

HOUSE BILL NO. 182

INTRODUCED BY WINSLOW, BENGTSON

BY REQUEST OF THE BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE HOUSE

January 12, 1983	Introduced and referred to Committee on Human Services.
February 5, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 7, 1983	Bill printed and placed on members' desks.
February 8, 1983	Second reading, do pass.
February 9, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 18, 1983	Statement of Intent rejected.
March 19, 1983	Committee recommend bill be concurrred in as amended. Report adopted.
March 22, 1983	Second reading, concurrred in.
March 24, 1983	Third reading, concurrred in. Ayes, 48; Noes, 1.

IN THE HOUSE

March 24, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurrent in.

March 31, 1983

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

House BILL NO. 182

INTRODUCED BY Winston Bengtson

BY REQUEST OF THE BOARD OF PHYSICAL THERAPY EXAMINERS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LICENSING LAW FOR PHYSICAL THERAPISTS; ALLOWING THE BOARD TO ADOPT CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTIONS 37-11-203, 37-11-301, 37-11-304, 37-11-307, AND 37-11-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-11-203, MCA, is amended to read:

"37-11-203. Travel expense -- deposit of fees. (1)

Each board member shall receive compensation and travel expenses as provided for in 37-1-133.

(2) All fees collected by the department shall be deposited in the earmarked revenue account for the use of the board, subject to 37-1-101(6). The department shall keep an accurate account of funds received and expenditures made from the account.

~~(3) The board of medical examiners shall transfer funds in the earmarked revenue account collected after January 1, 1979, which were derived from the examination and licensure or relicensure of physical therapists in this~~

~~state to the earmarked account designated as the "physical therapist account".~~

Section 2. Section 37-11-301, MCA, is amended to read:

"37-11-301. ~~Unauthorized~~ license required --

unauthorized representation as licensed therapist. No person may practice physical therapy in this state unless he is licensed in accordance with this chapter. A person who is not licensed under this chapter as a physical therapist or whose license has been suspended or revoked or whose license has lapsed and has not been revived who uses in connection with his name the words or letters "L.P.T.", "Licensed Physical Therapist", "P.T.", "Physical Therapist", "R.P.T.", "Registered Physical Therapist", or any other letters, words, or insignia indicating or implying that he is a licensed physical therapist or who in any way, orally or in writing or in print or by sign, directly or by implication, represents himself as a physical therapist shall be guilty of a misdemeanor."

Section 3. Section 37-11-304, MCA, is amended to read:

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

Unless entitled to a license under 37-11-307, a person who desires to be licensed as a physical therapist shall apply to the department in writing, on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the

-2- INTRODUCED BILL

HB 182

1 qualifications preliminary to examination required by
2 37-11-303. The application shall include a recent photograph
3 of the applicant.

4 (2) He shall pay to the department at the time of
5 filing his application a fee as established by the board by
6 rule. Said fee shall be commensurate with the cost of the
7 examination and its administration and shall be deposited in
8 the earmarked revenue fund for the use of the board, subject
9 to 37-1-101(6).

10 (3) Anyone failing to pass the required examination is
11 entitled to a second examination within 6 months."

12 Section 4. Section 37-11-307, MCA, is amended to read:

13 "37-11-307. Applicants licensed in other states. The
14 board may, in its discretion, authorize the department to
15 license as a physical therapist, without examination, on the
16 payment of the required fee as established by the board, an
17 applicant for license who is a physical therapist licensed
18 under the laws of another state or territory if the
19 applicant has met the same requirements for a license for
20 physical therapists in the state or territory in which the
21 applicant was licensed were at the date of his license
22 substantially equal to the requirements in force in this
23 state as applicants licensed by examination under this
24 chapter. However, the board may require a written, oral, or
25 practical examination or may require continued study or

1 refresher courses."

2 Section 5. Section 37-11-310, MCA, is amended to read:

3 "37-11-310. Foreign-trained applicants. The
4 foreign-trained physical therapist applicant's transcripts
5 will be evaluated by an agency which reviews credentials
6 approved by the board. The board will compare the
7 applicant's transcript to the standards set by the American
8 physical therapy association. Upon receipt of this
9 evaluation the board shall determine whether the number of
10 academic credits awarded meets equivalent educational
11 standards for a physical therapist baccalaureate degree
12 established by the school of physical therapy of the
13 university of Montana. If the applicant's professional
14 education credit hours are approved by the board and the
15 school the applicant attended was approved by the American
16 physical therapy association at the time the applicant
17 attended, the applicant is eligible for a temporary license
18 prior to examination."

19 NEW SECTION. Section 6. Continuing education. The
20 board may adopt rules establishing requirements for
21 continuing education. If the board adopts such rules, the
22 board shall develop standards, methods of documentation, and
23 procedures for requiring each licensee to demonstrate
24 compliance with continuing education requirements before his
25 license may be renewed.

LC 0626/01

1 NEW SECTION. Section 7. Codification Instruction.
2 Section 6 is intended to be codified as an integral part of
3 Title 37, chapter 11, part 3, and the provisions of Title
4 37, chapter 11, apply to section 6.
5 NEW SECTION. Section 8. Effective date. This act is
6 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 094-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, 19 83, there is hereby submitted a Fiscal Note for House Bill 182 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 182 generally revises and clarifies the licensing law for physical therapists; allows the board to adopt continuing education requirements; amends Sections 37-11-203, 37-11-301, 37-11-304, 37-11-307, and 37-11-310, MCA; and provides an effective date.

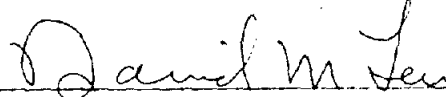
ASSUMPTIONS:

- 1) Due to savings by going on an automated licensing system, no additional costs are realized for administering the continuing education requirement.

FISCAL IMPACT:

None.

FISCAL NOTE3:FF/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-83

1 STATEMENT OF INTENT

2 HOUSE BILL 182

3 House Human Services Committee
4

5 Section 6 gives the Board of Physical Therapy
6 Examiners authority to adopt rules imposing continuing
7 education requirements. The Board is not required to adopt
8 such rules. It is contemplated that such rules, if adopted,
9 should address the following:

10 (1) types of programs required such as classroom
11 instructions, seminars, examinations, or a combination
12 thereof;

13 (2) standards for determining programs to be approved
14 for fulfillment of the requirements such as adequacy of
15 facilities, qualifications of instructors, and course
16 content;

17 (3) the number of hours of instruction, if any,
18 required;

19 (4) the basic content and the procedures and passing
20 grade for any examinations required;

21 (5) alternative methods of fulfilling the
22 requirements, if any;

23 (6) standards for waiver of the requirements for
24 hardship reasons; and

25 (7) methods of monitoring compliance.

SECOND READING

Approved by Comm. on Human Services

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INTRODUCED BY WINSLOW, BENGTSON

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A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LICENSING LAW FOR PHYSICAL THERAPISTS; ALLOWING THE BOARD TO ADOPT CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTIONS 37-11-203, 37-11-301, 37-11-304, 37-11-307, AND 37-11-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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(2) All fees collected by the department shall be deposited in the earmarked revenue account for the use of the board, subject to 37-1-101(6). The department shall keep an accurate account of funds received and expenditures made from the account.

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~~state to the earmarked account designated as the physical therapist account."~~

Section 2. Section 37-11-301, MCA, is amended to read:

"37-11-301. Unauthorized License required -- unauthorized representation as licensed therapist. No person may practice physical therapy in this state unless he is licensed in accordance with this chapter. A person who is not licensed under this chapter as a physical therapist or whose license has been suspended or revoked or whose license has lapsed and has not been revived who uses in connection with his name the words or letters "L.P.T.", "Licensed Physical Therapist", "P.T.", "Physical Therapist", "R.P.T.", "Registered Physical Therapist", or any other letters, words, or insignia indicating or implying that he is a licensed physical therapist or who in any way, orally or in writing or in print or by sign, directly or by implication, represents himself as a physical therapist shall be guilty of a misdemeanor."

Section 3. Section 37-11-304, MCA, is amended to read:

"37-11-304. Application for examination -- fee. (1) Unless entitled to a license under 37-11-307, a person who desires to be licensed as a physical therapist shall apply to the department in writing, on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the

1 qualifications preliminary to examination required by
2 37-11-303. The application shall include a recent photograph
3 of the applicant.

4 (2) He shall pay to the department at the time of
5 filing his application a fee as established by the board by
6 rule. Said fee shall be commensurate with the cost of the
7 examination and its administration and shall be deposited in
8 the earmarked revenue fund for the use of the board, subject
9 to 37-1-101(6).

10 (3) Anyone failing to pass the required examination is
11 entitled to a second examination within 6 months."

12 Section 4. Section 37-11-307, MCA, is amended to read:

13 "37-11-307. Applicants licensed in other states. The
14 board may, in its discretion, authorize the department to
15 license as a physical therapist, without examination, on the
16 payment of the required fee as established by the board, an
17 applicant for license who is a physical therapist licensed
18 under the laws of another state or territory if the
19 applicant has met the same requirements for ~~a~~ license for
20 ~~physical therapists in the state or territory in which the~~
21 ~~applicant was licensed were at the date of his license~~
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24 ~~chapter.~~ However, the board may require a written, oral, or
25 practical examination ~~or~~ AND, AFTER JUNE 30, 1985, may

1 require continued study or refresher courses."

2 Section 5. Section 37-11-310, MCA, is amended to read:

3 "37-11-310. Foreign-trained applicants. The
4 foreign-trained physical therapist applicant's transcripts
5 will be evaluated by ~~an A BOARD-APPROVED~~ agency which
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7 ~~compare the applicant's transcript to the standards set by~~
8 ~~the American physical therapy association. Upon receipt of~~
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11 ~~standards for a physical therapist baccalaureate degree OR~~
12 ~~CERTIFICATE established by the school AN AMERICAN PHYSICAL~~
13 ~~THERAPIST ASSOCIATION ACCREDITED SCHOOL of physical therapy~~
14 ~~of the University of Montana.~~ If the applicant's
15 professional education credit hours are approved by the
16 board ~~and the school the applicant attended was approved by~~
17 ~~the American physical therapy association at the time the~~
18 ~~applicant attended,~~ the applicant is eligible for a
19 temporary license prior to examination."

20 NEW SECTION. Section 6. Continuing education. The
21 AFTER JUNE 30, 1985, THE board may adopt rules establishing
22 requirements for continuing education. If the board adopts
23 such rules, the board shall develop standards, methods of
24 documentation, and procedures for requiring each licensee to
25 demonstrate compliance with continuing education

1 requirements before his license may be renewed.

2 NEW_SECTION. Section 7. Codification instruction.

3 Section 6 is intended to be codified as an integral part of
4 Title 37, chapter 11, part 3, and the provisions of Title
5 37, chapter 11, apply to section 6.

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2 HOUSE BILL 182

3 House Human Services Committee

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-End-

March 19, 1983

SENATE STANDING COMMITTEE REPORT
(Public Health, Welfare & Safety)

That House Bill No. 182 be amended as follows:

1. Strike: statement of intent in its entirety.
2. Title, line 6.
Following: "THERAPISTS;"
Strike: remainder of line 6 through "REQUIREMENTS;" on line 7.
3. Title, line 8.
Strike: "37-11-203, 37-11-301, 37-11-304,"
4. Title, line 9.
Following: "37-11-307"
Strike: ",,"
5. Page 1, line 13.
Strike: Sections 1 through 3 in their entirety
Renumber: subsequent sections
6. Page 3, line 24.
Following: "chapter."
Insert: "Those applicants who have been licensed in another state or territory by examination other than the examination recognized under this chapter may be considered for licensure by the board if the requirements for physical therapy license in the state or territory in which the applicant was tested were at least equal to those requirements in force in this state at that time."
7. Page 3, line 25.
Strike: "AND, AFTER JUNE 30, 1985,"
8. Page 4, line 20.
Strike: Section 6 in its entirety
Renumber: subsequent sections
9. Page 5, line 2.
Strike: Section 7 in its entirety
Renumber: subsequent section

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REFERENCE BILL

HB 182

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 20 physical therapists in the state or territory in which the
 21 applicant was licensed were at the date of his license
 22 substantially equal to the requirements in force in this
 23 state as applicants licensed by examination under this
 24 chapter. THOSE APPLICANTS WHO HAVE BEEN LICENSED IN ANOTHER
 25 STATE OR TERRITORY BY EXAMINATION OTHER THAN THE EXAMINATION

1 RECOGNIZED UNDER THIS CHAPTER MAY BE CONSIDERED FOR
 2 LICENSURE BY THE BOARD IF THE REQUIREMENTS FOR A PHYSICAL
 3 THERAPY LICENSE IN THE STATE OR TERRITORY IN WHICH THE
 4 APPLICANT WAS TESTED WERE AT LEAST EQUAL TO THOSE
 5 REQUIREMENTS IN FORCE IN THIS STATE AT THAT TIME. However,
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 23 board and the school the applicant attended was approved by
 24 the American physical therapy association at the time the
 25 applicant attended, the applicant is eligible for a

1 temporary license prior to examination."

2 ~~NEW-SECTIONx~~ Section-6x--Continuing---educationx The
3 ~~AFTER--JUNE-30x-1985x-HE~~ board-may-adopt-rules-establishing
4 requirements-for-continuing-educationx-if-the--board--adopts
5 such--rulesx--the--board-shall-develop-standardsx-methods-of
6 documentationx-and-procedures-for-requiring-each--licensee-to
7 demonstrate---compliance---with---continuing---education
8 requirements-before-his--license-may-be-renewedx

9 ~~NEW-SECTIONx~~ Section-7x--Codification---instructions
10 Section-6-is-intended-to-be-codified-as-an-integral-part--of
11 Title--37x--chapter--11x-part-3x-and-the-provisions-of-Title
12 37x-chapter-11x-apply-to-section-6x

13 ~~NEW-SECTIONx~~ Section 3. Effective date. This act is
14 effective July 1, 1983.

-End-