



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4643**

by Rep. Daniel J. Burke and Theresa Mah

#### SYNOPSIS AS INTRODUCED:

225 ILCS 90/1  
225 ILCS 90/17

from Ch. 111, par. 4251  
from Ch. 111, par. 4267

Amends the Illinois Physical Therapy Act. Provides that the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist from establishing a relevant diagnosis. In the definition of "documented current and relevant diagnosis" and in provisions concerning disciplinary actions, removes language requiring a diagnosis to be substantiated by a physician, dentist, advanced practice registered nurse, physician assistant, or podiatric physician. Effective immediately.

LRB100 18534 XWW 33752 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Physical Therapy Act is amended by  
5 changing Sections 1 and 17 as follows:

6 (225 ILCS 90/1) (from Ch. 111, par. 4251)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 1. Definitions. As used in this Act:

9 (1) "Physical therapy" means all of the following:

10 (A) Examining, evaluating, and testing individuals who  
11 may have mechanical, physiological, or developmental  
12 impairments, functional limitations, disabilities, or  
13 other health and movement-related conditions, classifying  
14 these disorders, determining a rehabilitation prognosis  
15 and plan of therapeutic intervention, and assessing the  
16 ongoing ~~on-going~~ effects of the interventions.

17 (B) Alleviating impairments, functional limitations,  
18 or disabilities by designing, implementing, and modifying  
19 therapeutic interventions that may include, but are not  
20 limited to, the evaluation or treatment of a person through  
21 the use of the effective properties of physical measures  
22 and heat, cold, light, water, radiant energy, electricity,  
23 sound, and air and use of therapeutic massage, therapeutic

1 exercise, mobilization, and rehabilitative procedures,  
2 with or without assistive devices, for the purposes of  
3 preventing, correcting, or alleviating a physical or  
4 mental impairment, functional limitation, or disability.

5 (C) Reducing the risk of injury, impairment,  
6 functional limitation, or disability, including the  
7 promotion and maintenance of fitness, health, and  
8 wellness.

9 (D) Engaging in administration, consultation,  
10 education, and research.

11 "Physical therapy" includes, but is not limited to: (a)  
12 performance of specialized tests and measurements, (b)  
13 administration of specialized treatment procedures, (c)  
14 interpretation of referrals from physicians, dentists,  
15 advanced practice registered nurses, physician assistants, and  
16 podiatric physicians, (d) establishment, and modification of  
17 physical therapy treatment programs, (e) administration of  
18 topical medication used in generally accepted physical therapy  
19 procedures when such medication is either prescribed by the  
20 patient's physician, licensed to practice medicine in all its  
21 branches, the patient's physician licensed to practice  
22 podiatric medicine, the patient's advanced practice registered  
23 nurse, the patient's physician assistant, or the patient's  
24 dentist or used following the physician's orders or written  
25 instructions, (f) supervision or teaching of physical therapy,  
26 and (g) dry needling in accordance with Section 1.5. "Physical

1 therapy" does not include radiology, electro-surgery,  
2 chiropractic technique or determination of a differential  
3 diagnosis; provided, however, the limitation on determining a  
4 differential diagnosis shall not in any manner limit a physical  
5 therapist licensed under this Act from performing an evaluation  
6 and establishing a relevant diagnosis pursuant to such license.  
7 Nothing in this Section shall limit a physical therapist from  
8 employing appropriate physical therapy techniques that he or  
9 she is educated and licensed to perform. A physical therapist  
10 shall refer to a licensed physician, advanced practice  
11 registered nurse, physician assistant, dentist, podiatric  
12 physician, other physical therapist, or other health care  
13 provider any patient whose medical condition should, at the  
14 time of evaluation or treatment, be determined to be beyond the  
15 scope of practice of the physical therapist.

16 (2) "Physical therapist" means a person who practices  
17 physical therapy and who has met all requirements as provided  
18 in this Act.

19 (3) "Department" means the Department of Professional  
20 Regulation.

21 (4) "Director" means the Director of Professional  
22 Regulation.

23 (5) "Board" means the Physical Therapy Licensing and  
24 Disciplinary Board approved by the Director.

25 (6) "Referral" means a written or oral authorization for  
26 physical therapy services for a patient by a physician,

1 dentist, advanced practice registered nurse, physician  
2 assistant, or podiatric physician who maintains medical  
3 supervision of the patient and makes a diagnosis or verifies  
4 that the patient's condition is such that it may be treated by  
5 a physical therapist.

6 (7) "Documented current and relevant diagnosis" ~~for the~~  
7 ~~purpose of this Act~~ means a diagnosis, ~~substantiated by~~  
8 ~~signature or oral verification of a physician, dentist,~~  
9 ~~advanced practice registered nurse, physician assistant, or~~  
10 ~~podiatric physician,~~ that a patient's condition is such that it  
11 may be treated by physical therapy as defined in this Act, ~~7~~  
12 ~~which diagnosis shall remain in effect until changed by the~~  
13 ~~physician, dentist, advanced practice registered nurse,~~  
14 ~~physician assistant, or podiatric physician.~~

15 (8) "State" includes:

- 16 (a) the states of the United States of America;  
17 (b) the District of Columbia; and  
18 (c) the Commonwealth of Puerto Rico.

19 (9) "Physical therapist assistant" means a person licensed  
20 to assist a physical therapist and who has met all requirements  
21 as provided in this Act and who works under the supervision of  
22 a licensed physical therapist to assist in implementing the  
23 physical therapy treatment program as established by the  
24 licensed physical therapist. The patient care activities  
25 provided by the physical therapist assistant shall not include  
26 the interpretation of referrals, evaluation procedures, or the

1 planning or major modification of patient programs.

2 (10) "Physical therapy aide" means a person who has  
3 received on the job training, specific to the facility in which  
4 he is employed.

5 (11) "Advanced practice registered nurse" means a person  
6 licensed as an advanced practice registered nurse under the  
7 Nurse Practice Act.

8 (12) "Physician assistant" means a person licensed under  
9 the Physician Assistant Practice Act of 1987.

10 (Source: P.A. 99-173, eff. 7-29-15; 99-229, eff. 8-3-15;  
11 99-642, eff. 7-28-16; 100-201, eff. 8-18-17; 100-418, eff.  
12 8-25-17; 100-513, eff. 1-1-18; revised 9-29-17.)

13 (225 ILCS 90/17) (from Ch. 111, par. 4267)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 17. (1) The Department may refuse to issue or to  
16 renew, or may revoke, suspend, place on probation, reprimand,  
17 or take other disciplinary action as the Department deems  
18 appropriate, including the issuance of fines not to exceed  
19 \$5000, with regard to a license for any one or a combination of  
20 the following:

21 A. Material misstatement in furnishing information to  
22 the Department or otherwise making misleading, deceptive,  
23 untrue, or fraudulent representations in violation of this  
24 Act or otherwise in the practice of the profession;

25 B. Violations of this Act, or of the rules or

1 regulations promulgated hereunder;

2 C. Conviction of any crime under the laws of the United  
3 States or any state or territory thereof which is a felony  
4 or which is a misdemeanor, an essential element of which is  
5 dishonesty, or of any crime which is directly related to  
6 the practice of the profession; conviction, as used in this  
7 paragraph, shall include a finding or verdict of guilty, an  
8 admission of guilt or a plea of nolo contendere;

9 D. Making any misrepresentation for the purpose of  
10 obtaining licenses, or violating any provision of this Act  
11 or the rules promulgated thereunder pertaining to  
12 advertising;

13 E. A pattern of practice or other behavior which  
14 demonstrates incapacity or incompetency to practice under  
15 this Act;

16 F. Aiding or assisting another person in violating any  
17 provision of this Act or Rules;

18 G. Failing, within 60 days, to provide information in  
19 response to a written request made by the Department;

20 H. Engaging in dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public. Unprofessional conduct shall  
23 include any departure from or the failure to conform to the  
24 minimal standards of acceptable and prevailing physical  
25 therapy practice, in which proceeding actual injury to a  
26 patient need not be established;

1 I. Unlawful distribution of any drug or narcotic, or  
2 unlawful conversion of any drug or narcotic not belonging  
3 to the person for such person's own use or benefit or for  
4 other than medically accepted therapeutic purposes;

5 J. Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 which results in a physical therapist's or physical  
8 therapist assistant's inability to practice with  
9 reasonable judgment, skill or safety;

10 K. Revocation or suspension of a license to practice  
11 physical therapy as a physical therapist or physical  
12 therapist assistant or the taking of other disciplinary  
13 action by the proper licensing authority of another state,  
14 territory or country;

15 L. Directly or indirectly giving to or receiving from  
16 any person, firm, corporation, partnership, or association  
17 any fee, commission, rebate or other form of compensation  
18 for any professional services not actually or personally  
19 rendered. Nothing contained in this paragraph prohibits  
20 persons holding valid and current licenses under this Act  
21 from practicing physical therapy in partnership under a  
22 partnership agreement, including a limited liability  
23 partnership, a limited liability company, or a corporation  
24 under the Professional Service Corporation Act or from  
25 pooling, sharing, dividing, or apportioning the fees and  
26 monies received by them or by the partnership, company, or



1 corporation in accordance with the partnership agreement  
2 or the policies of the company or professional corporation.  
3 Nothing in this paragraph (L) affects any bona fide  
4 independent contractor or employment arrangements among  
5 health care professionals, health facilities, health care  
6 providers, or other entities, except as otherwise  
7 prohibited by law. Any employment arrangements may include  
8 provisions for compensation, health insurance, pension, or  
9 other employment benefits for the provision of services  
10 within the scope of the licensee's practice under this Act.  
11 Nothing in this paragraph (L) shall be construed to require  
12 an employment arrangement to receive professional fees for  
13 services rendered;

14 M. A finding by the Board that the licensee after  
15 having his or her license placed on probationary status has  
16 violated the terms of probation;

17 N. Abandonment of a patient;

18 O. Willfully failing to report an instance of suspected  
19 child abuse or neglect as required by the Abused and  
20 Neglected Child Reporting Act;

21 P. Willfully failing to report an instance of suspected  
22 elder abuse or neglect as required by the Elder Abuse  
23 Reporting Act;

24 Q. Physical illness, including but not limited to,  
25 deterioration through the aging process, or loss of motor  
26 skill which results in the inability to practice the

1 profession with reasonable judgement, skill or safety;

2 R. The use of any words (such as physical therapy,  
3 physical therapist physiotherapy or physiotherapist),  
4 abbreviations, figures or letters with the intention of  
5 indicating practice as a licensed physical therapist  
6 without a valid license as a physical therapist issued  
7 under this Act;

8 S. The use of the term physical therapist assistant, or  
9 abbreviations, figures, or letters with the intention of  
10 indicating practice as a physical therapist assistant  
11 without a valid license as a physical therapist assistant  
12 issued under this Act;

13 T. Willfully violating or knowingly assisting in the  
14 violation of any law of this State relating to the practice  
15 of abortion;

16 U. Continued practice by a person knowingly having an  
17 infectious, communicable or contagious disease;

18 V. Having treated ailments of human beings otherwise  
19 than by the practice of physical therapy as defined in this  
20 Act, or having treated ailments of human beings as a  
21 licensed physical therapist independent of a documented  
22 referral or a documented current and relevant diagnosis  
23 ~~from a physician, dentist, advanced practice registered~~  
24 ~~nurse, physician assistant, or podiatric physician, or~~  
25 having failed to notify the physician, dentist, advanced  
26 practice registered nurse, physician assistant, or

1           podiatric physician who established a documented current  
2           and relevant diagnosis that the patient is receiving  
3           physical therapy pursuant to that diagnosis;

4           W. Being named as a perpetrator in an indicated report  
5           by the Department of Children and Family Services pursuant  
6           to the Abused and Neglected Child Reporting Act, and upon  
7           proof by clear and convincing evidence that the licensee  
8           has caused a child to be an abused child or neglected child  
9           as defined in the Abused and Neglected Child Reporting Act;

10          X. Interpretation of referrals, performance of  
11          evaluation procedures, planning or making major  
12          modifications of patient programs by a physical therapist  
13          assistant;

14          Y. Failure by a physical therapist assistant and  
15          supervising physical therapist to maintain continued  
16          contact, including periodic personal supervision and  
17          instruction, to insure safety and welfare of patients;

18          Z. Violation of the Health Care Worker Self-Referral  
19          Act.

20          (2) The determination by a circuit court that a licensee is  
21          subject to involuntary admission or judicial admission as  
22          provided in the Mental Health and Developmental Disabilities  
23          Code operates as an automatic suspension. Such suspension will  
24          end only upon a finding by a court that the patient is no  
25          longer subject to involuntary admission or judicial admission  
26          and the issuance of an order so finding and discharging the

1 patient; and upon the recommendation of the Board to the  
2 Director that the licensee be allowed to resume his practice.

3 (3) The Department may refuse to issue or may suspend the  
4 license of any person who fails to file a return, or to pay the  
5 tax, penalty or interest shown in a filed return, or to pay any  
6 final assessment of tax, penalty or interest, as required by  
7 any tax Act administered by the Illinois Department of Revenue,  
8 until such time as the requirements of any such tax Act are  
9 satisfied.

10 (Source: P.A. 100-513, eff. 1-1-18.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.