

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272
94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 15, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0666L.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 334.610 and 334.625, RSMo, and to enact in lieu thereof two new sections relating to the advisory commission for physical therapists, with penalty provisions.

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

Section A. Sections 334.610 and 334.625, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 334.610 and 334.625, to read as follows:

334.610. Any person who holds himself or herself out to be a physical therapist or a licensed physical therapist within this state or any person who advertises as a physical therapist or claims that the person can render physical therapy services and who, in fact, does not hold a valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist, or who uses in connection with such person's name the words or letters "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist without a valid existing license as a physical therapist issued to such person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any person licensed in this state under chapter 331, RSMo, from carrying out the practice for which the person is duly licensed, or from advertising the use of physiologic and rehabilitative modalities; nor shall it prohibit any person licensed

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

17 or registered in this state under section 334.735 or any other law from carrying
18 out the practice for which the person is duly licensed or registered; nor shall it
19 prevent professional and semiprofessional teams, schools, YMCA clubs, athletic
20 clubs and similar organizations from furnishing treatment to their players and
21 members. This section, also, shall not be construed so as to prohibit masseurs
22 and masseuses from engaging in their practice not otherwise prohibited by law
23 and provided they do not represent themselves as physical therapists. This
24 section shall not apply to physicians and surgeons licensed under this chapter **or**
25 **to a person in an entry level of a professional education program**
26 **approved by the commission for accreditation of physical therapists**
27 **and physical therapist assistant education (CAPTE) who is satisfying**
28 **supervised clinical education requirements related to the person's**
29 **physical therapist or physical therapist assistant education while under**
30 **onsite supervision of a physical therapist; or to a physical therapist**
31 **who is practicing in the United States Armed Services, United States**
32 **Public Health Service, or Veterans Administration under federal**
33 **regulations for state licensure for healthcare providers.**

334.625. 1. There is hereby established an "Advisory Commission for
2 Physical Therapists" which shall guide, advise and make recommendations to the
3 board. The commission shall approve the examination required by section
4 334.530 and shall assist the board in carrying out the provisions of sections
5 334.500 to 334.620.

6 2. The commission shall be appointed no later than October 1, 1989, and
7 shall consist of five members appointed by the governor with the advice and
8 consent of the senate. Each member shall be a citizen of the United States and
9 a resident of this state[, and shall be licensed as a physical therapist by this
10 state] **and four shall be licensed as physical therapists by this state, and**
11 **one shall be licensed as a physical therapist assistant by this**
12 **state.** Members shall be appointed to serve three-year terms, except that the
13 first commission appointed shall consist of one member whose term shall be for
14 one year; two members whose terms shall be for three years; and two members
15 whose terms shall be for two years. The president of the Missouri Physical
16 Therapy Association in office at the time shall, at least ninety days prior to the
17 expiration of the term of a commission member or as soon as feasible after a
18 vacancy on the commission otherwise occurs, submit to the director of the division
19 of professional registration a list of five physical therapists [qualified and willing

20 to fill the vacancy in question, with the request and recommendation that the
21 governor appoint one of the five persons so listed, and with the list so submitted,
22 the president of the Missouri Physical Therapy Association shall include in his
23 or her letter of transmittal a description of the method by which the names were
24 chosen by that association] **if the commission member whose term is**
25 **expiring is a physical therapist, or five physical therapist assistants if**
26 **the commission member whose term is expiring is a physical therapist**
27 **assistant, with the exception that the first commissioner to expire or**
28 **vacancy created on the commission after August 28, 2007, shall be filled**
29 **by the appointment of a physical therapist assistant. Each physical**
30 **therapist and physical therapist assistant on the list submitted to the**
31 **division of professional registration shall be qualified and willing to fill**
32 **the vacancy in question, with the request and recommendation that the**
33 **governor appoint one of the five persons so listed, and with the list so**
34 **submitted, the president of the Missouri Physical Therapy Association**
35 **shall include in his or her letter of transmittal a description of the**
36 **method by which the names were chosen by that association.**

37 3. Notwithstanding any other provision of law to the contrary, any
38 appointed member of the commission shall receive as compensation an amount
39 established by the director of the division of professional registration not to
40 exceed seventy dollars per day for commission business plus actual and necessary
41 expenses. The director of the division of professional registration shall establish
42 by rule guidelines for payment. All staff for the commission shall be provided by
43 the board of healing arts.

44 4. The commission shall hold an annual meeting at which it shall elect
45 from its membership a chairman and secretary. The commission may hold such
46 additional meetings as may be required in the performance of its duties, provided
47 that notice of every meeting must be given to each member at least ten days prior
48 to the date of the meeting. A quorum of the board shall consist of a majority of
49 its members.

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