



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2271

Introduced 1/15/2004, by William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 90/1	from Ch. 111, par. 4251
225 ILCS 90/2	from Ch. 111, par. 4252
225 ILCS 90/17	from Ch. 111, par. 4267
225 ILCS 90/31	from Ch. 111, par. 4281
225 ILCS 90/32.2	

Amends the Illinois Physical Therapy Act. Removes definitions of "referral" and "documented current and relevant diagnosis". Makes changes in the definition of "physical therapy". Requires that a physical therapist use the initials "PT" in connection with the physical therapist's name and a physical therapist assistant shall use the initials "PTA" in connection with the physical therapist assistant's name to denote licensure under the Act. Makes changes in the provisions concerning disciplinary grounds and civil penalties. Adds criminal penalties for advertising using words, abbreviations, figures, or letters indicating the practice of physical therapy without a license. Effective immediately.

LRB093 16071 AMC 41697 b

1 AN ACT concerning public access to physical therapists.

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, 2, 17, 31, and 32.2 as follows:

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

7 (Section scheduled to be repealed on January 1, 2006)

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

9 (1) "Physical therapy" means examining, evaluating, and
10 testing persons who have mechanical, physiological, and
11 developmental impairments, functional limitations, and
12 disabilities or other health or movement-related conditions in
13 order to determine a physical therapy diagnosis, prognosis, and
14 plan of therapeutic intervention, and providing therapeutic
15 interventions and assessing the ongoing effects of
16 interventions. "Physical therapy" includes but is not limited
17 to (a) the evaluation or treatment of a person by the use of
18 the effective properties of physical measures and heat, cold,
19 light, water, radiant energy, electricity, sound, and air; and
20 the use of therapeutic massage, therapeutic exercise,
21 mobilization, and the rehabilitative procedures with or
22 without assistive devices for the purposes of preventing,
23 correcting, or alleviating a physical or mental dysfunction or
24 disability, or promoting physical fitness and well-being, (b) -
25 ~~Physical therapy includes, but is not limited to: (a)~~
26 performance of specialized tests and measurements, (c) ~~(b)~~
27 administration of specialized treatment procedures, (d) ~~(c)~~
28 interpretation of referrals from physicians, dentists and
29 podiatrists, (e) ~~(d)~~ establishment, and modification of
30 physical therapy treatment programs, (f) ~~(e)~~ administration of
31 topical medication used in generally accepted physical therapy
32 procedures when such medication is prescribed by the patient's

1 physician, licensed to practice medicine in all its branches,
2 the patient's physician licensed to practice podiatric
3 medicine, or the patient's dentist, and (g) ~~(f)~~ supervision or
4 teaching of physical therapy. "Physical therapy" does not
5 include radiology, electrosurgery, chiropractic technique or
6 determination of a differential medical diagnosis; provided,
7 however, the limitation on determining a differential medical
8 diagnosis shall not in any manner limit a physical therapist
9 licensed under this Act from performing an evaluation pursuant
10 to such license in order to determine a physical therapy
11 diagnosis. Nothing in this Section shall limit a physical
12 therapist from employing appropriate physical therapy
13 techniques that he or she is educated and licensed to perform.
14 A physical therapist shall refer to a licensed physician,
15 dentist, or podiatrist any patient whose medical condition
16 should, at the time of evaluation or treatment, be determined
17 to be beyond the scope of practice of the physical therapist.

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

21 (3) "Department" means the Department of Professional
22 Regulation.

23 (4) "Director" means the Director of Professional
24 Regulation.

25 (5) "Committee" means the Physical Therapy Examining
26 Committee approved by the Director.

27 (6) ~~(Blank) "Referral" for the purpose of this Act means~~
28 ~~the following of guidance or direction to the physical~~
29 ~~therapist given by the physician, dentist, or podiatrist who~~
30 ~~shall maintain supervision of the patient.~~

31 (7) ~~(Blank) "Documented current and relevant diagnosis"~~
32 ~~for the purpose of this Act means a diagnosis, substantiated by~~
33 ~~signature or oral verification of a physician, dentist, or~~
34 ~~podiatrist, that a patient's condition is such that it may be~~
35 ~~treated by physical therapy as defined in this Act, which~~
36 ~~diagnosis shall remain in effect until changed by the~~

1 ~~physician, dentist or podiatrist.~~

2 (8) "State" includes:

3 (a) the states of the United States of America;

4 (b) the District of Columbia; and

5 (c) the Commonwealth of Puerto Rico.

6 (9) "Physical therapist assistant" means a person licensed
7 to assist a physical therapist and who has met all requirements
8 as provided in this Act and who works under the supervision of
9 a licensed physical therapist to assist in implementing the
10 physical therapy treatment program as established by the
11 licensed physical therapist. The patient care activities
12 provided by the physical therapist assistant shall not include
13 the interpretation of referrals, evaluation procedures, or the
14 planning or major modification of patient programs.

15 (10) "Physical therapy aide" means a person who has
16 received on the job training, specific to the facility in which
17 he is employed, but who has not completed an approved physical
18 therapist assistant program.

19 (Source: P.A. 92-651, eff. 7-11-02.)

20 (225 ILCS 90/2) (from Ch. 111, par. 4252)

21 (Section scheduled to be repealed on January 1, 2006)

22 Sec. 2. Licensure requirement; exempt activities. Practice
23 without a license forbidden - exception. No person shall after
24 the date of August 31, 1965 begin to practice physical therapy
25 in this State or hold himself out as being able to practice
26 this profession, unless he is licensed as such in accordance
27 with the provisions of this Act. After the effective date of
28 this amendatory Act of 1990, no person shall practice or hold
29 himself out as a physical therapist assistant unless he is
30 licensed as such under this Act. A physical therapist shall use
31 the initials "PT" in connection with his or her name to denote
32 licensure under this Act, and a physical therapist assistant
33 shall use the initials "PTA" in connection with his or her name
34 to denote licensure under this Act.

35 This Act does not prohibit:

1 (1) Any person licensed in this State under any other
2 Act from engaging in the practice for which he is licensed.

3 (2) The practice of physical therapy by those persons,
4 practicing under the supervision of a licensed physical
5 therapist and who have met all of the qualifications as
6 provided in Sections 7, 8.1, and 9 of this Act, until the
7 next examination is given for physical therapists or
8 physical therapist assistants and the results have been
9 received by the Department and the Department has
10 determined the applicant's eligibility for a license.
11 Anyone failing to pass said examination shall not again
12 practice physical therapy until such time as an examination
13 has been successfully passed by such person.

14 (3) The practice of physical therapy for a period not
15 exceeding 6 months by a person who is in this State on a
16 temporary basis to assist in a case of medical emergency or
17 to engage in a special physical therapy project, and who
18 meets the qualifications for a physical therapist as set
19 forth in Sections 7 and 8 of this Act and is licensed in
20 another state as a physical therapist.

21 (4) Practice of physical therapy by qualified persons
22 who have filed for endorsement for no longer than one year
23 or until such time that notification of licensure has been
24 granted or denied, whichever period of time is lesser.

25 (5) One or more licensed physical therapists from
26 forming a professional service corporation under the
27 provisions of the "Professional Service Corporation Act",
28 approved September 15, 1969, as now or hereafter amended,
29 and licensing such corporation for the practice of physical
30 therapy.

31 (6) Physical therapy aides from performing patient
32 care activities under the on-site supervision of a licensed
33 physical therapist or licensed physical therapist
34 assistant. These patient care activities shall not include
35 interpretation of referrals, evaluation procedures, the
36 planning of or major modifications of, patient programs.

1 (7) Physical Therapist Assistants from performing
2 patient care activities under the general supervision of a
3 licensed physical therapist. The physical therapist must
4 maintain continual contact with the physical therapist
5 assistant including periodic personal supervision and
6 instruction to insure the safety and welfare of the
7 patient.

8 (8) The practice of physical therapy by a physical
9 therapy student or a physical therapist assistant student
10 under the on-site supervision of a licensed physical
11 therapist. The physical therapist shall be readily
12 available for direct supervision and instruction to insure
13 the safety and welfare of the patient.

14 (9) The practice of physical therapy as part of an
15 educational program by a physical therapist licensed in
16 another state or country for a period not to exceed 6
17 months.

18 (Source: P.A. 90-580, eff. 5-21-98.)

19 (225 ILCS 90/17) (from Ch. 111, par. 4267)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 17. (1) The Department may refuse to issue or to
22 renew, or may revoke, suspend, place on probation, reprimand,
23 or take other disciplinary action as the Department deems
24 appropriate, including the issuance of fines not to exceed
25 \$5000, with regard to a license for any one or a combination of
26 the following:

27 A. Material misstatement in furnishing information to
28 the Department or otherwise making misleading, deceptive,
29 untrue, or fraudulent representations in violation of this
30 Act or otherwise in the practice of the profession;

31 B. Violations of this Act, or of the rules or
32 regulations promulgated hereunder;

33 C. Conviction of any crime under the laws of the United
34 States or any state or territory thereof which is a felony
35 or which is a misdemeanor, an essential element of which is

1 dishonesty, or of any crime which is directly related to
2 the practice of the profession; conviction, as used in this
3 paragraph, shall include a finding or verdict of guilty, an
4 admission of guilt or a plea of nolo contendere;

5 D. Making any misrepresentation for the purpose of
6 obtaining licenses, or violating any provision of this Act
7 or the rules promulgated thereunder pertaining to
8 advertising;

9 E. A pattern of practice or other behavior which
10 demonstrates incapacity or incompetency to practice under
11 this Act;

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

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

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

23 I. Unlawful distribution of any drug or narcotic, or
24 unlawful conversion of any drug or narcotic not belonging
25 to the person for such person's own use or benefit or for
26 other than medically accepted therapeutic purposes;

27 J. Habitual or excessive use or addiction to alcohol,
28 narcotics, stimulants, or any other chemical agent or drug
29 which results in a physical therapist's or physical
30 therapist assistant's inability to practice with
31 reasonable judgment, skill or safety;

32 K. Revocation or suspension of a license to practice
33 physical therapy as a physical therapist or physical
34 therapist assistant or the taking of other disciplinary
35 action by the proper licensing authority of another state,
36 territory or country;

1 L. Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership or association
3 any fee, commission, rebate or other form of compensation
4 for any professional services not actually or personally
5 rendered or receiving any fee, including salary or wages,
6 in connection with the rendering of physical therapy
7 services to patients referred by or diagnosed by any person
8 who has a direct or indirect financial interest in the
9 providing of the physical therapy services or in the
10 physical therapy practice entity providing such services.
11 Nothing contained in this paragraph prohibits persons
12 holding valid and current licenses under this Act from
13 practicing physical therapy in partnership under a
14 partnership agreement, including a limited liability
15 partnership, or in a corporation under the Professional
16 Service Corporation Act or from pooling, sharing,
17 dividing, or apportioning the fees and monies received by
18 them or by the partnership or corporation in accordance
19 with the partnership agreement or the policies of the board
20 of directors of the professional corporation;

21 M. A finding by the Committee that the licensee after
22 having his or her license placed on probationary status has
23 violated the terms of probation;

24 N. Abandonment of a patient;

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

28 P. Willfully failing to report an instance of suspected
29 elder abuse or neglect as required by the Elder Abuse
30 Reporting Act;

31 Q. Physical illness, including but not limited to,
32 deterioration through the aging process, or loss of motor
33 skill which results in the inability to practice the
34 profession with reasonable judgement, skill or safety;

35 R. The use of any words (such as physical therapy,
36 physical therapist physiotherapy or physiotherapist),

1 abbreviations, figures or letters with the intention of
2 indicating practice as a licensed physical therapist
3 without a valid license as a physical therapist issued
4 under this Act;

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

10 T. Willfully violating or knowingly assisting in the
11 violation of any law of this State relating to the practice
12 of abortion;

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

15 V. Having treated ailments of human beings otherwise
16 than by the practice of physical therapy as defined in this
17 Act, ~~or having treated ailments of human beings as a~~
18 ~~licensed physical therapist independent of a documented~~
19 ~~referral or a documented current and relevant diagnosis~~
20 ~~from a physician, dentist, or podiatrist, or having failed~~
21 ~~to notify the physician, dentist or podiatrist who~~
22 ~~established a documented current and relevant diagnosis~~
23 ~~that the patient is receiving physical therapy pursuant to~~
24 ~~that diagnosis;~~

25 W. Being named as a perpetrator in an indicated report
26 by the Department of Children and Family Services pursuant
27 to the Abused and Neglected Child Reporting Act, and upon
28 proof by clear and convincing evidence that the licensee
29 has caused a child to be an abused child or neglected child
30 as defined in the Abused and Neglected Child Reporting Act;

31 X. Interpretation of referrals, performance of
32 evaluation procedures, planning or making major
33 modifications of patient programs by a physical therapist
34 assistant;

35 Y. Failure by a physical therapist assistant and
36 supervising physical therapist to maintain continued

1 contact, including periodic personal supervision and
2 instruction, to insure safety and welfare of patients;

3 Z. Violation of the Health Care Worker Self-Referral
4 Act.

5 (2) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code operates as an automatic suspension. Such suspension will
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and the issuance of an order so finding and discharging the
12 patient; and upon the recommendation of the Committee to the
13 Director that the licensee be allowed to resume his practice.

14 (3) The Department may refuse to issue or may suspend the
15 license of any person who fails to file a return, or to pay the
16 tax, penalty or interest shown in a filed return, or to pay any
17 final assessment of tax, penalty or interest, as required by
18 any tax Act administered by the Illinois Department of Revenue,
19 until such time as the requirements of any such tax Act are
20 satisfied.

21 (Source: P.A. 89-387, eff. 1-1-96.)

22 (225 ILCS 90/31) (from Ch. 111, par. 4281)

23 (Section scheduled to be repealed on January 1, 2006)

24 Sec. 31. Violations.

25 (a) Any person who is found to have violated any provision
26 of this Act is guilty of a Class A misdemeanor for the first
27 offense and a Class 4 felony for the second and any subsequent
28 offense.

29 (b) Any person representing himself or herself or
30 advertising as a physical therapist or that the services he or
31 she renders are physical therapy ~~services~~, or who uses any
32 words, such as physical therapy, physical therapist,
33 physiotherapy, or physiotherapist, abbreviations, figures, or
34 letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA",
35 ~~with the intention of~~ indicating that he or she is engaged in

1 the practice of physical therapy as a licensed physical
2 therapist, when he or she does not possess a currently valid
3 license as defined herein, commits a Class A misdemeanor, for a
4 first offense, and a Class 4 felony for a second or subsequent
5 offense. Advertising includes, but is not limited to, outdoor
6 signs in print or electronic media and material mailed to a
7 person.

8 (c) Any person representing himself or herself or
9 advertising as a physical therapist assistant or that the
10 services he or she renders are physical therapy ~~services,~~ or
11 who uses any words, such as physical therapy or physical
12 therapist assistant, ~~or uses~~ abbreviations, figures, or
13 letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA",
14 ~~with the intention of~~ indicating that he or she is engaged in
15 the practice of physical therapy as a physical therapist
16 assistant, when he or she does not possess a currently valid
17 license as defined herein, commits a Class A misdemeanor for a
18 first offense, and a Class 4 felony for a second or subsequent
19 offense.

20 (Source: P.A. 85-342; 86-1396.)

21 (225 ILCS 90/32.2)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 32.2. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds oneself out to practice physical therapy
26 or as a physical therapist or a physical therapist assistant
27 without being licensed under this Act or who violates
28 subsection (b) or (c) of Section 31 shall, in addition to any
29 other penalty provided by law, pay a civil penalty to the
30 Department in an amount not to exceed \$5,000 for each offense
31 as determined by the Department. The civil penalty shall be
32 assessed by the Department after a hearing is held in
33 accordance with the provisions set forth in this Act regarding
34 the provision of a hearing for the discipline of a licensee.

35 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.