| SB 31 | | UCED BY JACOBSON, GILBERT, IVERSON, ET AL. | |
|-------|--------|--|---|
| | ALLOWI | NG DIRECT PATIENT ACCESS TO PHYSICAL THERAPY | , |
| | 1/05 | INTRODUCED | |
| | 1/05 | REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY | 1 |
| | 1/13 | SPONSORS ADDED | |
| | 1/16 | HEARING | |
| | 1/23 | COMMITTEE REPORTBILL PASSED AS AMENDED | |
| | 1/27 | 2ND READING PASSED 50 | 0 |
| | 1/29 | 3RD READING PASSED 50 | 0 |
| | | TRANSMITTED TO HOUSE | |
| | 2/04 | REFERRED TO HUMAN SERVICES & AGING | |
| | | HEARING | |
| | | COMMITTEE REPORTBILL CONCURRED | |
| | 3/03 | 2ND READING CONCURRED 89 | 9 |
| | 3/04 | 3RD READING CONCURRED 90 | 7 |
| | | RETURNED TO SENATE | |
| | 3/07 | SIGNED BY PRESIDENT | |
| | | SIGNED BY SPEAKER | |
| | 0,00 | | |
| | 3/09 | TRANSMITTED TO GOVERNOR | |
| | 3/13 | SIGNED BY GOVERNOR | |

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CHAPTER NUMBER 55 EFFECTIVE DATE: 10/01/87

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| l | SENATE BILL NO. 31 |
|----|--|
| 2 | INTRODUCED BY JACOBSON |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING DIRECT PATIENT |
| 5 | ACCESS TO PHYSICAL THERAPY; AND AMENDING SECTION 37-11-104, |
| 6 | MCA." |
| 7 | |
| 8 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 9 | Section 1. Section 37-11-104, MCA, is amended to read: |
| 10 | "37-11-104. Physical therapy evaluation and |
| 11 | treatment. (1) Physical therapy evaluation includes the |
| 12 | administration, interpretation, and evaluation of tests and |
| 13 | measurements of bodily functions and structures; the |
| 14 | development butnottheimplementation of a plan of |
| 15 | treatment; consultative, educational, and other advisory |
| 16 | services; and instruction and supervision of supportive |
| 17 | personnel. |
| 18 | (2) Treatment employs, for therapeutic effects, |
| 19 | physical measures, activities and devices, for preventive |
| 20 | and therapeutic purposes, exercises, rehabilitative |
| 21 | procedures, massage, mobilization, and physical agents |
| 22 | including but not limited to mechanical devices, heat, cold, |
| 23 | air, light, water, electricity, and sound. |
| 24 | (3) The evaluation and treatment procedures listed in |
| 25 | subsection-(1) subsections (1) and (2) may be performed by a |
| | |



- 1 licensed physical therapist without referral from
- 2 physicians7--osteopaths7--dentists7--or---podiatrists7---but
- 3 treatment--may--be--rendered--only--to--patients-referred-by
- 4 physicians7-osteopaths7-dentists7-or-podiatrists."

-End-

-2- INTRODUCED BILL 58-31

50th Legislature

SB 0031/02

SB 0031/02

APPROVED BY COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

1 SENATE BILL NO. 31 2 INTRODUCED BY JACOBSON, GILBERT, IVERSON, OUILICI 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING-DIRECT-PATIENT 5 ACCBSS--TO GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF PHYSICAL THERAPY; AND AMENDING SECTIONS 6 7 2-15-1858 AND 37-11-104, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 SECTION 1. SECTION 2-15-1858, MCA, IS AMENDED TO READ: 11 "2-15-1858. Board of physical therapy examiners. (1) There is a board of physical therapy examiners. 12 13 (2) The board consists of three five members appointed by the governor with the consent of the senate for a term of 14 15 3 years. The members are: (a) three physical therapists licensed under Title 37, 16 chapter 11, who have been actively engaged in the practice 17 18 of physical therapy for the 3 years preceding appointment to 19 the board; 20 (b) one physician licensed under Title 37, chapter 3, who has been actively engaged in the practice of medicine 21 22 for the 3 years preceding appointment to the board; and 23 (c) one member of the general public who is not a 24 physician or a physical therapist. (3) Each member must have been a resident of Montana 25

1 and--a--practicing--physical--therapist for the 3 years 2 preceding appointment to the board. 3 (4) (a) Within 30 days following July 1, 1979, the 4 governor shall make initial appointments to the board of 5 physical therapy examiners. He shall appoint one member each 6 to hold office for terms of 1 year, 2 years, and 3 years, 7 respectively. At the end of each member's appointed term, a 8 member shall be appointed for a full 3-year term. 9 (b) The Montana medical association may submit names of nominees under subsection (2)(b) to the governor as 10 11 provided in 37-1-132. 12 (c) A physician and a member of the general public 13 must be appointed to the board on or before January 1, 1988, 14 for a 3-year term. 15 (5) A vacancy on the board must be filled in the same 16 manner as the original appointment. These appointments may 17 only be made for the unexpired portions of the term. 18 (6) No member may be appointed for more than two 19 consecutive terms. 20 (7) The governor may remove any board member for 21 negligence in performance of any duty required by law and for incompetence or unprofessional or dishonorable conduct. 22 23 (8) A board member is not liable to civil action for any act performed in good faith in the execution of the 24 25 duties required by Title 37, chapter 11.



-2-SECOND READING

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|----|--|
| 2 | structure by rule, which shall include a chairman, |
| 3 | vice-chairman, and secretary-treasurer. |
| 4 | (10) The board is allocated to the department for |
| 5 | administrative purposes only as prescribed in 2-15-121." |
| 6 | NEW SECTION. SECTION 2. DUTY TO REPORT VIOLATIONS |
| 7 | IMMUNITY FROM LIABILITY. (1) NOTWITHSTANDING ANY PROVISION |
| 8 | OF STATE LAW REGARDING THE CONFIDENTIALITY OF HEALTH CARE |
| 9 | INFORMATION, A PHYSICAL THERAPIST SHALL REPORT TO THE BOARD |
| 10 | ANY INFORMATION THAT APPEARS TO SHOW THAT ANOTHER PHYSICAL |
| 11 | THERAPIST IS: |
| 12 | (A) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN |
| 13 | THE PRACTICE OF PHYSICAL THERAPY; OR |
| 14 | (B) GUILTY OF ANY ACT, OMISSION, OR CONDITION THAT IS |
| 15 | GROUNDS FOR DISCIPLINARY ACTION UNDER 37-11-321. |
| 16 | (2) THERE IS NO LIABILITY ON THE PART OF AND NO CAUSE |
| 17 | OF ACTION MAY ARISE AGAINST A PHYSICAL THERAPIST WHO IN GOOD |
| 18 | FAITH PROVIDES INFORMATION TO THE BOARD AS REQUIRED BY |
| 19 | SUBSECTION (1). |
| 20 | Section 3. Section 37-11-104, MCA, is amended to read: |
| 21 | "37-11-104. Physical therapy evaluation and |
| 22 | treatment. (1) Physical therapy evaluation includes the |
| 23 | administration, interpretation, and evaluation of tests and |
| 24 | measurements of bodily functions and structures; the |
| 25 | development butnottheimplementation of a plan of |
| | |

(9) The board shall provide for its organizational

1

-3-

SB 31

1 treatment; consultative, educational, and other advisory
2 services; and instruction and supervision of supportive
3 personnel.

4 (2) Treatment employs, for therapeutic effects, 5 physical measures, activities and devices, for preventive 6 and therapeutic purposes, exercises, rehabilitative 7 procedures, massage, mobilization, and physical agents 8 including but not limited to mechanical devices, heat, cold, 9 air, light, water, electricity, and sound.

10 (3) The evaluation and treatment procedures listed in subsection-(1) subsections (1) and (2) may be performed by a 11 12 licensed physical therapist without referral from 13 physicians;---osteopaths;---dentists;--or--podistrists;--but 14 treatment-may-be--rendered--only--to--patients--referred--by 15 physicians,-osteopaths,-dentists,-or-podiatrists." 16 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION. 17 SECTION 2 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF 18 TITLE 37, CHAPTER 11, AND THE PROVISIONS OF TITLE 37, 19 CHAPTER 11, APPLY TO SECTION 2.

-End-

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SB 0031/02

50th Legislature

SB 0031/02

SB 0031/02

| 1 | SENATE BILL NO. 31 | 1 | andapracticingphysicaltherapist for the 3 years |
|----|--|----|--|
| 2 | INTRODUCED BY JACOBSON, GILBERT, IVERSON, QUILICI | 2 | preceding appointment to the board. |
| 3 | | 3 | (4) (a) Within 30 days following July 1, 1979, the |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING-DIRECT-PATIENT | 4 | governor shall make initial appointments to the board of |
| 5 | ACCBSSTO GENERALLY REVISING THE LAWS REGULATING THE | 5 | physical therapy examiners. He shall appoint one member each |
| 6 | PRACTICE OF PHYSICAL THERAPY; AND AMENDING SHEPTON SECTIONS | 6 | to hold office for terms of 1 year, 2 years, and 3 years, |
| 7 | <u>2-15-1858 AND</u> 37-11-104, MCA." | 7 | respectively. At the end of each member's appointed term, a |
| 8 | | 8 | member shall be appointed for a full 3-year term. |
| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 9 | (b) The Montana medical association may submit names |
| 10 | SECTION 1. SECTION 2-15-1858, MCA, IS AMENDED TO READ: | 10 | of nominees under subsection (2)(b) to the governor as |
| 11 | "2-15-1858. Board of physical therapy examiners. (1) | 11 | provided in 37-1-132. |
| 12 | There is a board of physical therapy examiners. | 12 | (c) A physician and a member of the general public |
| 13 | (2) The board consists of three five members appointed | 13 | must be appointed to the board on or before January 1, 1988, |
| 14 | by the governor with the consent of the senate for a term of | 14 | for a 3-year term. |
| 15 | 3 years. The members are: | 15 | (5) A vacancy on the board must be filled in the same |
| 16 | (a) three physical therapists licensed under Title 37, | 16 | manner as the original appointment. These appointments may |
| 17 | chapter 11, who have been actively engaged in the practice | 17 | only be made for the unexpired portions of the term. |
| 18 | of physical therapy for the 3 years preceding appointment to | 18 | (6) No member may be appointed for more than two |
| 19 | the board; | 19 | consecutive terms. |
| 20 | (b) one physician licensed under Title 37, chapter 3, | 20 | (7) The governor may remove any board member for |
| 21 | who has been actively engaged in the practice of medicine | 21 | negligence in performance of any duty required by law and |
| 22 | for the 3 years preceding appointment to the board; and | 22 | for incompetence or unprofessional or dishonorable conduct. |
| 23 | (c) one member of the general public who is not a | 23 | (8) A board member is not liable to civil action for |
| 24 | physician or a physical therapist. | 24 | any act performed in good faith in the execution of the |
| 25 | (3) Each member must have been a resident of Montana | 25 | duties required by Title 37, chapter 11. |
| | | | |
| | A | | -2- SB 31 |



SB 31

THIRD READING

1 (9) The board shall provide for its organizational 2 structure by rule, which shall include a chairman, vice-chairman, and secretary-treasurer. 3 (10) The board is allocated to the department for 4 administrative purposes only as prescribed in 2-15-121." 5 NEW SECTION. SECTION 2. DUTY TO REPORT VIOLATIONS --6 7 INMUNITY FROM LIABILITY. (1) NOTWITHSTANDING ANY PROVISION OF STATE LAW REGARDING THE CONFIDENTIALITY OF HEALTH CARE 8 INFORMATION, A PHYSICAL THERAPIST SHALL REPORT TO THE BOARD 9 ANY INFORMATION THAT APPEARS TO SHOW THAT ANOTHER PHYSICAL 10 THERAPIST IS: 11 12 (A) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN 13 THE PRACTICE OF PHYSICAL THERAPY; OR (B) GUILTY OF ANY ACT, OMISSION, OR CONDITION THAT IS 14 15 GROUNDS FOR DISCIPLINARY ACTION UNDER 37-11-321. 16 (2) THERE IS NO LIABILITY ON THE PART OF AND NO CAUSE 17 OF ACTION MAY ARISE AGAINST A PHYSICAL THERAPIST WHO IN GOOD FAITH PROVIDES INFORMATION TO THE BOARD AS REQUIRED BY 18 SUBSECTION (1). 19 20 Section 3. Section 37-11-104, MCA, is amended to read: *37-11-104. Physical therapy -- evaluation and 21 22 treatment, (1) Physical therapy evaluation includes the 23 administration, interpretation, and evaluation of tests and 24 measurements of bodily functions and structures; the 25 development but--not--the--implementation of a plan of -3-SB 31

treatment; consultative, educational, and other advisory
 services; and instruction and supervision of supportive
 personnel.

4 (2) Treatment employs, for therapeutic effects, physical measures, activities and devices, for preventive 5 6 and therapeutic purposes, exercises, rehabilitative 7 procedures, massage, mobilization, and physical agents 8 including but not limited to mechanical devices, heat, cold, 9 air, light, water, electricity, and sound.

10 (3) The evaluation <u>and treatment</u> procedures listed in 11 subsection-(1) <u>subsections (1) and (2)</u> may be performed by a 12 licensed physical therapist without referral from 13 physicians,---osteopaths,---dentists,-or--podiatrists,--but 14 treatment-may-be--rendered--only--to--patients--referred--by 15 physicians,-osteopaths,-dentists,-or-podiatrists."

 16
 NEW SECTION. SECTION 4. CODIFICATION
 INSTRUCTION.

 17
 SECTION 2 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF

 18
 TITLE 37, CHAPTER 11, AND THE PROVISIONS OF TITLE 37,

19 CHAPTER 11, APPLY TO SECTION 2.

-End-

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SB 0031/02

| 1 | SENATE BILL NO. 31 |
|----|--|
| 2 | INTRODUCED BY JACOBSON, GILBERT, IVERSON, QUILICI |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING-DIRBET-PATIENT |
| 5 | ACC899TO GENERALLY REVISING THE LAWS REGULATING THE |
| 6 | PRACTICE OF PHYSICAL THERAPY; AND AMENDING SHETION SECTIONS |
| 7 | <u>2-15-1858 AND</u> 37-11-104, NCA." |
| 8 | |
| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | SECTION 1. SECTION 2-15-1858, MCA, IS AMENDED TO READ: |
| 11 | "2-15-1858. Board of physical therapy examiners. (1) |
| 12 | There is a board of physical therapy examiners. |
| 13 | (2) The board consists of three five members appointed |
| 14 | by the governor with the consent of the senate for a term of |
| 15 | 3 years. The members are: |
| 16 | (a) three physical therapists licensed under Title 37, |
| 17 | chapter 11, who have been actively engaged in the practice |
| 18 | of physical therapy for the 3 years preceding appointment to |
| 19 | the board; |
| 20 | (b) one physician licensed under Title 37, chapter 3, |
| 21 | who has been actively engaged in the practice of medicine |
| 22 | for the 3 years preceding appointment to the board; and |
| 23 | (c) one member of the general public who is not a |
| 24 | physician or a physical therapist. |
| 25 | (3) Each member must have been a resident of Montana |

and--a--practicing--physical--therapist for the 3 years 1 preceding appointment to the board. 2 (4) (a) Within 30 days following July 1, 1979, the 3 governor shall make initial appointments to the board of 4 physical therapy examiners. He shall appoint one member each 5 to hold office for terms of 1 year, 2 years, and 3 years, 6 respectively. At the end of each member's appointed term, a 7 8 member shall be appointed for a full 3-year term. 9 (b) The Montana medical association may submit names of nominees under subsection (2)(b) to the governor as 10 11 provided in 37-1-132. (c) A physician and a member of the general public 12 must be appointed to the board on or before January 1, 1988, 13 14 for a 3-year term. 15 (5) A vacancy on the board must be filled in the same manner as the original appointment. These appointments may 16 17 only be made for the unexpired portions of the term. (6) No member may be appointed for more than two 18 19 consecutive terms. 20 (7) The governor may remove any board member for 21 negligence in performance of any duty required by law and 22 for incompetence or unprofessional or dishonorable conduct. 23 (8) A board member is not liable to civil action for 24 any act performed in good faith in the execution of the 25 duties required by Title 37, chapter 11.



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SB 0031/02

SB 31

| 1 | (9) The board shall provide for its organizational | 1 | treatm |
|----|--|-----|--------|
| 2 | structure by rule, which shall include a chairman, | 2 | servio |
| 3 | vice-chairman, and secretary-treasurer. | 3 | person |
| 4 | (10) The board is allocated to the department for | 4 | I |
| 5 | administrative purposes only as prescribed in 2-15-121." | 5 | physic |
| 6 | NEW SECTION. SECTION 2. DUTY TO REPORT VIOLATIONS | 6 | and |
| 7 | IMMUNITY FROM LIABILITY. (1) NOTWITHSTANDING ANY PROVISION | 7 | proced |
| 8 | OF STATE LAW REGARDING THE CONFIDENTIALITY OF HEALTH CARE | 8 | inclu |
| 9 | INFORMATION, A PHYSICAL THERAPIST SHALL REPORT TO THE BOARD | . 9 | air, |
| 10 | ANY INFORMATION THAT APPEARS TO SHOW THAT ANOTHER PHYSICAL | 10 | 1 |
| 11 | THERAPIST IS: | 11 | subse |
| 12 | (A) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN | 12 | licen |
| 13 | THE PRACTICE OF PHYSICAL THERAPY; OR | 13 | physic |
| 14 | (B) GUILTY OF ANY ACT, OMISSION, OR CONDITION THAT IS | 14 | treati |
| 15 | GROUNDS FOR DISCIPLINARY ACTION UNDER 37-11-321. | 15 | physic |
| 16 | (2) THERE IS NO LIABILITY ON THE PART OF AND NO CAUSE | 16 | į |
| 17 | OF ACTION MAY ARISE AGAINST A PHYSICAL THERAPIST WHO IN GOOD | 17 | SECTIO |
| 18 | FAITH PROVIDES INFORMATION TO THE BOARD AS REQUIRED BY | 18 | TITLE |
| 19 | SUBSECTION (1). | 19 | CHAPT |
| 20 | Section 3. Section 37-11-104, MCA, is amended to read: | | |
| 21 | "37-11-104. Physical therapy evaluation and | | |
| 22 | treatment. (1) Physical therapy evaluation includes the | | |
| 23 | administration, interpretation, and evaluation of tests and | | |
| 24 | measurements of bodily functions and structures; the | | |
| 25 | development butnottheimplementation of a plan of | | |

-3-

treatment; consultative, educational, and other advisory services; and instruction and supervision of supportive personnel.

(2) Treatment employs, for therapeutic effects, physical measures, activities and devices, for preventive and therapeutic purposes, exercises, rehabilitative procedures, massage, mobilization, and physical agents including but not limited to mechanical devices, heat, cold, air, light, water, electricity, and sound.

(3) The evaluation and treatment procedures listed in
subsection-(1) subsections (1) and (2) may be performed by a
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NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.

- 17 SECTION 2 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF
- 18 TITLE 37, CHAPTER 11, AND THE PROVISIONS OF TITLE 37,

19 CHAPTER 11, APPLY TO SECTION 2.

-End-

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