

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0461.01 Kristen Forrestal x4217

HOUSE BILL 18-1155

HOUSE SPONSORSHIP

Singer and Liston, Catlin, Ginal, Hooton, Pabon

SENATE SPONSORSHIP

Martinez Humenik,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE PHYSICAL THERAPY BOARD,
102 AND, IN CONNECTION THEREWITH, IMPLEMENTING THE
103 RECOMMENDATIONS CONTAINED IN THE 2017 SUNSET REVIEW
104 AND REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Public Health Care and Human Services Committee. The bill implements the recommendations of the department of regulatory agencies in its sunset review and report

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

concerning the "Physical Therapy Practice Act" as follows:

- ! Extends the licensing of physical therapists and the certification of physical therapist assistants until 2027 (**sections 1 through 3**);
- ! Clarifies that a physical therapist may make physical therapy diagnoses (**sections 5 and 7**);
- ! Clarifies that a physical therapist's scope of practice includes the direct supervision of unlicensed physical therapists (**section 8**); and
- ! Adds as grounds for disciplinary action the failure to supervise physical therapist assistants; and the failure to report an adverse action, the surrender of a license, or other discipline taken in another jurisdiction (**section 10**).

In addition, the bill:

- ! Allows a physical therapist assistant to perform noninvasive wound debridement under the supervision of a physical therapist (**sections 11 and 13**);
- ! Repeals some of elements of the continuing professional competency program for physical therapists (**section 9**) and subjects physical therapist assistants to a continuing professional competency program (**section 12**);
- ! Replaces a physical therapist member of the physical therapy board with a physical therapist assistant member (**section 6**); and
- ! Removes physical therapists practicing in Colorado pursuant to the "Interstate Physical Therapy Licensure Compact Act" from the "Michael Skolnik Medical Transparency Act of 2010" (**section 14**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-41-130, **amend**
3 (2); and **repeal** (1) as follows:

4 **12-41-130. Repeal of part. (1)** ~~This part 1 is repealed, effective~~
5 ~~September 1, 2018.~~

6 (2) (a) ~~THIS PART 1 AND the licensing functions of the board as set~~
7 ~~forth in this part 1 are terminated September 1, 2018~~ REPEALED,
8 EFFECTIVE SEPTEMBER 1, 2027.

9 (b) ~~Prior to such termination~~ BEFORE THE REPEAL, the licensing

1 functions ~~shall be reviewed as provided for in~~ OF THE BOARD ARE
2 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-41-221 as
4 follows:

5 **12-41-221. Repeal of part.** This part 2 is repealed, effective
6 ~~September 1, 2018. Prior to the~~ SEPTEMBER 1, 2027. BEFORE ITS repeal,
7 the functions of the ~~board of~~ physical therapy BOARD in regulating
8 physical therapist assistants under this part 2 ~~must be reviewed as~~
9 ~~provided for in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
10 section 24-34-104. ~~C.R.S.~~

11 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
12 (15)(a)(II) and (15)(a)(III); and **add** (28)(a)(II) and (28)(a)(III) as follows:

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for repeal, continuation, or reestablishment - legislative**
15 **declaration - repeal.** (15) (a) The following agencies, functions, or both,
16 will repeal on September 1, 2018:

17 (II) ~~The licensing of physical therapists by the physical therapy~~
18 ~~board in accordance with article 41 of title 12, C.R.S.;~~

19 (III) ~~The certification of physical therapist assistants by the~~
20 ~~physical therapy board in accordance with article 41 of title 12, C.R.S.;~~

21 (28) (a) The following agencies, functions, or both, are scheduled
22 for repeal on September 1, 2027:

23 (II) THE LICENSING OF PHYSICAL THERAPISTS BY THE PHYSICAL
24 THERAPY BOARD IN ACCORDANCE WITH PART 1 OF ARTICLE 41 OF TITLE 12;

25 (III) THE CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS BY
26 THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH PART 2 OF ARTICLE
27 41 OF TITLE 12.

1 **SECTION 4.** In Colorado Revised Statutes, 12-41-102, **amend**
2 (1) as follows:

3 **12-41-102. Legislative declaration.** (1) The general assembly
4 hereby finds and declares that:

5 (a) The practice of physical therapy by any person who does not
6 possess a valid license issued under ~~the provisions of this article~~ ARTICLE
7 41 is inimical to the general public welfare. It is not, however, the intent
8 of this ~~article~~ ARTICLE 41 to restrict the practice of any person duly
9 licensed under other laws of this state from practicing within such
10 person's scope of competency and authority under such laws.

11 (b) PHYSICAL THERAPY PRACTICE CONSISTS OF PATIENT AND
12 CLIENT MANAGEMENT, WHICH INCLUDES PHYSICAL THERAPY DIAGNOSIS
13 AND PROGNOSIS TO OPTIMIZE PHYSICAL FUNCTION, MOVEMENT,
14 PERFORMANCE, HEALTH, QUALITY OF LIFE, AND WELL-BEING ACROSS THE
15 LIFE-SPAN AND ALSO INCLUDES CONTRIBUTIONS TO PUBLIC HEALTH
16 SERVICES AIMED AT IMPROVING THE HEALTH OF THE POPULATION; AND

17 (c) THE PROFESSIONAL SCOPE OF PHYSICAL THERAPY PRACTICE
18 EVOLVES IN RESPONSE TO INNOVATION, RESEARCH, COLLABORATION, AND
19 CHANGE IN SOCIETAL NEEDS.

20 **SECTION 5.** In Colorado Revised Statutes, 12-41-103, **amend**
21 (6)(a)(I) as follows:

22 **12-41-103. Definitions.** As used in this article 41, unless the
23 context otherwise requires:

24 (6) (a) (I) "Physical therapy" means the examination, DIAGNOSIS,
25 treatment, or instruction of patients and clients to detect, assess, prevent,
26 correct, alleviate, or limit physical disability, movement dysfunction,
27 bodily malfunction, or pain from injury, disease, and other bodily

1 conditions.

2 **SECTION 6.** In Colorado Revised Statutes, 12-41-103.3, **amend**
3 (1)(a) as follows:

4 **12-41-103.3. Physical therapy board - created.** (1)(a) The state
5 physical therapy board is hereby created as the agency for regulation of
6 the practice of physical therapy in this state and to carry out the purposes
7 of this ~~article~~ ARTICLE 41. The board consists of: ~~five~~ FOUR physical
8 therapist members; ONE PHYSICAL THERAPIST ASSISTANT, UNLESS A
9 PHYSICAL THERAPIST ASSISTANT CANNOT BE FOUND, IN WHICH CASE THE
10 GOVERNOR MAY APPOINT AN ADDITIONAL PHYSICAL THERAPIST TO THE
11 BOARD; and two members from the public at large. Each member OF THE
12 BOARD IS to be appointed by the governor ~~by no later than January 1,~~
13 ~~2012,~~ for terms of four years. A member shall not serve more than two
14 consecutive terms of four years. The governor shall give due
15 consideration to having a geographic, political, urban, and rural balance
16 among the board members.

17 **SECTION 7.** In Colorado Revised Statutes, 12-41-105, **add** (2)
18 as follows:

19 **12-41-105. Limitations on authority.** (2) NOTHING IN THIS
20 SECTION PREVENTS A PHYSICAL THERAPIST FROM MAKING A PHYSICAL
21 THERAPY DIAGNOSIS WITHIN THE PHYSICAL THERAPIST'S SCOPE OF
22 PRACTICE.

23 **SECTION 8.** In Colorado Revised Statutes, 12-41-114, **amend**
24 (1) introductory portion and (1)(a) as follows:

25 **12-41-114. Scope of article - exclusions.** (1) Nothing contained
26 in this ~~article~~ ARTICLE 41 prohibits:

27 (a) The practice of physical therapy by students enrolled in an

1 accredited physical therapy or physical therapist assistant program and
2 performing under the ~~direction and immediate~~ DIRECT supervision of a
3 physical therapist currently licensed in this state;

4 **SECTION 9.** In Colorado Revised Statutes, 12-41-114.6, **repeal**
5 (1)(b)(III) and (1)(c).

6 **SECTION 10.** In Colorado Revised Statutes, 12-41-115, **amend**
7 (1)(e); and **add** (1)(z) as follows:

8 **12-41-115. Grounds for disciplinary action.** (1) The board may
9 take disciplinary action in accordance with section 12-41-116 against a
10 person who has:

11 (e) Failed to provide adequate or proper supervision when
12 utilizing CERTIFIED PHYSICAL THERAPIST ASSISTANTS, unlicensed persons,
13 or persons with a provisional license in a physical therapy practice;

14 (z) FAILED TO REPORT AN ADVERSE ACTION, THE SURRENDER OF
15 A LICENSE, OR OTHER DISCIPLINE TAKEN IN ANOTHER JURISDICTION.

16 **SECTION 11.** In Colorado Revised Statutes, 12-41-209, **amend**
17 (1)(d) and (1)(e); and **add** (1)(f) as follows:

18 **12-41-209. Scope of part 2 - exclusions.** (1) This part 2 does not
19 prohibit:

20 (d) Practice as a physical therapist assistant in this state by a
21 legally qualified physical therapist assistant from another state or country
22 for the purpose of participating in an educational program of not more
23 than sixteen weeks' duration; ~~or~~

24 (e) The practice of a physical therapist assistant licensed, certified,
25 or registered in this or any other state or territory of the United States who
26 is employed by the United States government or a bureau, division, or
27 agency thereof while within the course and scope of the physical therapist

1 assistant's duties; OR

2 (f) THE PERFORMANCE OF NONINVASIVE DEBRIDEMENT, SUCH AS
3 AUTOLYTIC AND ENZYMATIC DEBRIDEMENT TREATMENT.

4 **SECTION 12.** In Colorado Revised Statutes, **add** 12-41-210.5 as
5 follows:

6 **12-41-210.5. Continued professional competency - rules.** (1) A
7 CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL MAINTAIN CONTINUING
8 PROFESSIONAL COMPETENCY TO PRACTICE. CONTINUING PROFESSIONAL
9 COMPETENCY INCLUDES A SELF-ASSESSMENT OF THE KNOWLEDGE AND
10 SKILLS OF A PHYSICAL THERAPIST ASSISTANT SEEKING TO RENEW OR
11 REINSTATE A CERTIFICATION AS SPECIFIED IN SUBSECTION (2) OF THIS
12 SECTION.

13 (2) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING
14 COMPETENCY PROGRAM THAT INCLUDES A SELF-ASSESSMENT OF THE
15 KNOWLEDGE AND SKILLS OF A PHYSICAL THERAPIST ASSISTANT SEEKING
16 TO RENEW OR REINSTATE A CERTIFICATION AND THE DEVELOPMENT,
17 EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE
18 ASSESSMENT.

19 **SECTION 13.** In Colorado Revised Statutes, 12-36-106, **amend**
20 (3) introductory portion and (3)(r)(II) as follows:

21 **12-36-106. Practice of medicine defined - exemptions from**
22 **licensing requirements - unauthorized practice by physician**
23 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

24 (3) A person may engage in, and shall not be required to obtain a license
25 or a physician training license under this ~~article~~ ARTICLE 36 with respect
26 to, any of the following acts:

27 (r) (II) The performance of wound debridement OR NONINVASIVE

1 DEBRIDEMENT under a physician's order within the scope of physical
2 therapy practice as provided in section 12-41-113 (3) OR PRACTICE AS A
3 PHYSICAL THERAPIST ASSISTANT AS PROVIDED IN SECTION 12-41-209
4 (1)(f);

5 **SECTION 14.** In Colorado Revised Statutes, 24-34-110, **amend**
6 (3)(a)(XIII) as follows:

7 **24-34-110. Medical transparency act of 2010 - disclosure of**
8 **information about health care licensees - fines - rules - short title -**
9 **legislative declaration - repeal.** (3) (a) As used in this section,
10 "applicant" means a person applying for a new, active license,
11 certification, or registration or to renew, reinstate, or reactivate an active
12 license, certification, or registration to practice:

13 (XIII) Physical therapy pursuant to article 41 of title 12; ~~or part 37~~
14 ~~of article 60 of this title 24;~~

15 **SECTION 15. Act subject to petition - effective date.** This act
16 takes effect September 1, 2018; except that, if a referendum petition is
17 filed pursuant to section 1 (3) of article V of the state constitution against
18 this act or an item, section, or part of this act within the ninety-day period
19 after final adjournment of the general assembly, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2018 and, in such case, will take
22 effect on the date of the official declaration of the vote thereon by the
23 governor.