

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2068**  
**94TH GENERAL ASSEMBLY**

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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).

Reported from the Committee on Rules March 25, 2008 with recommendation that House Committee Substitute for House Bill No. 2068 Do Pass by Consent with no time limit for debate.

Perfectured by Consent April 1, 2008.

D. ADAM CRUMBLISS, Chief Clerk

4863L.03P

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**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.

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*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334.530, 334.540, 334.550, 334.560, 334.570, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 334.500, 334.506, 334.525, 334.530, 334.540, 334.550, 334.560, 334.570, 334.601,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;

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.

7           (4) "**Practice of physical therapy**", the examination, treatment and instruction of human  
8 beings to assess, prevent, correct, alleviate and limit physical disability, movement dysfunction,  
9 bodily malfunction and pain from injury, disease and any other bodily condition, such term  
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  
94 therapists or physical therapist assistants to provide physical therapy services in accordance with  
95 the provisions of this chapter, and upon the referral of [a physician and surgeon licensed pursuant  
96 to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332,  
97 RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician,  
98 dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing] **an**  
99 **approved health care provider**. Nothing in this subsection shall prohibit [a person licensed or  
100 registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to  
101 chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter  
102 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another  
103 jurisdiction, whose license is in good standing,] **an approved health care provider** from acting  
104 within the scope of their practice as defined by the applicable chapters of RSMo.

105 [4.] **6.** No person licensed to practice, or applicant for licensure, as a physical therapist  
106 or physical therapist assistant shall make a medical diagnosis.

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

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

11 **2. If a licensee is granted inactive status, the licensee may return to active status by**  
12 **notifying the board in advance of his or her intention, paying the appropriate fees, and**  
13 **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  
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] **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 jurisdiction and meets the qualifications of subsection 1 of section 334.530, **or an applicant applying for reinstatement of an inactive license under a supervised active practice**, may pay a temporary license fee and submit an agreement-to-supervise form, which is signed by the applicant's supervising physical therapist, to the board and obtain without examination a nonrenewable temporary license. Such temporary licensee may only engage in the practice of physical therapy under the supervision of a licensed physical therapist. **The supervising physical therapist shall hold an unencumbered license to practice physical therapy in this state and shall provide the board proof of active clinical practice in this state for a minimum of one year prior to supervising a temporary licensee. The supervising physical therapist shall not be an immediate family member of the applicant.** The board shall define **immediate family member** and the scope of such supervision by rules and regulations. **The supervising physical therapist for the first-time examinee applicant shall submit to the board a signed notarized form prescribed by the board attesting that the applicant for temporary license shall begin employment at a location in this state within seven days of issuance of the temporary license. The supervising physical therapist shall notify the board within three days if the temporary licensee's employment ceases. A licensed physical therapist shall not supervise more than one temporary licensee.**

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

3. **The temporary license for the reinstatement applicant under the supervised 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 to practice as a physical therapist an examination fee. Should the examination prove unsatisfactory and the board refuse to issue a license thereon, the applicant failing to pass the examination may reapply [and return to any meeting] and be examined upon payment of a reexamination fee[; but no temporary license may be issued to such persons].

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before the registration renewal date, apply to the board for a certificate of registration for the ensuing licensing period. The application shall be made **under oath** on a form furnished to the applicant [and shall state] **by the board. The application shall include, but not be limited to, 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**  
2 **contrary, the board shall at least quarterly publish a list of the names and addresses of all**  
3 **physical therapists and physical therapist assistants who hold licenses under the provisions**  
4 **of this chapter, and shall publish a list of all physical therapists and physical therapist**  
5 **assistants whose licenses have been suspended, revoked, surrendered, restricted, denied,**  
6 **or withheld.**

7           **2. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary,**  
8 **in addition, the board shall prepare and make available to the public a report upon the**  
9 **disciplinary matters submitted to them where the board recommends disciplinary action,**  
10 **except in those instances when physical therapists and physical therapist assistants**  
11 **possessing licenses voluntarily enter treatment and monitoring programs for purposes of**  
12 **rehabilitation and, in such instances, only such specific action shall not be reported with**  
13 **any other actions taken prior to, as part of, or following voluntary entrance into such**  
14 **treatment programs. The report shall set forth findings of fact and any final disciplinary**  
15 **actions of the board. If the board does not recommend disciplinary action, a report stating**  
16 **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**  
2 **therapist or physical therapist assistant issued under this chapter may present a clear and**  
3 **present danger to the public health and safety, the executive director shall direct that the**  
4 **information be brought to the board in the form of sworn testimony or affidavits during**  
5 **a meeting of the board.**

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

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

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

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

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

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

19 (4) The acts, conduct, or condition of the licensee constitute a clear and present  
20 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 be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

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

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

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

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace [a written] **an** examination [and] which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

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

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

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

**5. The applicant shall pass a test administered by the board on the laws and rules 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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