

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2068
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Professional Registration and Licensing March 12, 2008 with recommendation that House Committee Substitute for House Bill No. 2068 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4863L.03C

AN ACT

To repeal sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, and to enact in lieu thereof twenty-three new sections relating to physical therapists.

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

Section A. Sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 334.500, 334.506, 334.525, 334.530, 334.540, 334.550, 334.560, 334.570, 334.601, 334.602, 334.611, 334.612, 334.614, 334.615, 334.616, 334.617, 334.650, 334.655, 334.660, 334.665, 334.670, 334.675, and 334.687, to read as follows:

334.500. As used in sections 334.500 to 334.685, the following terms mean:

(1) "Board", the state board of registration for the healing arts in the state of Missouri;

(2) "Physical therapist assistant", a person who is licensed as a physical therapist assistant by the board or a person who was actively engaged in practice as a physical therapist assistant on August 28, 1993;

(3) "Physical therapist", a person who is licensed to practice physical therapy;

(4) "**Practice of** physical therapy", the examination, treatment and instruction of human beings to assess, prevent, correct, alleviate and limit physical disability, movement dysfunction, bodily malfunction and pain from injury, disease and any other bodily condition, such term

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

10 includes, but is not limited to, the administration, interpretation and evaluation of physical
11 therapy tests and measurements of bodily functions and structures; the planning, administration,
12 evaluation and modification of treatment and instruction, including the use of physical measures,
13 activities and devices, for preventive and therapeutic purposes; and the provision of consultative,
14 educational, research and other advisory services for the purpose of reducing the incidence and
15 severity of physical disability, movement dysfunction, bodily malfunction and pain does not
16 include the use of surgery or obstetrics or the administration of x-radiation, radioactive
17 substance, diagnostic x-ray, diagnostic laboratory electrocautery, electrosurgery or invasive tests
18 or the prescribing of any drug or medicine or the administration or dispensing of any drug or
19 medicine other than a topical agent administered or dispensed upon the direction of a physician.
20 Physical therapists may perform electromyography and nerve conduction tests but may not
21 interpret the results of the electromyography or nerve conduction test. Physical therapists shall
22 practice physical therapy within the scope of their education and training as provided in sections
23 334.500 to 334.620.

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 podiatrist
8 practicing in another jurisdiction, whose license is in good standing, except that no physical
9 therapist shall initiate treatment for a new injury or illness without the prescription or direction
10 of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a
11 chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
12 podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or
13 podiatrist practicing in another jurisdiction, whose license is in good standing.

14 2. Nothing in this chapter shall prevent a physical therapist, whose license is in good
15 standing, from examining and treating, without the prescription and direction of a person
16 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor
17 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist
18 pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist
19 practicing in another jurisdiction, whose license is in good standing, any person with a recurring,
20 self-limited injury within one year of diagnosis by a person licensed and registered as a physician
21 and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a
22 dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any

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

58 **2. A physical therapist shall not initiate treatment for a new injury or illness**
59 **without a prescription from an approved health care provider.**

60 **3. A physical therapist may provide educational resources and training, develop**
61 **fitness or wellness programs for asymptomatic persons, or provide screening or**
62 **consultative services within the scope of physical therapy practice without the prescription**
63 **and direction of an approved health care provider.**

64 **4. A physical therapist may examine and treat without the prescription and**
65 **direction of an approved health care provider any person with a recurring self-limited**
66 **injury within one year of diagnosis by an approved health care provider or a chronic**
67 **illness that has been previously diagnosed by an approved health care provider. The**
68 **physical therapist shall:**

69 **(1) Contact the patient's current approved health care provider within seven days**
70 **of initiating physical therapy services under this subsection;**

71 **(2) Not change an existing physical therapy referral available to the physical**
72 **therapist without approval of the patient's current approved health care provider;**

73 **(3) Refer to an approved health care provider any patient whose medical condition**
74 **at the time of examination or treatment is determined to be beyond the scope of practice**
75 **of physical therapy;**

76 **(4) Refer to an approved health care provider any patient whose condition for**
77 **which physical therapy services are rendered under this subsection has not been**
78 **documented to be progressing toward documented treatment goals after six visits or**
79 **fourteen days, whichever first occurs;**

80 **(5) Notify the patient's current approved health care provider prior to the**
81 **continuation of treatment if treatment rendered under this subsection is to continue**
82 **beyond thirty days. The physical therapist shall provide such notification for each**
83 **successive period of thirty days.**

84 **[3.] 5. The provision of physical therapy services of evaluation and screening pursuant**
85 **to this section shall be limited to a physical therapist, and any authority for evaluation and**
86 **screening granted within this section may not be delegated. Upon each reinitiation of physical**
87 **therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the**
88 **reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the**
89 **provisions of subsection [2] 4 of this section, may be delegated by physical therapists to physical**
90 **therapist assistants only if the patient's current [physician, chiropractor, dentist, or podiatrist]**
91 **approved health care provider has been so informed as part of the physical therapist's**
92 **seven-day notification upon reinitiation of physical therapy services as required in subsection [2]**
93 **4 of this section. Nothing in this subsection shall be construed as to limit the ability of physical**

therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of [a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing] **an approved health care provider**. Nothing in this subsection shall prohibit [a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing,] **an approved health care provider** from acting within the scope of their practice as defined by the applicable chapters of RSMo.

[4.] **6.** No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education (CAPTE) who satisfy supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under onsite supervision of a physical therapist.

334.525. 1. Notwithstanding any other provision of law to the contrary, any person licensed as a physical therapist or physical therapist assistant under this chapter may apply to the state board of registration for the healing arts for an inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by the board by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive or who has discontinued his or her practice because of retirement shall not practice his or her profession within this state. Such person may continue to use the title of his or her profession or the initials of his or her profession after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of his or her intention, paying the appropriate fees, and meeting all established requirements of the board as a condition of reinstatement.

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

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] **applicant**, subject to the
17 penalties of making a false affidavit or declaration.

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

22 4. The board may waive the provisions of subsection 3 if the applicant has met one of
23 the following provisions:

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

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

33 5.] The examination of qualified candidates for licenses to practice physical therapy shall
34 [include a written examination and shall embrace the subjects taught in reputable programs of
35 physical therapy education, sufficiently strict to test the qualifications of the candidates as
36 practitioners] **test entry-level competence as related to physical therapy theory, examination**
37 **and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention,**
38 **and consultation.**

39 [6.] **4.** The examination shall embrace, in relation to the human being, the subjects of
40 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy

41 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
42 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
43 physical therapy.

44 **5. The applicant shall pass a test administered by the board on the laws and rules**
45 **related to the practice of physical therapy in Missouri.**

334.540. 1. The board shall issue a license to any physical therapist who [is licensed]
2 **possesses an active license** in another jurisdiction and who has had no violations, suspensions
3 or revocations of a license to practice physical therapy in any jurisdiction, provided that, such
4 person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than,
5 the requirements for licensure of physical therapists in Missouri at the time the applicant applies
6 for licensure.

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

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

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

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

25 (2) The applicant has failed the licensure examination three times or more and then
26 obtains a professional degree in physical therapy at a level higher than previously completed, the
27 applicant can sit for the licensure examination three additional times] **The applicant shall pass**
28 **a test administered by the board on the laws and rules related to practice of physical**
29 **therapy in Missouri.**

334.550. 1. An applicant who has not been previously examined in **this state or** another
2 jurisdiction and meets the qualifications of subsection 1 of section 334.530, **or an applicant**

3 **applying for reinstatement of an inactive license under a supervised active practice**, may
4 pay a temporary license fee and submit an agreement-to-supervise form, which is signed by the
5 applicant's supervising physical therapist, to the board and obtain without examination a
6 nonrenewable temporary license. Such temporary licensee may only engage in the practice of
7 physical therapy under the supervision of a licensed physical therapist. **The supervising**
8 **physical therapist shall hold an unencumbered license to practice physical therapy in this**
9 **state and shall provide the board proof of active clinical practice in this state for a**
10 **minimum of one year prior to supervising a temporary licensee. The supervising physical**
11 **therapist shall not be an immediate family member of the applicant.** The board shall define
12 **immediate family member** and the scope of such supervision by rules and regulations. **The**
13 **supervising physical therapist for the first-time examinee applicant shall submit to the**
14 **board a signed notarized form prescribed by the board attesting that the applicant for**
15 **temporary license shall begin employment at a location in this state within seven days of**
16 **issuance of the temporary license. The supervising physical therapist shall notify the board**
17 **within three days if the temporary licensee's employment ceases. A licensed physical**
18 **therapist shall not supervise more than one temporary licensee.**

19 **2. The temporary license for the first-time examinee applicant** shall expire on [either]
20 the date the applicant receives the results of the applicant's initial examination, **the date the**
21 **applicant withdraws from sitting for the examination, the date the board is notified by the**
22 **supervising physical therapist that the temporary licensee's employment has ceased,** or
23 within ninety days of its issuance, whichever occurs first.

24 **3. The temporary license for the reinstatement applicant under the supervised**
25 **active practice shall expire effective one year from the date of issuance.**

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

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before
2 the registration renewal date, apply to the board for a certificate of registration for the ensuing
3 licensing period. The application shall be made **under oath** on a form furnished to the applicant
4 [and shall state] **by the board. The application shall include, but not be limited to,**
5 **disclosure of the following:**

6 **(1)** The applicant's full name [and the address at which the person practices and the
7 address at which the person resides and the date and number of such person's license] ;

8 **(2)** **The applicant's office address or addresses and telephone number or numbers;**

9 **(3) The applicant's home address and telephone number;**

10 **(4) The date and number of the applicant's license;**

11 **(5) All final disciplinary actions taken against the applicant by any professional**
12 **association or society, licensed hospital or medical staff of a hospital, physical therapy**
13 **facility, state, territory, federal agency or county; and**

14 **(6) Information concerning the applicant's current physical and mental fitness to**
15 **practice his or her profession.**

16

17 **The applicant may be required to successfully complete a test administered by the board**
18 **on the laws and rules related to the practice of physical therapy. The test process, dates,**
19 **and passing scores shall be established by the board by rule.**

20 2. A [blank form] **notice** for application for registration shall be [mailed] **made**
21 **available** to each person licensed in this state [at the person's last known address of practice or
22 residence]. The failure to [mail the form of application or the failure to receive it] **receive the**
23 **notice** does not, however, relieve any person of the duty to register and pay the fee required by
24 sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections
25 334.500 to 334.620 for failure to register.

26 **3. If a physical therapist does not renew such license for two consecutive renewal**
27 **periods, such license shall be deemed void.**

28 **4. Each applicant for registration shall accompany the application for registration**
29 **with a registration fee to be paid to the director of revenue for the licensing period for**
30 **which registration is sought.**

31 **5. If the application is filed and the fee paid after the registration renewal date, a**
32 **delinquent fee shall be paid; except that, whenever in the opinion of the board the**
33 **applicant's failure to register is caused by extenuating circumstances including illness of**
34 **the applicant, as defined by rule, the delinquent fee may be waived by the board.**

35 **6. Upon application and submission by such person of evidence satisfactory to the**
36 **board that such person is licensed to practice in this state and upon the payment of fees**
37 **required to be paid by this chapter, the board shall issue to such person a certificate of**
38 **registration. The certificate of registration shall contain the name of the person to whom**
39 **it is issued and his or her office address, the expiration date, and the number of the license**
40 **to practice.**

41 **7. Upon receiving such certificate, every person shall cause the certificate to be**
42 **readily available or conspicuously displayed at all times in every practice location**
43 **maintained by such person in the state. If the licensee maintains more than one practice**
44 **location in this state, the board shall, without additional fee, issue to such licensee duplicate**

45 certificates of registration for each practice location so maintained. If any licensee changes
46 practice locations during the period for which any certificate of registration has been
47 issued, the licensee shall, within fifteen days thereafter, notify the board of such change
48 and the board shall issue to the licensee, without additional fee, a new registration
49 certificate showing the new location.

50 8. Whenever any new license is granted to any physical therapist or physical
51 therapist assistant under the provisions of this chapter, the board shall, upon application
52 therefore, issue to such physical therapist or physical therapist assistant a certificate of
53 registration covering a period from the date of the issuance of the license to the next
54 renewal date without the payment of any registration fee.

334.601. The board shall set the amount of the fees which this chapter authorizes
2 and requires by rule. The fees shall be set at a level to produce revenue which shall not
3 substantially exceed the cost and expense of administering this chapter.

334.602. 1. Physical therapists and physical therapist assistants shall provide
2 documentation in order that an adequate and complete patient record can be maintained.
3 All patient records shall be legible and available for review and shall include at a minimum
4 documentation of the following information:

- 5 (1) Identification of the patient, including name, birthdate, address, and telephone
6 number;
- 7 (2) The date or dates the patient was seen;
- 8 (3) The current status of the patient, including the reason for the visit;
- 9 (4) Observation of pertinent physical findings;
- 10 (5) Assessment and clinical impression of physical therapy diagnosis;
- 11 (6) Plan of care and treatment;
- 12 (7) Documentation of progress toward goals;
- 13 (8) Informed consent;
- 14 (9) Discharge summary.

15 2. Patient records remaining under the care, custody, and control of the licensee
16 shall be maintained by the licensee of the board, or the licensee's designee, for a minimum
17 of seven years from the date of when the last professional service was provided.

18 3. Any correction, addition, or change in any patient record shall be clearly marked
19 and identified as such, and the date, time, and name of the person making the correction,
20 addition, or change shall be included, as well as the reason for the correction, addition, or
21 change.

22 **4. The board shall not obtain a patient medical record without written**
23 **authorization from the patient to obtain the medical record or the issuance of a subpoena**
24 **for the patient medical record.**

334.611. Notwithstanding any other provision of law to the contrary, any qualified
2 **physical therapist who is legally authorized to practice under the laws of another state may**
3 **practice as a physical therapist in this state without examination by the board or payment**
4 **of any fee if such practice consists solely of the provision of gratuitous services provided**
5 **for a summer camp or teaching or participating in a continuing educational seminar for**
6 **a period not to exceed fourteen days in any one calendar year. Nothing in sections 334.500**
7 **to 334.625 shall be construed to prohibit isolated or occasional gratuitous service to and**
8 **treatment of the afflicted or to prohibit physical therapists from other nations, states, or**
9 **territories from performing their duties for their respective teams or organizations during**
10 **the course of their teams' or organizations' stay in this state.**

334.612. 1. If the board finds merit to a complaint by an individual incarcerated
2 **or under the care and control of the department of corrections and takes further**
3 **investigative action, no documentation shall appear on file or disciplinary action shall be**
4 **taken in regards to the licensee's license unless the provisions of subsection 2 of section**
5 **334.613 have been violated. Any case file documentation that does not result in the board**
6 **filing an action under subsection 2 of section 334.613 shall be destroyed within three**
7 **months after the final case disposition by the board. No notification to any other licensing**
8 **board in another state or any national registry regarding any investigative action shall be**
9 **made unless the provisions of subsection 2 of section 334.613 have been violated.**

10 **2. Upon written request of the physical therapist or physical therapist assistant**
11 **subject to a complaint prior to August 28, 1999, by an individual incarcerated or under the**
12 **care and control of the department of corrections that did not result in the board filing an**
13 **action described in subsection 2 of section 334.613, the board and the division of**
14 **professional registration shall in a timely fashion:**

15 **(1) Destroy all documentation regarding the complaint;**

16 **(2) If previously notified of the complaint, notify any other licensing board in**
17 **another state or any national registry regarding the board's actions; and**

18 **(3) Send a letter to the licensee that clearly states that the board found the**
19 **complaint to be unsubstantiated, that the board has taken the requested action, and notify**
20 **the licensee of the provisions of subsection 3 of this section.**

21 **3. Any person who has been the subject of an unsubstantiated complaint as**
22 **provided in subsection 1 or 2 of this section shall not be required to disclose the existence**
23 **of such complaint in subsequent applications or representations relating to their practice.**

334.614. 1. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary, the board shall at least quarterly publish a list of the names and addresses of all physical therapists and physical therapist assistants who hold licenses under the provisions of this chapter, and shall publish a list of all physical therapists and physical therapist assistants whose licenses have been suspended, revoked, surrendered, restricted, denied, or withheld.

2. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary, in addition, the board shall prepare and make available to the public a report upon the disciplinary matters submitted to them where the board recommends disciplinary action, except in those instances when physical therapists and physical therapist assistants possessing licenses voluntarily enter treatment and monitoring programs for purposes of rehabilitation and, in such instances, only such specific action shall not be reported with any other actions taken prior to, as part of, or following voluntary entrance into such treatment programs. The report shall set forth findings of fact and any final disciplinary actions of the board. If the board does not recommend disciplinary action, a report stating that no action is recommended shall be prepared and forwarded to the complaining party.

334.615. 1. Upon receipt of information that the holder of any license as a physical therapist or physical therapist assistant issued under this chapter may present a clear and present danger to the public health and safety, the executive director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending or restricting the holder of a license as a physical therapist or physical therapist assistant if it believes:

(1) The licensee's acts, conduct, or condition may have violated subsection 2 of section 334.613; and

(2) A licensee is practicing, attempting, or intending to practice in Missouri; and

(3) (a) A licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice; or

(b) Another state, territory, federal agency, or country has issued an order suspending or restricting the physical therapist's or physical therapist assistant's right to practice his or her profession; or

(c) The licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.613; and

(4) The acts, conduct, or condition of the licensee constitute a clear and present danger to the public health and safety.

- 21 **3. (1) The order of suspension or restriction:**
22 **(a) Shall be based on the sworn testimony or affidavits presented to the board;**
23 **(b) May be issued without notice and hearing to the licensee;**
24 **(c) Shall include the facts which lead the board to conclude that the acts, conduct,**
25 **or condition of the licensee constitute a clear and present danger to the public health and**
26 **safety.**
27 **(2) The board or the administrative hearing commission shall serve the licensee, in**
28 **person or by certified mail, with a copy of the order of suspension or restriction and all**
29 **sworn testimony or affidavits presented to the board, a copy of the complaint and the**
30 **request for expedited hearing, and a notice of the place of and the date upon which the**
31 **preliminary hearing will be held.**
32 **(3) The order of restriction shall be effective upon service of the documents**
33 **required in subdivision (2) of this subsection.**
34 **(4) The order of suspension shall become effective upon the entry of the**
35 **preliminary order of the administrative hearing commission.**
36 **(5) The licensee may seek a stay order from the circuit court of Cole County from**
37 **the preliminary order of suspension, pending the issuance of a final order by the**
38 **administrative hearing commission.**
39 **4. The board shall file a complaint in the administrative hearing commission with**
40 **a request for expedited preliminary hearing and shall certify the order of suspension or**
41 **restriction and all sworn testimony or affidavits presented to the board. Immediately upon**
42 **receipt of a complaint filed under this section, the administrative hearing commission shall**
43 **set the place and date of the expedited preliminary hearing which shall be conducted as**
44 **soon as possible, but not later than five days after the date of service upon the licensee. The**
45 **administrative hearing commission shall grant a licensee's request for a continuance of the**
46 **preliminary hearing; however, the board's order shall remain in full force and effect until**
47 **the preliminary hearing, which shall be held not later than forty-five days after service of**
48 **the documents required in subdivision (2) of subsection 3 of this section.**
49 **5. At the preliminary hearing, the administrative hearing commission shall receive**
50 **into evidence all information certified by the board and shall only hear evidence on the**
51 **issue of whether the board's order of suspension or restriction should be terminated or**
52 **modified. Within one hour after the preliminary hearing, the administrative hearing**
53 **commission shall issue its oral or written preliminary order, with or without findings of**
54 **fact and conclusions of law, that adopts, terminates, or modifies the board's order. The**
55 **administrative hearing commission shall reduce to writing any oral preliminary order**
56 **within five business days, but the effective date of the order shall be the date orally issued.**

57 **6. The preliminary order of the administrative hearing commission shall become**
58 **a final order and shall remain in effect for three years unless either party files a request**
59 **for a full hearing on the merits of the complaint filed by the board within thirty days from**
60 **the date of the issuance of the preliminary order of the administrative hearing commission.**

61 **7. Upon receipt of a request for full hearing, the administrative hearing commission**
62 **shall set a date for hearing and notify the parties in writing of the time and place of the**
63 **hearing. If a request for full hearing is timely filed, the preliminary order of the**
64 **administrative hearing commission shall remain in effect until the administrative hearing**
65 **commission enters an order terminating, modifying, or dismissing its preliminary order**
66 **or until the board issues an order of discipline following its consideration of the decision**
67 **of the administrative hearing commission under section 621.110, RSMo, and subsection 3**
68 **of section 334.100.**

69 **8. In cases where the board initiates summary suspension or restriction proceedings**
70 **against a physical therapist or physical therapist assistant licensed under this chapter, and**
71 **such petition is subsequently denied by the administrative hearing commission, in addition**
72 **to any award made under sections 536.085 and 536.087, RSMo, the board, but not**
73 **individual members of the board, shall pay actual damages incurred during any period of**
74 **suspension or restriction.**

75 **9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter**
76 **621, RSMo, to the contrary, the proceedings under this section shall be closed and no order**
77 **shall be made public until it is final, for purposes of appeal.**

78 **10. The burden of proving the elements listed in subsection 2 of this section shall**
79 **be upon the state board of registration for the healing arts.**

334.616. 1. A license issued under this chapter by the Missouri state board of
2 **registration for the healing arts shall be automatically revoked at such time as the final**
3 **trial proceedings are concluded whereby a licensee has been adjudicated and found guilty,**
4 **or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under**
5 **the laws of the state of Missouri, the laws of any other state, or the laws of the United States**
6 **of America for any offense reasonably related to the qualifications, functions or duties of**
7 **their profession, or for any felony offense, an essential element of which is fraud,**
8 **dishonesty or an act of violence, or for any felony offense involving moral turpitude,**
9 **whether or not sentence is imposed, or, upon the final and unconditional revocation of the**
10 **license to practice their profession in another state or territory upon grounds for which**
11 **revocation is authorized in this state following a review of the record of the proceedings**
12 **and upon a formal motion of the state board of registration for the healing arts. The**

13 license of any such licensee shall be automatically reinstated if the conviction or the
14 revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

15 2. Anyone who has been denied a license, permit, or certificate to practice in
16 another state shall automatically be denied a license to practice in this state. However, the
17 board of healing arts may set up other qualifications by which such person may ultimately
18 be qualified and licensed to practice in Missouri.

334.617. 1. Upon application by the board and the necessary burden having been
2 met, a court of general jurisdiction may grant an injunction, restraining order, or other
3 order as may be appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for
5 which a license is required by chapters 334.500 to 334.687 upon a showing that such acts
6 or practices were performed or offered to be performed without a license; or

7 (2) Engaging in any practice or business authorized by a license issued under
8 chapters 334.500 to 334.687 upon a showing that the holder presents a substantial
9 probability of serious danger to the health, safety, or welfare of any resident of the state
10 or client or patient of the licensee.

11 2. Any such action shall be commenced in the county in which such conduct
12 occurred or in the county in which the defendant resides or Cole County.

13 3. Any action brought under this section shall be in addition to and not in lieu of
14 any penalty provided by chapters 334.500 to 334.687 and may be brought concurrently
15 with other actions to enforce chapters 334.500 to 334.687.

334.650. 1. After January 1, 1997, no person shall hold himself or herself out as being
2 a physical therapist assistant in this state unless the person is licensed as provided in sections
3 334.650 to 334.685.

4 2. A licensed physical therapist shall direct and supervise a physical therapist assistant
5 [at all times. The licensed physical therapist shall have the responsibility of supervising the
6 physical therapy treatment program]. **The physical therapist shall retain ultimate authority
7 and responsibility for the physical therapy treatment. The licensed physical therapist shall
8 have the responsibility of supervising the physical therapy treatment program.** No physical
9 therapist may establish a treating office in which the physical therapist assistant is the primary
10 care provider. No licensed physical therapist shall have under their direct supervision more than
11 four **full-time equivalent** physical therapist assistants.

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,]
11 on 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] **an** examination [and] which shall cover the curriculum taught
18 in accredited associate degree programs of physical therapy assistant education. Such
19 examination shall be sufficient to test the qualification of the candidates as practitioners.

20 4. [The board shall not issue a license to practice as a physical therapist assistant or allow
21 any person to sit for the Missouri state board examination for physical therapist assistants who
22 has failed three or more times any physical therapist licensing examination administered in one
23 or more states or territories of the United States or the District of Columbia.

24 5. The board may waive the provisions of subsection 4 if the applicant has met one of
25 the following provisions: the applicant is licensed and has maintained an active clinical practice
26 for the previous three years in another state of the United States, the District of Columbia or
27 Canada and the applicant has achieved a passing score on a licensing examination administered
28 in a state or territory of the United States, the District of Columbia and no license issued to the
29 applicant has been disciplined or limited in any state or territory of the United States, the District
30 of Columbia or Canada.

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

35 **5. The applicant shall pass a test administered by the board on the laws and rules**
36 **related to the practice as a physical therapist assistant in this state.**

37 [7.] **6.** The board shall license without examination any legally qualified person who is
38 a resident of this state and who was actively engaged in practice as a physical therapist assistant
39 on August 28, 1993. The board may license such person pursuant to this subsection until ninety
40 days after the effective date of this section.

41 [8.] 7. A candidate to practice as a physical therapist assistant who does not meet the
42 educational qualifications may submit to the board an application for examination if such person
43 can furnish written evidence to the board that the person has been employed in this state for at
44 least three of the last five years under the supervision of a licensed physical therapist and such
45 person possesses the knowledge and training equivalent to that obtained in an accredited school.
46 The board may license such persons pursuant to this subsection until ninety days after rules
47 developed by the state board of healing arts regarding physical therapist assistant licensing
48 become effective.

334.660. 1. The board shall license without examination legally qualified persons who
2 [hold] **possess active** certificates of licensure, registration or certification in any state or territory
3 of the United States or the District of Columbia, who have had no violations, suspensions or
4 revocations of such license, registration or certification, if such persons have passed [a written]
5 **an** examination to practice as a physical therapist assistant that was substantially equal to the
6 examination requirements of this state and in all other aspects, including education, the
7 requirements for such certificates of licensure, registration or certification were, at the date of
8 issuance, substantially equal to the requirements for licensure in this state.

9 2. [The board shall not issue a license to any applicant who has failed three or more
10 times any physical therapist assistant licensing examination administered in one or more states
11 or territories of the United States or the District of Columbia.

12 3. The board may waive the provisions of subsection 1 if the applicant has met one of
13 the following provisions: the applicant is licensed and has maintained an active clinical practice
14 for the previous three years in another state of the United States, the District of Columbia or
15 Canada and the applicant has achieved a passing score on a licensing examination administered
16 in a state or territory of the United States, the District of Columbia and no license issued to the
17 applicant has been disciplined or limited in any state or territory of the United States, the District
18 of Columbia or Canada.

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

24 **3. The applicant shall successfully pass a test administered by the board on the laws**
25 **and rules related to practice as a physical therapist assistant in this state.**

334.665. 1. An applicant who has not been previously examined in another jurisdiction
2 and meets the qualifications of subsection 1 of section 334.655 **or an applicant applying for**
3 **reinstatement of an inactive license under a supervised active practice** may pay a temporary

4 license fee and submit an agreement-to-supervise form which is signed by the applicant's
5 supervising physical therapist to the board and obtain without examination a nonrenewable
6 temporary license. Such temporary licensee may only practice under the supervision of a
7 licensed physical therapist. **The supervising physical therapist shall hold an unencumbered**
8 **license to practice physical therapy in the state of Missouri and shall provide the board**
9 **proof of active clinical practice in the state of Missouri for a minimum of one year prior**
10 **to supervising the temporary licensee. The supervising physical therapist shall not be an**
11 **immediate family member of the applicant. The board shall define immediate family**
12 **member and the scope of such supervision by rule. The supervising physical therapist for**
13 **the first-time examinee applicant shall submit to the board a signed notarized form**
14 **prescribed by the board attesting that the applicant for temporary license shall begin**
15 **employment at a location in this state within seven days of issuance of the temporary**
16 **license. The supervising physical therapist shall notify the board within three days if the**
17 **temporary licensee's employment ceases.** A licensed physical therapist shall supervise no
18 more than one temporary licensee. [The board shall define the scope of such supervision by rules
19 and regulations.]

20 **2. The temporary license for the first-time examinee applicant shall expire on [either]**
21 **the date the applicant receives the results of the applicant's initial examination, the date the**
22 **applicant withdraws from sitting for the examination, the date the board is notified by the**
23 **supervising physical therapist that the temporary licensee's employment has ceased, or**
24 **within ninety days of its issuance, whichever occurs first.**

25 **3. The temporary license for the reinstatement applicant under the supervised**
26 **active practice shall expire effective one year from the date of issuance.**

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

334.675. 1. Every person licensed pursuant to sections 334.650 to 334.685 shall, on or
2 before the licensing renewal date, apply to the board for a certificate of licensure for the next
3 licensing period. The application for renewal shall be made **under oath** on a form furnished to
4 the applicant [and shall state] **by the board. The application shall include, but not be limited**
5 **to, disclosure of the following:**

6 **(1)** The applicant's full name [and the address at which the applicant practices and the
7 address at which the applicant resides and] ;

- 8 **(2) The applicant's office address or addresses and telephone number or numbers;**
9 **(3) The applicant's home address and telephone number;**
10 **(4) The date and number of the applicant's license;**
11 **(5) All final disciplinary actions taken against the applicant by any professional**
12 **association or society, licensed hospital or medical staff of the hospital, physical therapy**
13 **facility, state, territory, federal agency or country; and**
14 **(6) Information concerning the applicant's current physical and mental fitness to**
15 **practice the applicant's profession.**

16

17 **The applicant may be required to successfully complete a test administered by the board**
18 **on the laws and rules related to the practice of physical therapy in this state. The test**
19 **process, dates, and passing scores shall be established by the board by rule.**

20 2. A [blank application form] **notice** shall be [mailed] **made available** to each person
21 licensed in this state [pursuant to sections 334.650 to 334.685 at the person's last known address
22 of practice or residence. The failure to mail the application for or the failure to receive the
23 application form] . **The failure to receive the notice** does not relieve any person of the duty to
24 renew the person's license and pay the renewal fee as required by sections 334.650 to 334.685
25 nor shall it exempt the person from the penalties provided by sections 334.650 to 334.685 for
26 failure to renew a license.

27 **3. If a physical therapist assistant does not renew such license for two consecutive**
28 **renewal periods, such license shall be deemed voided.**

29 **4. Each applicant for registration shall accompany the application for registration**
30 **with a registration fee to be paid to the director of revenue for the licensing period for**
31 **which registration is sought.**

32 **5. If the application is filed and the fee paid after the registration renewal date, a**
33 **delinquent fee shall be paid; except that, if in the opinion of the board the applicant's**
34 **failure to register is caused by extenuating circumstances, including illness of the applicant**
35 **as defined by rule, the delinquent fee may be waived by the board.**

36 **6. Upon due application therefore and upon submission by such person of evidence**
37 **satisfactory to the board that he or she is licensed to practice in this state and upon the**
38 **payment of fees required to be paid by this chapter, the board shall issue to such person**
39 **a certificate of registration. The certificate of registration shall contain the name of the**
40 **person to whom it is issued and his or her office address, the expiration date, and the**
41 **number of the license to practice.**

42 **7. Upon receiving such certificate, every person shall cause it to be readily available**
43 **or conspicuously displayed at all times in every practice location maintained by such**

44 licensee in the state. If the licensee maintains more than one practice location in this state,
45 the board shall without additional fee issue to them duplicate certificates of registration for
46 each practice location so maintained. If any licensee changes practice locations during the
47 period for which any certificate of registration has been issued, such licensee shall, within
48 fifteen days thereafter, notify the board of such change and the board shall issue to the
49 licensee, without additional fee, a new registration certificate showing the new location.

50 8. Whenever any new license is granted to any physical therapist or physical
51 therapist assistant under the provisions of this chapter, the board shall, upon application
52 therefore, issue to such physical therapist or physical therapist assistant a certificate of
53 registration covering a period from the date of the issuance of the license to the next
54 renewal date without the payment of any registration fee.

 334.687. 1. For purposes of this section, the licensing of physical therapists and
2 physical therapist assistants shall take place within processes established by the state board
3 of registration for the healing arts through rules. The board of healing arts is authorized
4 to adopt rules establishing licensing and renewal procedures, supervision of physical
5 therapist assistants, and former licensees who wish to return to the practice of physical
6 therapy, fees, and addressing such other matters as are necessary to protect the public and
7 discipline the profession.

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
9 that is created under the authority delegated in this section shall become effective only if
10 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
11 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
12 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
13 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
14 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
15 adopted after August 28, 2008, shall be invalid and void.

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