

1 AN ACT concerning professional 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, 2, 16.5, 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7 (Section scheduled to be repealed on January 1, 2006)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 the evaluation or treatment of
10 a person by the use of the effective properties of physical
11 measures and heat, cold, light, water, radiant energy,
12 electricity, sound, and air; and the use of therapeutic
13 massage, therapeutic exercise, mobilization, and the
14 rehabilitative procedures with or without assistive devices
15 for the purposes of preventing, correcting, or alleviating a
16 physical or mental disability, or promoting physical fitness
17 and well-being. Physical therapy includes, but is not limited
18 to: (a) performance of specialized tests and measurements, (b)
19 administration of specialized treatment procedures, (c)
20 interpretation of referrals from physicians, dentists,
21 advanced practice nurses, physician assistants, and
22 podiatrists, (d) establishment, and modification of physical
23 therapy treatment programs, (e) administration of topical
24 medication used in generally accepted physical therapy
25 procedures when such medication is prescribed by the patient's
26 physician, licensed to practice medicine in all its branches,
27 the patient's physician licensed to practice podiatric
28 medicine, the patient's advanced practice nurse, the patient's
29 physician assistant, or the patient's dentist, and (f)
30 supervision or teaching of physical therapy. Physical therapy
31 does not include radiology, electrosurgery, chiropractic
32 technique or determination of a differential diagnosis;

1 provided, however, the limitation on determining a
2 differential diagnosis shall not in any manner limit a physical
3 therapist licensed under this Act from performing an evaluation
4 pursuant to such license. Nothing in this Section shall limit a
5 physical therapist from employing appropriate physical therapy
6 techniques that he or she is educated and licensed to perform.
7 A physical therapist shall refer to a licensed physician,
8 advanced practice nurse, physician assistant, dentist, or
9 podiatrist any patient whose medical condition should, at the
10 time of evaluation or treatment, be determined to be beyond the
11 scope of practice of the physical therapist.

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

15 (3) "Department" means the Department of Professional
16 Regulation.

17 (4) "Director" means the Director of Professional
18 Regulation.

19 (5) "Committee" means the Physical Therapy Examining
20 Committee approved by the Director.

21 (6) "Referral" means a written or oral authorization for
22 physical therapy services for a patient by a physician,
23 dentist, advanced practice nurse, physician assistant, or
24 podiatrist who maintains medical supervision of the patient and
25 makes a diagnosis or verifies that the patient's condition is
26 such that it may be treated by a physical therapist for the
27 ~~purpose of this Act means the following of guidance or~~
28 ~~direction to the physical therapist given by the physician,~~
29 ~~dentist, or podiatrist who shall maintain supervision of the~~
30 ~~patient.~~

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

1 remain in effect until changed by the physician, dentist,
2 advanced practice nurse, physician assistant, or podiatrist.

3 (8) "State" includes:

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

5 (b) the District of Columbia; and

6 (c) the Commonwealth of Puerto Rico.

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

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

20 (11) "Advanced practice nurse" means a person licensed
21 under the Nursing and Advanced Practice Nursing Act who has a
22 collaborative agreement with a collaborating physician that
23 authorizes referrals to physical therapists.

24 (12) "Physician assistant" means a person licensed under
25 the Physician Assistant Practice Act of 1987 who has been
26 delegated authority to make referrals to physical therapists.

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

28 (225 ILCS 90/2) (from Ch. 111, par. 4252)

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

30 Sec. 2. Licensure requirement; exempt activities. Practice
31 without a license forbidden - exception. No person shall after
32 the date of August 31, 1965 begin to practice physical therapy
33 in this State or hold himself out as being able to practice
34 this profession, unless he is licensed as such in accordance
35 with the provisions of this Act. After the effective date of

1 this amendatory Act of 1990, no person shall practice or hold
2 himself out as a physical therapist assistant unless he is
3 licensed as such under this Act. A physical therapist shall use
4 the initials "PT" in connection with his or her name to denote
5 licensure under this Act, and a physical therapist assistant
6 shall use the initials "PTA" in connection with his or her name
7 to denote licensure under this Act.

8 This Act does not prohibit:

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

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

22 (3) The practice of physical therapy for a period not
23 exceeding 6 months by a person who is in this State on a
24 temporary basis to assist in a case of medical emergency or
25 to engage in a special physical therapy project, and who
26 meets the qualifications for a physical therapist as set
27 forth in Sections 7 and 8 of this Act and is licensed in
28 another state as a physical therapist.

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

33 (5) One or more licensed physical therapists from
34 forming a professional service corporation under the
35 provisions of the "Professional Service Corporation Act",
36 approved September 15, 1969, as now or hereafter amended,

1 and licensing such corporation for the practice of physical
2 therapy.

3 (6) Physical therapy aides from performing patient
4 care activities under the on-site supervision of a licensed
5 physical therapist or licensed physical therapist
6 assistant. These patient care activities shall not include
7 interpretation of referrals, evaluation procedures, the
8 planning of or major modifications of, patient programs.

9 (7) Physical Therapist Assistants from performing
10 patient care activities under the general supervision of a
11 licensed physical therapist. The physical therapist must
12 maintain continual contact with the physical therapist
13 assistant including periodic personal supervision and
14 instruction to insure the safety and welfare of the
15 patient.

16 (8) The practice of physical therapy by a physical
17 therapy student or a physical therapist assistant student
18 under the on-site supervision of a licensed physical
19 therapist. The physical therapist shall be readily
20 available for direct supervision and instruction to insure
21 the safety and welfare of the patient.

22 (9) The practice of physical therapy as part of an
23 educational program by a physical therapist licensed in
24 another state or country for a period not to exceed 6
25 months.

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

27 (225 ILCS 90/16.5)

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

29 Sec. 16.5. Advertising services.

30 (a) A licensee shall include in every advertisement for
31 services regulated under this Act his or her title as it
32 appears on the license or the initials authorized under this
33 Act.

34 (b) It is unlawful for any person licensed under this Act
35 to use testimonials or claims of superior quality of care to

1 entice the public. It shall be unlawful to advertise fee
2 comparisons of available services with those of other persons
3 licensed under this Act.

4 (c) This Act does not authorize the advertising of
5 professional services that the offeror of such services is not
6 licensed to render. Nor shall the advertiser use statements
7 that contain false, fraudulent, deceptive or misleading
8 material or guarantees of success, play upon the vanity or
9 fears of the public, or promote or produce unfair competition.

10 (d) It is unlawful and punishable under Section 31 for any
11 person licensed under this Act to knowingly advertise that the
12 licensee will accept as payment for services rendered by
13 assignment from any third-party payor the amount the
14 third-party payor covers as payment in full, if the effect is
15 to give the impression of eliminating the need of payment by
16 the patient of any required deductible or copayment applicable
17 in the patient's health benefit plan.

18 (e) As used in this Section, "advertise" means solicitation
19 by the licensee or through another by means of handbills,
20 posters, circulars, motion pictures, radio, newspapers, or
21 television or in any other manner.

22 (Source: P.A. 91-310, eff. 1-1-00.)

23 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

25 Sec. 17. (1) The Department may refuse to issue or to
26 renew, or may revoke, suspend, place on probation, reprimand,
27 or take other disciplinary action as the Department deems
28 appropriate, including the issuance of fines not to exceed
29 \$5000, with regard to a license for any one or a combination of
30 the following:

31 A. Material misstatement in furnishing information to
32 the Department or otherwise making misleading, deceptive,
33 untrue, or fraudulent representations in violation of this
34 Act or otherwise in the practice of the profession;

35 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;

27 I. Unlawful distribution of any drug or narcotic, or
28 unlawful conversion of any drug or narcotic not belonging
29 to the person for such person's own use or benefit or for
30 other than medically accepted therapeutic purposes;

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

36 K. Revocation or suspension of a license to practice

1 physical therapy as a physical therapist or physical
2 therapist assistant or the taking of other disciplinary
3 action by the proper licensing authority of another state,
4 territory or country;

5 L. Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership or association
7 any fee, commission, rebate or other form of compensation
8 for any professional services not actually or personally
9 rendered. Nothing contained in this paragraph prohibits
10 persons holding valid and current licenses under this Act
11 from practicing physical therapy in partnership under a
12 partnership agreement, including a limited liability
13 partnership, a limited liability company, or a corporation
14 under the Professional Service Corporation Act or from
15 pooling, sharing, dividing, or apportioning the fees and
16 monies received by them or by the partnership, company, or
17 corporation in accordance with the partnership agreement
18 or the policies of the company or professional corporation;

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

22 N. Abandonment of a patient;

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

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

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

33 R. The use of any words (such as physical therapy,
34 physical therapist physiotherapy or physiotherapist),
35 abbreviations, figures or letters with the intention of
36 indicating practice as a licensed physical therapist

1 without a valid license as a physical therapist issued
2 under this Act;

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

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

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

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

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

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

34 Y. Failure by a physical therapist assistant and
35 supervising physical therapist to maintain continued
36 contact, including periodic personal supervision and

1 instruction, to insure safety and welfare of patients;

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

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

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

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

21 (225 ILCS 90/31) (from Ch. 111, par. 4281)

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

23 Sec. 31. Violations.

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

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

1 ~~therapist,~~ when he or she does not possess a currently valid
2 license as defined herein, commits a Class A misdemeanor, for a
3 first offense, and a Class 4 felony for a second or subsequent
4 offense.

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

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

18 (225 ILCS 90/32.2)

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

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

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself out to practice physical therapy
23 or as a physical therapist or a physical therapist assistant
24 without being licensed under this Act or who violates Section
25 16.5 or subsection (b) or (c) of Section 31 shall, in addition
26 to any other penalty provided by law, pay a civil penalty to
27 the Department in an amount not to exceed \$5,000 for each
28 offense as determined by the Department. The civil penalty
29 shall be assessed by the Department after a hearing is held in
30 accordance with the provisions set forth in this Act regarding
31 the provision of a hearing for the discipline of a licensee.

32 (b) The Department has the authority and power to
33 investigate any and all unlicensed activity.

34 (c) The civil penalty shall be paid within 60 days after
35 the effective date of the order imposing the civil penalty. The

1 order shall constitute a judgment and may be filed and
2 execution had thereon in the same manner as any judgment from
3 any court of record.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.