

FIRST REGULAR SESSION

SENATE BILL NO. 480

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 11, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1059S.021

AN ACT

To repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 334.530, 334.540, 334.545, 334.550, 334.560, 334.655, 334.660, 334.663, 334.665, and 334.670, to read as follows:

334.530. 1. A candidate for license to practice as a physical therapist shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's good moral character and the person's educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section. Each application shall contain a statement

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration. The board shall not issue a permanent license to practice as a physical therapist or allow any person to sit for the Missouri state board examination for physical therapists who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

3. The board may waive the provisions of this section if the applicant has met one of the following provisions:

(1) The applicant is licensed and has maintained an active clinical practice for the previous two years in another state of the United States, the District of Columbia, or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia, or Canada;

(2) The applicant has held a provisional license pursuant to section 334.545 for two years and the provisional license has not been disciplined or limited;

(3) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times.

4. The examination of qualified candidates for licenses to practice physical therapy shall include a written examination and shall embrace the subjects taught in reputable programs of physical therapy education, sufficiently strict to test the qualifications of the candidates as practitioners. The examination shall be given by the board at least once each year and shall be administered to all candidates, and the examination given at any particular time shall be the same for all candidates and the same subjects shall be included and the same questions shall be asked. Candidates shall be required to achieve a passing score, as determined by the board, on an examination before being issued a license.

[4.] 5. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

[5. Examination grades or scores shall be preserved by the board subject to public inspection. Examination papers retained by the board shall be subject to public inspection for a period of three years, after which they may be destroyed.]

334.540. 1. The board shall issue a license to any physical therapist who is licensed in

another jurisdiction and who has had no violations, suspensions or revocations of a license to practice physical therapy in any jurisdiction, provided that, such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of physical therapists in Missouri at the time the applicant applies for licensure.

2. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in subsection 1 of this section, shall be required to pay the same fee as the fee required to be paid by applicants who apply to take the examination before the board. Within the limits provided in this section, the board may negotiate reciprocal compacts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall not issue a license to any applicant who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

4. **The board shall waive the provisions of this section if the applicant has met one of the following provisions:**

(1) The applicant is licensed and has maintained an active clinical practice for the previous two years in another state of the United States, the District of Columbia, or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia, or Canada;

(2) The applicant has held a provisional license, pursuant to section 334.545, for two years and the provisional license has not been disciplined or limited;

(3) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times.

334.545. 1. The board may issue a provisional license as a physical therapist for any applicant who:

(1) Has failed three or more times to achieve a passing score on a physical therapist licensing examination administered in one or more states or territories of the United States; and

(2) Has achieved a passing score on a physical therapist licensing examination administered in one or more states or territories of the United States; and

(3) Otherwise meets all requirements for permanent licensure as defined in sections 334.500 to 334.625; and

(4) Submits an application to the board on a form prescribed by the board.

2. A provisional licensed physical therapist shall, at all times, practice physical therapy under the direction and supervision of a physical therapist licensed in this state. The supervising licensed physical therapist shall be available to the provisional licensed physical therapist at all times either in person or via telecommunications. The board shall determine by rule the scope of practice of the provisional licensed physical therapist and the amount of time and type of supervision of the provisional licensed physical therapist by the supervising licensed physical therapist.

3. A provisional license shall be renewed annually by submitting an application to the board on a form prescribed by the board.

4. If a supervising licensed physical therapist is unable to continue supervising a provisional licensed physical therapist, the provisional licensed physical therapist shall cease practicing immediately and the provisional license shall terminate unless a new supervising licensed physical therapist is obtained and approved by the board. The board shall adopt by rule procedures for reinstatement of the provisional license if the person obtains a new supervising licensed physical therapist.

334.550. 1. Upon the applicant paying a temporary license fee, the board shall issue without examination a temporary license to practice physical therapy for a period of time not to extend beyond the time when the results of the next examination are announced to any person who meets the qualifications of subsection 1 of section 334.530 **not to exceed six months**; provided that, the applicant has not previously been examined in one or more states or territories of the United States or the District of Columbia. The temporary license may be renewed at the discretion of the board and payment of the temporary license fee.

2. The board may once renew a temporary license issued pursuant to this section if the licensee fails to sit for the next scheduled examination; provided that, the applicant shows good and exceptional cause for failing to sit for the examination. The applicant shall state the good and exceptional cause in writing and shall verify such statement by oath. The board shall define good and exceptional cause by rules and regulations.

3. The board may renew a temporary license **not to exceed six months following the first failure of the examination by an applicant if such person submits an amended agreement-to-supervise form which is signed by the applicant's supervising licensed physical therapist.** Such renewed temporary licensee shall only engage in the practice of physical therapy under the on-site supervision of a licensed physical therapist. The board shall define by rule the scope of such supervision which shall require stricter supervision than that required for an initial temporary license. The board shall not renew a temporary license following the second failure

of the examination by the applicant.

4. The board may issue a temporary license to any first-time applicant for licensure by examination if such person submits an agreement-to-supervise form which is signed by the applicant's supervising physical therapist. Such temporary licensee may only engage in the practice of physical therapy under the supervision of a licensed physical therapist. The board shall define the scope of such supervision by rules and regulations.

334.560. 1. The board shall charge each person who applies for examination for a license to practice as a physical therapist an examination fee. Should the examination prove unsatisfactory and the board refuse to issue a license thereon, the applicant failing to pass the examination may reapply and return to any meeting and be examined upon payment of a reexamination fee[; but no temporary license may be issued to such persons]. **A renewed temporary license may be issued to such persons pursuant to subsection 3 of section 334.550.**

2. Upon failure for the second time of an applicant for licensure as a physical therapist by examination, the board shall require the applicant to pursue and successfully complete a program of remediation before sitting for the examination for a third time. Such program of remediation shall:

(1) Be submitted on forms and in a manner approved by the board;

(2) Be provided by a licensed physical therapist approved by the board prior to the initiation of the program; and

(3) Have the results of the program documented by the licensed physical therapist, and reviewed and approved by the board following completion of the program.

3. Upon failure for the third time of an applicant for licensure as a physical therapist by examination, the board shall not permit such applicant to reapply for the examination. Such persons shall not receive a license to practice as a physical therapist in this state, except as otherwise provided in sections 334.500 to 334.625.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be in writing, on

a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace a written examination and which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners. The examination shall be given by the board at least once each year. The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia. [The examination given at any particular time shall be the same for all candidates and the same curriculum shall be included and the same questions shall be asked.]

4. **The board may waive the provisions of this section if the applicant has met one of the following provisions:**

(1) The applicant is licensed and has maintained an active clinical practice for the previous two years in another state of the United States, the District of Columbia, or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia, or Canada;

(2) The applicant has held a provisional license pursuant to section 334.663 for two years and the provisional license has not been disciplined or limited;

(3) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times.

5. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

[5. Examination grades or scores shall be preserved by the board subject to public inspection. Examination papers retained by the board shall be subject to public inspection for a period of three years and thereafter may be destroyed.]

6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.660. 1. The board shall license without examination legally qualified persons who hold certificates of licensure, registration or certification in any state or territory of the United States or the District of Columbia, who have had no violations, suspensions or revocations of such license, registration or certification, if such persons have passed a written examination to practice as a physical therapist assistant that was substantially equal to the examination requirements of this state and in all other aspects, including education, the requirements for such certificates of licensure, registration or certification were, at the date of issuance, substantially equal to the requirements for licensure in this state. The board shall not issue a license to any applicant who has failed three or more times any physical therapist assistant licensing examination administered in one or more states or territories of the United States or the District of Columbia. Every applicant for a license pursuant to this section, upon making application and providing documentation of the necessary qualifications as provided in this section, shall pay the same fee required of applicants to take the examination before the board. Within the limits of this section, the board may negotiate reciprocal contracts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.

2. The board shall waive the provisions of this section if the applicant has met one of the following provisions:

(1) The applicant is licensed and has maintained an active clinical practice for the previous two years in another state of the United States, the District of Columbia, or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia, or Canada;

(2) The applicant has held a provisional license, pursuant to section 334.663, for two years and the provisional license has not been disciplined or limited;

(3) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times.

334.663. 1. The board may issue a provisional license as a physical therapist assistant for any applicant who:

(1) Has failed three or more times to achieve a passing score on a physical therapist assistant licensing examination administered in one or more states or territories of the United States; and

(2) Has achieved a passing score on a physical therapist assistant licensing examination administered in one or more states or territories of the United States; and

(3) Otherwise meets all requirements for permanent licensure as defined in sections 334.500 to 334.685; and

(4) Submits an application to the board on a form prescribed by the board.

2. A provisional licensed physical therapist assistant shall practice as a physical therapist assistant under the direction and supervision of a Missouri licensed physical therapist at all times. The supervising licensed physical therapist shall be available to the provisional licensed physical therapist assistant at all times either in person or via telecommunications. By rulemaking in accordance with the provisions of chapter 536, RSMo, the board shall determine by rule the scope of practice of the provisional licensed physical therapist assistant and the amount of time and type of supervision of the provisional licensed physical therapist assistant by the supervising licensed physical therapist.

3. A provisional license shall be renewed annually by submitting an application to the board on a form prescribed by the board.

4. If a supervising licensed physical therapist is unable to continue supervising a provisional licensed physical therapist assistant, the provisional licensed physical therapist assistant shall cease practicing immediately and the provisional license shall terminate unless a new supervising licensed physical therapist is obtained and approved by the board. The board shall adopt by rule procedures for reinstatement of the provisional license if the person obtains a new supervising licensed physical therapist.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant

to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

334.665. 1. Upon the applicant paying a temporary fee, the board shall issue, without examination, a temporary license to practice as a physical therapist assistant for a period of time not to exceed beyond the time when the results of the [next] examination are announced to any person who meets the qualifications of section 334.655, **not to exceed six months**. The temporary license may be renewed at the discretion of the board and upon payment of a temporary license fee.

2. The board may once renew a temporary license issued pursuant to this section if the licensee fails to sit for the examination; provided that, the applicant shows good and exceptional cause failing to sit for the examination. The applicant shall state the good and exceptional cause in writing and shall verify such statement by oath. The board shall define good and exceptional cause by rules and regulations.

3. The board may renew a temporary license not to exceed six months following the first failure of the examination by an applicant if such person submits an amended agreement-to-supervise form which is signed by the applicant's supervising licensed physical therapist. Such renewed temporary licensee shall only engage in the practice as a physical therapist assistant under the on-site supervision of a licensed physical therapist. The board shall define by rule the scope of such supervision which shall require stricter supervision than that required for an initial temporary license. The board shall not renew a temporary license following the second failure of the examination by the applicant.

4. The board may issue a temporary license to any first-time applicant for licensure by examination if such person submits an agreement-to-supervise form which is signed by the applicant's supervising physical therapist. Such temporary licensee may only engage in practice as a physical therapist assistant under the supervision of a licensed physical therapist. The board shall define the scope of such supervision by rules and regulations.

334.670. 1. The board shall charge a person, who applies for examination for a license to practice as a physical therapist assistant, an examination fee. If the person does not score a passing grade on the examination, the board may refuse to issue a license. Any applicant who fails to pass the examination may reapply and be reexamined upon payment of a reexamination fee. [No temporary license may be issued to any person who has previously failed the examination in Missouri or any other state or jurisdiction.] **A renewed temporary license may be issued to such person pursuant to subsection 3 of section 334.665.**

2. Upon failure for the second time of an applicant for licensure as a physical

therapist assistant by examination, the board shall require the applicant to pursue and successfully complete a program of remediation before sitting for the examination for a third time. Such program of remediation shall:

- (1) Be submitted on forms and in a manner approved by the board;
- (2) Be provided by a licensed physical therapist approved by the board prior to the initiation of the program; and
- (3) Have the results of the program documented by the licensed physical therapist, and reviewed and approved by the board following completion of the program.

3. Upon failure for the third time of an applicant for licensure as a physical therapist assistant by examination, the board shall not permit such applicant to reapply for the examination. Such persons shall not receive a license to practice as a physical therapist assistant in this state, except as otherwise provided in sections 334.650 to 334.685.

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