BY BRADLEY, JACOBSON, J. BROWN,  
RUSSELL, WHALEN, STRIZICH, SVRCEK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSURE OF PHYSICAL THERAPISTS AND THE PRACTICE OF PHYSICAL THERAPY; AUTHORIZING A LICENSED PHYSICAL THERAPIST TO APPLY AND ADMINISTER PRESCRIBED TOPICAL MEDICATIONS AS PART OF THE PRACTICE OF PHYSICAL THERAPY; DEFINING AND DESCRIBING TOPICAL MEDICATIONS; PROVIDING PRESCRIPTION, PURCHASING, AND RECORDKEEPING REQUIREMENTS APPLICABLE TO PHYSICAL THERAPISTS WHO ADMINISTER TOPICAL MEDICATIONS; REQUIRING THE BOARD OF PHYSICAL THERAPY EXAMINERS TO ESTABLISH BY RULE WRITTEN PROTOCOLS FOR THE DESCRIPTION, APPLICATION, AND ADMINISTRATION OF TOPICAL MEDICATIONS BY PHYSICAL THERAPISTS; NARROWING PRACTICE EXEMPTIONS; REVISING EXAMINATION-PROCEDURES; AND AMENDING SECTIONS 37-11-101, AND 37-11-102, AND 37-11-304, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 3] requires the board of physical therapy examiners to adopt rules to govern the process of application of topical medications by licensed physical therapists. It is intended that the rules:

- (1) be adopted after consultation with the board of medical examiners and the board of pharmacy;
- (2) be in the form of written protocols that include:
  - (a) a description of the topical medication;
  - (b) a description of its actions, indications, and contraindications; and
  - (c) the proper procedure and technique for the application and administration of the medication; and
- (3) apply only to topical medications for which a prescription is required under state or federal law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-11-101, MCA, is amended to read:

**"37-11-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

- (1) "Physical therapy" means the evaluation, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate, and limit physical disability, bodily malfunction and pain, injury, and any bodily or mental conditions by the use of therapeutic exercise, prescribed topical medications, and rehabilitative procedures for the purpose of preventing, correcting, or alleviating a physical or mental disability.
- (2) "Physical therapist" or "physiotherapist" means a person who practices physical therapy.



1 (3) "Physical therapy student" or "physical therapy  
2 intern" means an individual enrolled in an accredited  
3 physical therapy curriculum and who, as part of his  
4 professional, educational, and clinical training, is  
5 practicing in a physical therapy setting under the  
6 direction, guidance, and observation of a licensed physical  
7 therapist.

8 (4) "Physical therapy therapist assistant" means a  
9 person who is a graduate of an accredited curriculum  
10 approved by the board and who assists a physical therapist  
11 in the practice of physical therapy and whose activities  
12 require an understanding of physical therapy.

13 (5) "Physical therapy practitioner", "physical therapy  
14 specialist", "physiotherapy practitioner", or "manual  
15 therapists" are equivalent terms, and any derivation of the  
16 above or any letters implying the above are equivalent  
17 terms; any reference to any one of them in this chapter  
18 includes the others but does not include certified  
19 corrective therapists or massage therapists.

20 (6) "Physical therapy aide" means a person who aids in  
21 the practice of physical therapy and whose activities  
22 require on-the-job training and supervision by a licensed  
23 physical therapist who must be available for periodic checks  
24 during any procedure or treatment involving a patient.

25 (7) "Board" means the board of physical therapy

1 examiners provided for in 2-15-1858.

2 (8) "Department" means the department of commerce  
3 provided for in Title 2, chapter 15, part 18.

4 (9) "Hearing" means the adjudicative proceeding  
5 concerning the issuance, denial, suspension, or revocation  
6 of a license, after which the appropriate action toward an  
7 applicant or licensee is to be determined by the board.

8 (10) "Topical medications" means medications applied  
9 locally to the skin and includes only medications listed in  
10 [section 2(2)] for which a prescription is required under  
11 state or federal law."

12 NEW SECTION. Section 2. Application and administration  
13 of topical medications -- prescription, purchasing, and  
14 recordkeeping requirements. (1) A licensed physical  
15 therapist may apply or administer topical medications by:

16 (a) direct application;

17 (b) iontophoresis, a process whereby topical  
18 medications are applied through the use of electricity; or

19 (c) phonophoresis, a process whereby topical  
20 medications are applied through the use of ultrasound.

21 (2) A licensed physical therapist may apply or  
22 administer the following topical medications:

23 (a) bactericidal agents;

24 (b) debriding agents;

25 (c) anesthetic agents;

- 1 (d) anti-inflammatory agents;
- 2 (e) antispasmodic agents; and
- 3 (f) adrenocortico-steroids.

4 (3) Topical medications applied or administered by a  
 5 physical therapist must be prescribed on a specific or  
 6 standing basis by a licensed medical practitioner authorized  
 7 to order or prescribe topical medications and must be  
 8 purchased from a pharmacy certified under 37-7-321. Topical  
 9 medications dispensed under this section must comply with  
 10 packaging and labeling guidelines developed by the board of  
 11 pharmacists under Title 37, chapter 7.

12 (4) Appropriate recordkeeping is required of a physical  
 13 therapist who applies or administers topical medications as  
 14 authorized in this section.

15 NEW SECTION. **Section 3.** Board adoption of protocols.  
 16 The board, in consultation with the board of medical  
 17 examiners and the board of pharmacy, shall by rule adopt  
 18 written protocols for each class of topical medication  
 19 listed in [section 2(2)] for which a prescription is  
 20 required under state or federal law. Protocols must include  
 21 a description of each topical medication and its actions,  
 22 indications, and contraindications, as well as the proper  
 23 procedure and technique for the application or  
 24 administration of the medication.

25 **Section 4.** Section 37-11-102, MCA, is amended to read:

1 "37-11-102. Exemptions. This chapter shall may not be  
 2 construed to limit or regulate any other business or  
 3 profession or any services rendered or performed in  
 4 connection therewith with another business or profession,  
 5 including osteopathy, chiropractic, or chiropractic  
 6 physiotherapy, ~~message therapists, masseurs, or Swedish~~  
 7 ~~masseurs,~~ OR MASSAGE THERAPISTS, TO THE EXTENT THEY DO  
 8 MASSAGE."

9 Section 5, Section 37-11-304, MCA, is amended to read:  
 10 "37-11-304. Application for examination ----- fee: (1)  
 11 Unless entitled to a license under 37-11-307, a person who  
 12 desires to be licensed as a physical therapist shall apply  
 13 to the department in writing, on a form furnished by the  
 14 department. He shall embody in that application evidence  
 15 under oath, satisfactory to the board, of his possessing the  
 16 qualifications preliminary to examination required by  
 17 37-11-303.

18 (2) He shall pay to the department at the time of  
 19 filing his application a fee as established by the board by  
 20 rule. Said The fee shall must be commensurate with the cost  
 21 of the examination and its administration and shall must be  
 22 deposited in the state special revenue fund for the use of  
 23 the board, subject to 37-1-101(6).

24 (3) Anyone failing to pass the first or second required  
 25 examination is entitled to a second another examination



1 ~~within--6--months. An--applicant--who--fails--three--successive~~  
2 ~~examinations--may--apply--for--reexamination--after--1--year--of~~  
3 ~~additional--professional--experience--or--training--"~~

4 NEW SECTION. Section 5. Codification instruction.  
5 [Sections 2 and 3] are intended to be codified as an  
6 integral part of Title 37, chapter 11, part 1, and the  
7 provisions of Title 37, chapter 11, part 1, apply to  
8 [sections 2 and 3].

-End-

HOUSE BILL NO. 341

INTRODUCED BY BRADLEY, JACOBSON, J. BROWN,  
RUSSELL, WHALEN, STRIZICH, SVRCEK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSURE OF PHYSICAL THERAPISTS AND THE PRACTICE OF PHYSICAL THERAPY; AUTHORIZING A LICENSED PHYSICAL THERAPIST TO APPLY AND ADMINISTER PRESCRIBED TOPICAL MEDICATIONS AS PART OF THE PRACTICE OF PHYSICAL THERAPY; DEFINING AND DESCRIBING TOPICAL MEDICATIONS; PROVIDING PRESCRIPTION, PURCHASING, AND RECORDKEEPING REQUIREMENTS APPLICABLE TO PHYSICAL THERAPISTS WHO ADMINISTER TOPICAL MEDICATIONS; REQUIRING THE BOARD OF PHYSICAL THERAPY EXAMINERS TO ESTABLISH BY RULE WRITTEN PROTOCOLS FOR THE DESCRIPTION, APPLICATION, AND ADMINISTRATION OF TOPICAL MEDICATIONS BY PHYSICAL THERAPISTS; NARROWING PRACTICE EXEMPTIONS; REVISING EXAMINATION-PROCEDURES; AND AMENDING SECTIONS 37-11-101, AND 37-11-102, AND ~~37-11-304~~ MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 3] requires the board of physical therapy examiners to adopt rules to govern the process of application of topical medications by licensed physical therapists. It is intended that the rules:

- (1) be adopted after consultation with the board of medical examiners and the board of pharmacy;
- (2) be in the form of written protocols that include:
  - (a) a description of the topical medication;
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(2) "Physical therapist" or "physiotherapist" means a person who practices physical therapy.

THIRD READING



1 (3) "Physical therapy student" or "physical therapy  
2 intern" means an individual enrolled in an accredited  
3 physical therapy curriculum and who, as part of his  
4 professional, educational, and clinical training, is  
5 practicing in a physical therapy setting under the  
6 direction, guidance, and observation of a licensed physical  
7 therapist.

8 (4) "Physical therapy therapist assistant" means a  
9 person who is a graduate of an accredited curriculum  
10 approved by the board and who assists a physical therapist  
11 in the practice of physical therapy and whose activities  
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13 (5) "Physical therapy practitioner", "physical therapy  
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15 therapists" are equivalent terms, and any derivation of the  
16 above or any letters implying the above are equivalent  
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 5 physical therapist must be prescribed on a specific or  
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15 NEW SECTION. **Section 3.** Board adoption of protocols.  
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 7 ~~masseurs, OR MASSAGE THERAPISTS, TO THE EXTENT THEY DO~~  
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6 integral part of Title 37, chapter 11, part 1, and the  
7 provisions of Title 37, chapter 11, part 1, apply to  
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-End-

## 1 HOUSE BILL NO. 341

2 INTRODUCED BY BRADLEY, JACOBSON, J. BROWN,

3 RUSSELL, WHALEN, STRIZICH, SVRCEK

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSURE  
6 OF PHYSICAL THERAPISTS AND THE PRACTICE OF PHYSICAL THERAPY;  
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8 ADMINISTER PRESCRIBED TOPICAL MEDICATIONS AS PART OF THE  
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13 PHYSICAL THERAPY EXAMINERS TO ESTABLISH BY RULE WRITTEN  
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 37-11-101, MCA, is amended to read:

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REFERENCE BILL

HB 341

1 (3) "Physical therapy student" or "physical therapy  
2 intern" means an individual enrolled in an accredited  
3 physical therapy curriculum and who, as part of his  
4 professional, educational, and clinical training, is  
5 practicing in a physical therapy setting under the  
6 direction, guidance, and observation of a licensed physical  
7 therapist.

8 (4) "Physical therapy therapist assistant" means a  
9 person who is a graduate of an accredited curriculum  
10 approved by the board and who assists a physical therapist  
11 in the practice of physical therapy and whose activities  
12 require an understanding of physical therapy.

13 (5) "Physical therapy practitioner", "physical therapy  
14 specialist", "physiotherapy practitioner", or "manual  
15 therapists" are equivalent terms, and any derivation of the  
16 above or any letters implying the above are equivalent  
17 terms; any reference to any one of them in this chapter  
18 includes the others but does not include certified  
19 corrective therapists or massage therapists.

20 (6) "Physical therapy aide" means a person who aids in  
21 the practice of physical therapy and whose activities  
22 require on-the-job training and supervision by a licensed  
23 physical therapist who must be available for periodic checks  
24 during any procedure or treatment involving a patient.

25 (7) "Board" means the board of physical therapy

1 examiners provided for in 2-15-185B.

2 (8) "Department" means the department of commerce  
3 provided for in Title 2, chapter 15, part 18.

4 (9) "Hearing" means the adjudicative proceeding  
5 concerning the issuance, denial, suspension, or revocation  
6 of a license, after which the appropriate action toward an  
7 applicant or licensee is to be determined by the board.

8 (10) "Topical medications" means medications applied  
9 locally to the skin and includes only medications listed in  
10 [section 2(2)] for which a prescription is required under  
11 state or federal law."

12 NEW SECTION. Section 2. Application and administration  
13 of topical medications -- prescription, purchasing, and  
14 recordkeeping requirements. (1) A licensed physical  
15 therapist may apply or administer topical medications by:

16 (a) direct application;

17 (b) iontophoresis, a process whereby topical  
18 medications are applied through the use of electricity; or

19 (c) phonophoresis, a process whereby topical  
20 medications are applied through the use of ultrasound.

21 (2) A licensed physical therapist may apply or  
22 administer the following topical medications:

23 (a) bactericidal agents;

24 (b) debriding agents;

25 (c) anesthetic agents;

- 1 (d) anti-inflammatory agents;
- 2 (e) antispasmodic agents; and
- 3 (f) adrenocortico-steroids.

4 (3) Topical medications applied or administered by a  
 5 physical therapist must be prescribed on a specific or  
 6 standing basis by a licensed medical practitioner authorized  
 7 to order or prescribe topical medications and must be  
 8 purchased from a pharmacy certified under 37-7-321. Topical  
 9 medications dispensed under this section must comply with  
 10 packaging and labeling guidelines developed by the board of  
 11 pharmacists under Title 37, chapter 7.

12 (4) Appropriate recordkeeping is required of a physical  
 13 therapist who applies or administers topical medications as  
 14 authorized in this section.

15 NEW SECTION. **Section 3.** Board adoption of protocols.  
 16 The board, in consultation with the board of medical  
 17 examiners and the board of pharmacy, shall by rule adopt  
 18 written protocols for each class of topical medication  
 19 listed in [section 2(2)] for which a prescription is  
 20 required under state or federal law. Protocols must include  
 21 a description of each topical medication and its actions,  
 22 indications, and contraindications, as well as the proper  
 23 procedure and technique for the application or  
 24 administration of the medication.

25 **Section 4.** Section 37-11-102, MCA, is amended to read:

1 "37-11-102. Exemptions. This chapter shall may not be  
 2 construed to limit or regulate any other business or  
 3 profession or any services rendered or performed in  
 4 connection therewith with another business or profession,  
 5 including osteopathy, chiropractic, or chiropractic  
 6 physiotherapy, ~~massage therapists, masseurs, or Swedish~~  
 7 ~~masseurs, OR MASSAGE THERAPISTS, TO THE EXTENT THEY DO~~  
 8 MASSAGE."

9 ~~Section 5. Section 37-11-304, MCA, is amended to read:~~  
 10 ~~"37-11-304. Application for examination ----- fee--(1)~~  
 11 ~~Unless entitled to a license under 37-11-307, a person who~~  
 12 ~~desires to be licensed as a physical therapist shall apply~~  
 13 ~~to the department in writing, on a form furnished by the~~  
 14 ~~department. He shall embody in that application evidence~~  
 15 ~~under oath, satisfactory to the board, of his possessing the~~  
 16 ~~qualifications preliminary to examination required by~~  
 17 ~~37-11-303.~~

18 ~~(2) He shall pay to the department at the time of~~  
 19 ~~filing his application a fee as established by the board by~~  
 20 ~~rule. Said fee shall must be commensurate with the cost~~  
 21 ~~of the examination and its administration and shall must be~~  
 22 ~~deposited in the state special revenue fund for the use of~~  
 23 ~~the board, subject to 37-1-101(6).~~

24 ~~(3) Anyone failing to pass the first or second required~~  
 25 ~~examination is entitled to a second another examination~~



1 within--6--months: An--applicant--who--fails--three--successive  
2 examinations--may--apply--for--reexamination--after--1--year--of  
3 additional--professional--experience--or--training."

4 NEW SECTION. Section 5. Codification instruction.  
5 [Sections 2 and 3] are intended to be codified as an  
6 integral part of Title 37, chapter 11, part 1, and the  
7 provisions of Title 37, chapter 11, part 1, apply to  
8 [sections 2 and 3].

-End-