

SB 31 INTRODUCED BY JACOBSON, GILBERT, IVERSON, ET AL.
 ALLOWING DIRECT PATIENT ACCESS TO PHYSICAL THERAPY

1/05	INTRODUCED		
1/05	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/13	SPONSORS ADDED		
1/16	HEARING		
1/23	COMMITTEE REPORT--BILL 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		
2/17	HEARING		
3/02	COMMITTEE REPORT--BILL CONCURRED		
3/03	2ND READING CONCURRED	89	9
3/04	3RD READING CONCURRED	90	7
	RETURNED TO SENATE		
3/07	SIGNED BY PRESIDENT		
3/09	SIGNED BY SPEAKER		
3/09	TRANSMITTED TO GOVERNOR		
3/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 55		
	EFFECTIVE DATE: 10/01/87		

1 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 ~~but--not--the--implementation~~ 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 ~~physicians,--osteopaths,--dentists,--or---podiatrists,--but~~
3 ~~treatment--may--be--rendered--only--to--patients-referred-by~~
4 ~~physicians,--osteopaths,--dentists,--or--podiatrists."~~

-End-



-2- INTRODUCED BILL
 SB-31

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 31

INTRODUCED BY JACOBSON, GILBERT, IVERSON, QUILICI

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ALLOWING-DIRECT-PATIENT~~
~~ACCESS--TO~~ GENERALLY REVISING THE LAWS REGULATING THE
PRACTICE OF PHYSICAL THERAPY; AND AMENDING SECTION SECTIONS
2-15-1858 AND 37-11-104, MCA."

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

SECTION 1. SECTION 2-15-1858, MCA, IS AMENDED TO READ:

"2-15-1858. Board of physical therapy examiners. (1)
There is a board of physical therapy examiners.

(2) The board consists of ~~three~~ five members appointed
by the governor with the consent of the senate for a term of
3 years. The members are:

(a) three physical therapists licensed under Title 37,
chapter 11, who have been actively engaged in the practice
of physical therapy for the 3 years preceding appointment to
the board;

(b) one physician licensed under Title 37, chapter 3,
who has been actively engaged in the practice of medicine
for the 3 years preceding appointment to the board; and

(c) one member of the general public who is not a
physician or a physical therapist.

(3) Each member must have been a resident of Montana

~~and--a--practicing--physical--therapist~~ for the 3 years
preceding appointment to the board.

(4) (a) Within 30 days following July 1, 1979, the
governor shall make initial appointments to the board of
physical therapy examiners. He shall appoint one member each
to hold office for terms of 1 year, 2 years, and 3 years,
respectively. At the end of each member's appointed term, a
member shall be appointed for a full 3-year term.

(b) The Montana medical association may submit names
of nominees under subsection (2)(b) to the governor as
provided in 37-1-132.

(c) A physician and a member of the general public
must be appointed to the board on or before January 1, 1988,
for a 3-year term.

(5) A vacancy on the board must be filled in the same
manner as the original appointment. These appointments may
only be made for the unexpired portions of the term.

(6) No member may be appointed for more than two
consecutive terms.

(7) The governor may remove any board member for
negligence in performance of any duty required by law and
for incompetence or unprofessional or dishonorable conduct.

(8) A board member is not liable to civil action for
any act performed in good faith in the execution of the
duties required by Title 37, chapter 11.

1 (9) The board shall provide for its organizational
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 ~~but--not--the--implementation~~ of a plan of

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
11 ~~subsection-(1)}~~ subsections (1) and (2) 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-

1 SENATE BILL NO. 31

2 INTRODUCED BY JACOBSON, GILBERT, IVERSON, QUILICI

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ALLOWING-DIRECT-PATIENT~~
5 ~~ACCESS--TO~~ GENERALLY REVISING THE LAWS REGULATING THE
6 PRACTICE OF PHYSICAL THERAPY; AND AMENDING SECTION SECTIONS
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)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

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
10 of nominees under subsection (2)(b) to the governor as
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
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.

1 (9) The board shall provide for its organizational
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."

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