

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1181**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Professional Registration and Licensing April 28, 2004, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1181 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

4352L.04C

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**AN ACT**

To repeal sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof eight new sections relating to licensing of physical therapists and physical therapist assistants.

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

Section A. Sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, 2 and 334.665, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, to 4 read as follows:

334.100. 1. The board may refuse to issue or renew any certificate of registration or 2 authority, permit or license required pursuant to this chapter for one or any combination of 3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of 4 the reasons for the refusal and shall advise the applicant of the applicant's right to file a 5 complaint with the administrative hearing commission as provided by chapter 621, RSMo. As 6 an alternative to a refusal to issue or renew any certificate, registration or authority, the board 7 may, at its discretion, issue a license which is subject to probation, restriction or limitation to an 8 applicant for licensure for any one or any combination of causes stated in subsection 2 of this 9 section. The board's order of probation, limitation or restriction shall contain a statement of the 10 discipline imposed, the basis therefore, the date such action shall become effective, and a 11 statement that the applicant has thirty days to request in writing a hearing before the

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

12 administrative hearing commission. If the board issues a probationary, limited or restricted  
13 license to an applicant for licensure, either party may file a written petition with the  
14 administrative hearing commission within thirty days of the effective date of the probationary,  
15 limited or restricted license seeking review of the board's determination. If no written request  
16 for a hearing is received by the administrative hearing commission within the thirty-day period,  
17 the right to seek review of the board's decision shall be considered as waived.

18         2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621, RSMo, against any holder of any certificate of  
20 registration or authority, permit or license required by this chapter or any person who has failed  
21 to renew or has surrendered the person's certificate of registration or authority, permit or license  
22 for any one or any combination of the following causes:

23         (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic  
24 beverage to an extent that such use impairs a person's ability to perform the work of any  
25 profession licensed or regulated by this chapter;

26         (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
28 for any offense reasonably related to the qualifications, functions or duties of any profession  
29 licensed or regulated pursuant to this chapter, for any offense an essential element of which is  
30 fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or  
31 not sentence is imposed;

32         (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
33 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
34 permission to take any examination given or required pursuant to this chapter;

35         (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
36 unprofessional conduct in the performance of the functions or duties of any profession licensed  
37 or regulated by this chapter, including, but not limited to, the following:

38         (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
39 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating  
40 patients; or charging for visits to the physician's office which did not occur unless the services  
41 were contracted for in advance, or for services which were not rendered or documented in the  
42 patient's records;

43         (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to  
44 obtain or retain a patient or discourage the use of a second opinion or consultation;

45         (c) Willfully and continually performing inappropriate or unnecessary treatment,  
46 diagnostic tests or medical or surgical services;

- 47 (d) Delegating professional responsibilities to a person who is not qualified by training,  
48 skill, competency, age, experience or licensure to perform such responsibilities;
- 49 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,  
50 procedure, treatment, medicine or device;
- 51 (f) Performing or prescribing medical services which have been declared by board rule  
52 to be of no medical or osteopathic value;
- 53 (g) Final disciplinary action by any professional medical or osteopathic association or  
54 society or licensed hospital or medical staff of such hospital in this or any other state or territory,  
55 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,  
56 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew  
57 such privileges or license for cause, or other final disciplinary action, if the action was in any way  
58 related to unprofessional conduct, professional incompetence, malpractice or any other violation  
59 of any provision of this chapter;
- 60 (h) Signing a blank prescription form; or dispensing, prescribing, administering or  
61 otherwise distributing any drug, controlled substance or other treatment without sufficient  
62 examination, or for other than medically accepted therapeutic or experimental or investigative  
63 purposes duly authorized by a state or federal agency, or not in the course of professional  
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical  
65 infirmity or disease, except as authorized in section 334.104;
- 66 (i) Exercising influence within a physician-patient relationship for purposes of engaging  
67 a patient in sexual activity;
- 68 (j) Terminating the medical care of a patient without adequate notice or without making  
69 other arrangements for the continued care of the patient;
- 70 (k) Failing to furnish details of a patient's medical records to other treating physicians  
71 or hospitals upon proper request; or failing to comply with any other law relating to medical  
72 records;
- 73 (l) Failure of any applicant or licensee, other than the licensee subject to the  
74 investigation, to cooperate with the board during any investigation;
- 75 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or  
76 an order of the board;
- 77 (n) Failure to timely pay license renewal fees specified in this chapter;
- 78 (o) Violating a probation agreement with this board or any other licensing agency;
- 79 (p) Failing to inform the board of the physician's current residence and business address;
- 80 (q) Advertising by an applicant or licensee which is false or misleading, or which  
81 violates any rule of the board, or which claims without substantiation the positive cure of any  
82 disease, or professional superiority to or greater skill than that possessed by any other physician.

83 An applicant or licensee shall also be in violation of this provision if the applicant or licensee  
84 has a financial interest in any organization, corporation or association which issues or conducts  
85 such advertising;

86 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
87 physical health of a patient or the public; or incompetency, gross negligence or repeated  
88 negligence in the performance of the functions or duties of any profession licensed or regulated  
89 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,  
90 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
91 same or similar circumstances by the member of the applicant's or licensee's profession;

92 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
93 any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted  
94 pursuant to this chapter;

95 (7) Impersonation of any person holding a certificate of registration or authority, permit  
96 or license or allowing any person to use his or her certificate of registration or authority, permit,  
97 license or diploma from any school;

98 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
99 censure, probation or other final disciplinary action against the holder of or applicant for a  
100 license or other right to practice any profession regulated by this chapter by another state,  
101 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or  
102 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing  
103 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject  
104 to an investigation or while actually under investigation by any licensing authority, medical  
105 facility, branch of the armed forces of the United States of America, insurance company, court,  
106 agency of the state or federal government, or employer;

107 (9) A person is finally adjudged incapacitated or disabled by a court of competent  
108 jurisdiction;

109 (10) Assisting or enabling any person to practice or offer to practice any profession  
110 licensed or regulated by this chapter who is not registered and currently eligible to practice  
111 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,  
112 procures, advises, or encourages any person to practice medicine who is not registered and  
113 currently eligible to practice pursuant to this chapter. A physician who works in accordance with  
114 standing orders or protocols or in accordance with the provisions of section 334.104 shall not be  
115 in violation of this subdivision;

116 (11) Issuance of a certificate of registration or authority, permit or license based upon  
117 a material mistake of fact;

- 118 (12) Failure to display a valid certificate or license if so required by this chapter or any  
119 rule promulgated pursuant to this chapter;
- 120 (13) Violation of the drug laws or rules and regulations of this state, any other state or  
121 the federal government;
- 122 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,  
123 a false statement in any birth, death or other certificate or document executed in connection with  
124 the practice of the person's profession;
- 125 (15) Soliciting patronage in person or by agents or representatives, or by any other means  
126 or manner, under the person's own name or under the name of another person or concern, actual  
127 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
128 necessity for or appropriateness of health care services for all patients, or the qualifications of  
129 an individual person or persons to diagnose, render, or perform health care services;
- 130 (16) Using, or permitting the use of, the person's name under the designation of  
131 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial  
132 exploitation of any goods, wares or merchandise;
- 133 (17) Knowingly making or causing to be made a false statement or misrepresentation of  
134 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208,  
135 RSMo, or chapter 630, RSMo, or for payment from Title XVIII or Title XIX of the federal  
136 Medicare program;
- 137 (18) Failure or refusal to properly guard against contagious, infectious or communicable  
138 diseases or the spread thereof; maintaining an unsanitary office or performing professional  
139 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
140 in the office of a physician or in any health care facility to the board, in writing, within thirty  
141 days after the discovery thereof;
- 142 (19) Any candidate for licensure or person licensed to practice as a physical therapist,  
143 paying or offering to pay a referral fee or, **notwithstanding section 334.010 to the contrary,**  
144 practicing or offering to practice professional physical therapy independent of the prescription  
145 and direction of a person licensed and registered as a physician and surgeon pursuant to this  
146 chapter, as a dentist pursuant to chapter 332, RSMo, [or] as a podiatrist pursuant to chapter 330,  
147 RSMo, **or any licensed and registered physician, dentist, or podiatrist practicing in another**  
148 **jurisdiction,** whose license is in good standing;
- 149 (20) Any candidate for licensure or person licensed to practice as a physical therapist,  
150 treating or attempting to treat ailments or other health conditions of human beings other than by  
151 professional physical therapy and as authorized by sections 334.500 to 334.620;
- 152 (21) Any person licensed to practice as a physician or surgeon, requiring, as a condition  
153 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other

professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(22) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(23) Revocation, suspension, limitation or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not;

(24) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, RSMo, and such facility has failed to obtain or renew a license as an ambulatory surgical center;

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physician to submit to a reexamination for the purpose of establishing his or her competency to practice as a physician or surgeon or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physician's or surgeon's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three physicians, one selected by the physician compelled to take the examination, one selected by the board, and one selected by the two physicians so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licentiate graduated. However, if the physician is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any physician who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every physician licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that the examining physician's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician or applicant without the physician's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physician, by registered mail, addressed to the physician at the physician's last known address. Failure of a physician to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the physician, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physician's control. A physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice as a physician and surgeon with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's

226 application for a license, or permanently withhold issuance of a license or require the person to  
227 submit to the care, counseling or treatment of physicians designated by the board at the expense  
228 of the individual to be examined, or require the person to attend such continuing educational  
229 courses and pass such examinations as the board may direct.

230 5. In any order of revocation, the board may provide that the person may not apply for  
231 reinstatement of the person's license for a period of time ranging from two to seven years  
232 following the date of the order of revocation. All stay orders shall toll this time period.

233 6. Before restoring to good standing a license, certificate or permit issued pursuant to this  
234 chapter which has been in a revoked, suspended or inactive state for any cause for more than two  
235 years, the board may require the applicant to attend such continuing medical education courses  
236 and pass such examinations as the board may direct.

237 7. In any investigation, hearing or other proceeding to determine a licensee's or  
238 applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall  
239 be discoverable by the board and admissible into evidence, regardless of any statutory or  
240 common law privilege which such licensee, applicant, record custodian or patient might  
241 otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold  
242 records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of  
243 privilege between such licensee, applicant or record custodian and a patient.

334.506. 1. Nothing in this chapter shall prevent a physical therapist, whose license is  
2 in good standing, from providing educational resources and training, developing fitness or  
3 wellness programs for asymptomatic persons, or providing screening or consultative services  
4 within the scope of physical therapy practice without the prescription and direction of a person  
5 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor  
6 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist  
7 pursuant to chapter 330, RSMo, **or any licensed and registered physician, dentist, or**  
8 **podiatrist practicing in another jurisdiction**, whose license is in good standing, except that  
9 no physical therapist shall initiate treatment for a new injury or illness without the prescription  
10 or direction of a person licensed and registered as a physician and surgeon pursuant to this  
11 chapter, as chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332,  
12 RSMo, or a podiatrist pursuant to chapter 330, RSMo, **or any licensed and registered**  
13 **physician, dentist, or podiatrist practicing in another jurisdiction**, whose license is in good  
14 standing.

15 2. Nothing in this chapter shall prevent a physical therapist, whose license is in good  
16 standing, from examining and treating, without the prescription and direction of a person  
17 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor  
18 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist



19 pursuant to chapter 330, RSMo, **or any licensed and registered physician, dentist, or**  
20 **podiatrist practicing in another jurisdiction**, whose license is in good standing, any person  
21 with a recurring, self-limited injury within one year of diagnosis by a person licensed and  
22 registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to  
23 chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to  
24 chapter 330, RSMo, **or any licensed and registered physician, dentist, or podiatrist**  
25 **practicing in another jurisdiction**, whose license is in good standing, or any person with a  
26 chronic illness that has been previously diagnosed by a person licensed and registered as a  
27 physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo,  
28 as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, **or**  
29 **any licensed and registered physician, dentist, or podiatrist practicing in another**  
30 **jurisdiction**, whose license is in good standing, except that a physical therapist shall contact the  
31 patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating  
32 physical therapy services, pursuant to this subsection, shall not change an existing physical  
33 therapy referral available to the physical therapist without approval of the patient's current  
34 physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered  
35 as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331,  
36 RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330,  
37 RSMo, **or any licensed and registered physician, dentist, or podiatrist practicing in another**  
38 **jurisdiction**, whose license is in good standing, any patient whose medical condition should, at  
39 the time of examination or treatment, be determined to be beyond the scope of practice of  
40 physical therapy. A physical therapist shall refer to a person licensed and registered as a  
41 physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo,  
42 as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo,  
43 **or any licensed and registered physician, dentist, or podiatrist practicing in another**  
44 **jurisdiction**, whose license is in good standing, any person whose condition, for which physical  
45 therapy services are rendered pursuant to this subsection, has not been documented to be  
46 progressing toward documented treatment goals after six visits or fourteen days, whichever shall  
47 come first. If the person's condition for which physical therapy services are rendered under this  
48 subsection shall be documented to be progressing toward documented treatment goals, a physical  
49 therapist may continue treatment without referral from a physician, chiropractor, dentist or  
50 podiatrist, whose license is in good standing. If treatment rendered under this subsection is to  
51 continue beyond thirty days, a physical therapist shall notify the patient's current physician,  
52 chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty-day limitation.  
53 A physical therapist shall also perform such notification before continuing treatment rendered  
54 under this subsection for each successive period of thirty days.

55           3. The provision of physical therapy services of evaluation and screening pursuant to this  
56 section, shall be limited to a physical therapist, and any authority for evaluation and screening  
57 granted within this section, may not be delegated. Upon each reinitiation of physical therapy  
58 services, a physical therapist shall provide a full physical therapy evaluation prior to the  
59 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the  
60 provisions of subsection 2 of this section, may be delegated by physical therapists to physical  
61 therapist assistants only if the patient's current physician, chiropractor, dentist, or podiatrist has  
62 been so informed as part of the physical therapist's seven-day notification upon reinitiation of  
63 physical therapy services as required in subsection 2 of this section. Nothing in this subsection  
64 shall be construed as to limit the ability of physical therapists or physical therapist assistants to  
65 provide physical therapy services in accordance with the provisions of this chapter, and upon the  
66 referral of a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to  
67 chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter  
68 330, RSMo, **or any licensed and registered physician, dentist, or podiatrist practicing in**  
69 **another jurisdiction**, whose license is in good standing. Nothing in this subsection shall  
70 prohibit a person licensed or registered as a physician or surgeon licensed pursuant to this  
71 chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo,  
72 or a podiatrist pursuant to chapter 330, RSMo, **or any licensed and registered physician,**  
73 **dentist, or podiatrist practicing in another jurisdiction**, whose license is in good standing,  
74 from acting within the scope of their practice as defined by the applicable chapters of RSMo.  
75           4. No person licensed to practice, or applicant for licensure, as a physical therapist or  
76 physical therapist assistant shall make a medical diagnosis.

334.530. 1. A candidate for license to practice as a physical therapist shall be at least  
2 twenty-one years of age. A candidate shall furnish evidence of such person's good moral  
3 character and the person's educational qualifications by submitting satisfactory evidence of  
4 completion of a program of physical therapy education approved as reputable by the board. A  
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical  
6 therapy approved as reputable by the American Medical Association or, if graduated before  
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission  
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied  
9 with the educational qualifications of this subsection.

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

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

21 **3. The board shall not issue a permanent license to practice as a physical therapist**  
22 **or allow any person to sit for the Missouri state board examination for physical therapists**  
23 **who has failed three or more times any physical therapist licensing examination**  
24 **administered in one or more states or territories of the United States or the District of**  
25 **Columbia.**

26 **4. The board may waive the provisions of subsection 3 if the applicant has met one**  
27 **of the following provisions:**

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

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

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

45 **4.] 6. The examination shall embrace, in relation to the human being, the subjects of**  
46 **anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy**  
47 **theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,**  
48 **including medical ethics, as the board deems useful to test the fitness of the candidate to practice**  
49 **physical therapy.**

50 [5. Examination grades or scores shall be preserved by the board subject to public  
51 inspection. Examination papers retained by the board shall be subject to public inspection for  
52 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  
2 another jurisdiction and who has had no violations, suspensions or revocations of a license to  
3 practice physical therapy in any jurisdiction, provided that, such person is licensed in a  
4 jurisdiction whose requirements are substantially equal to, or greater than, the requirements for  
5 licensure of physical therapists in Missouri at the time the applicant applies for licensure.

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

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

16 **4. The board may waive the provisions of subsection 3 if the applicant has met one**  
17 **of the following provisions:**

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

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

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

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

13           3. The board may issue a temporary license to any first-time applicant for licensure by  
14 examination if such person submits an agreement-to-supervise form which is signed by the  
15 applicant's supervising physical therapist.] **An applicant who has not been previously**  
16 **examined in another jurisdiction and meets the qualifications of subsection 1 of section**  
17 **334.530, may pay a temporary license fee and submit an agreement-to-supervise form,**  
18 **which is signed by the applicant's supervising physical therapist, to the board and obtain**  
19 **without examination a nonrenewable temporary license.** Such temporary licensee may only  
20 engage in the practice of physical therapy under the supervision of a licensed physical therapist.  
21 The board shall define the scope of such supervision by rules and regulations. **The temporary**  
22 **license shall expire on either the date the applicant receives the results of the applicant's**  
23 **initial examination or within ninety days of its issuance, whichever occurs first.**

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

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

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

8           2. Persons desiring to practice as a physical therapist assistant in this state shall appear  
9 before the board at such time and place as the board may direct and be examined as to the  
10 person's fitness to engage in such practice. Applications for examination shall be in writing, on  
11 a form furnished by the board and shall include evidence satisfactory to the board that the  
12 applicant possesses the qualifications provided in subsection 1 of this section. Each application  
13 shall contain a statement that the statement is made under oath of affirmation and that its  
14 representations are true and correct to the best knowledge and belief of the person signing the  
15 statement, subject to the penalties of making a false affidavit or declaration.

16           3. The examination of qualified candidates for licensure to practice as physical therapist  
17 assistants shall embrace a written examination and which shall cover the curriculum taught in  
18 accredited associate degree programs of physical therapy assistant education. Such examination  
19 shall be sufficient to test the qualification of the candidates as practitioners. [The examination  
20 shall be given by the board at least once each year. The board shall not issue a license to practice

21 as a physical therapist assistant or allow any person to sit for the Missouri state board  
22 examination for physical therapist assistants who has failed three or more times any physical  
23 therapist licensing examination administered in one or more states or territories of the United  
24 States or the District of Columbia. The examination given at any particular time shall be the  
25 same for all candidates and the same curriculum shall be included and the same questions shall  
26 be asked.]

27 **4. The board shall not issue a license to practice as a physical therapist assistant or**  
28 **allow any person to sit for the Missouri state board examination for physical therapist**  
29 **assistants who has failed three or more times any physical therapist licensing examination**  
30 **administered in one or more states or territories of the United States or the District of**  
31 **Columbia.**

32 **5. The board may waive the provisions of subsection 4 if the applicant has met one**  
33 **of the following provisions:**

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

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

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

47 **6.] 7.** The board shall license without examination any legally qualified person who is  
48 a resident of this state and who was actively engaged in practice as a physical therapist assistant  
49 on August 28, 1993. The board may license such person pursuant to this subsection until ninety  
50 days after the effective date of this section.

51 **[7.] 8.** A candidate to practice as a physical therapist assistant who does not meet the  
52 educational qualifications may submit to the board an application for examination if such person  
53 can furnish written evidence to the board that the person has been employed in this state for at  
54 least three of the last five years under the supervision of a licensed physical therapist and such  
55 person possesses the knowledge and training equivalent to that obtained in an accredited school.  
56 The board may license such persons pursuant to this subsection until ninety days after rules

57 developed by the state board of healing arts regarding physical therapist assistant licensing  
58 become effective.

334.660. **1.** The board shall license without examination legally qualified persons who  
2 hold certificates of licensure, registration or certification in any state or territory of the United  
3 States or the District of Columbia, who have had no violations, suspensions or revocations of  
4 such license, registration or certification, if such persons have passed a written examination to  
5 practice as a physical therapist assistant that was substantially equal to the examination  
6 requirements of this state and in all other aspects, including education, the requirements for such  
7 certificates of licensure, registration or certification were, at the date of issuance, substantially  
8 equal to the requirements for licensure in this state. [The board shall not issue a license to any  
9 applicant who has failed three or more times any physical therapist assistant licensing  
10 examination administered in one or more states or territories of the United States or the District  
11 of Columbia.]

12 **2. Board shall not issue a license to any applicant who has failed three or more**  
13 **times any physical therapist assistant licensing examination administered in one or more**  
14 **states or territories of the United States or the District of Columbia.**

15 **3. The board may waive the provisions of subsection 1 if the applicant has met one**  
16 **of the following provisions:**

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

23 **4.** Every applicant for a license pursuant to this section, upon making application and  
24 providing documentation of the necessary qualifications as provided in this section, shall pay the  
25 same fee required of applicants to take the examination before the board. Within the limits of  
26 this section, the board may negotiate reciprocal contracts with licensing boards of other states  
27 for the admission of licensed practitioners from Missouri in other states.

334.665. [Upon the applicant paying a temporary fee, the board shall issue, without  
2 examination, a temporary license to practice as a physical therapist assistant for a period of time  
3 not to exceed beyond the time when the results of the next examination are announced to any  
4 person who meets the qualifications of section 334.655. The temporary license may be renewed  
5 at the discretion of the board and upon payment of a temporary license fee.] **An applicant who**  
6 **has not been previously examined in another jurisdiction and meets the qualifications of**  
7 **subsection 1 of section 334.655 may pay a temporary license fee and submit an agreement-**

8 to-supervise form which is signed by the applicant's supervising physical therapist to the  
9 board and obtain without examination a nonrenewable temporary license. Such  
10 temporary licensee may only practice under the supervision of a licensed physical  
11 therapist. A licensed physical therapist shall supervise no more than one temporary  
12 licensee. The board shall define the scope of such supervision by rules and regulations.  
13 The temporary license shall expire on either the date the applicant receives the results of  
14 the applicant's initial examination or within ninety days of its issuance, whichever occurs  
15 first.