

A-Engrossed
House Bill 2386

Ordered by the House March 28
Including House Amendments dated March 28

Sponsored by Representative TOMEI (at the request of Oregon Physical Therapists Association) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires person licensed as physical therapist or physical therapist assistant to use professional designation. Restricts use of professional designations for physical therapists to person or business entity providing services by physical therapist. Modifies exceptions to requirement for licensure to practice physical therapy. Modifies circumstances that require physical therapist to refer person to other health care practitioner.]

Requires person licensed to practice physical therapy and who holds doctoral degree in physical therapy to use professional title.

Extends time physical therapist may treat person before referral to other health professional.

A BILL FOR AN ACT

Relating to physical therapy; amending ORS 676.110, 676.120 and 688.132.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 676.110 is amended to read:

676.110. Any person practicing a health care profession who uses the title "doctor," or any contraction thereof, "clinic," "institute," "specialist" or any other assumed or artificial name or title, in connection with the business or profession, on any written or printed matter, or in connection with any advertising, billboards, signs or professional notices, shall add after the name of the person, or after any such assumed or artificial names, one of the following respective designations in letters or print which shall be at least one-fourth the size of the largest letters used in the title or name, and in material, color, type or illumination to give display and legibility of at least one-fourth that of the title or name:

(1) In the case of a person practicing podiatry, the word "podiatrist" or the words "podiatric physician" or "podiatric physician and surgeon."

(2) In the case of a person practicing chiropractic, the word "chiropractor" or the words "chiropractic physician."

(3) In the case of a person practicing dentistry, the word "dentist" or "dentistry."

(4) In the case of a person practicing naturopathic medicine, the word "naturopath" or the words "naturopathic physician."

(5) In the case of a person practicing optometry, the word "optometrist" or the words "doctor of optometry" or "optometric physician."

(6) In the case of a person licensed to practice medicine by the Board of Medical Examiners for the State of Oregon who holds the degree of Doctor of Osteopathy, or the equivalent, the word "osteopath" or the words "osteopathic physician" or "osteopathic physician and surgeon."

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (7) In the case of a person licensed to practice medicine by the Board of Medical Examiners for
2 the State of Oregon who holds the degree of Doctor of Medicine, or the equivalent, the word “phy-
3 sician” or the word “surgeon” or the words “physician and surgeon.”

4 (8) In the case of a person practicing veterinary medicine, the word “veterinarian.”

5 (9) In the case of a person practicing acupuncture, the word “acupuncturist.”

6 **(10) In the case of a person licensed to practice physical therapy by the Physical Thera-**
7 **apist Licensing Board who holds a doctoral degree in physical therapy, the words “doctor of**
8 **physical therapy.”**

9 **SECTION 2.** ORS 676.120 is amended to read:

10 676.120. [No] A person [shall] **may not** use any of the designations stated in ORS 676.110 (1) to
11 [(9)] **(10)**, in connection with the name, business or profession of the person or in connection with
12 an assumed or artificial name, or “clinic,” “institute” or “specialist,” unless the person is licensed
13 under the laws of this state to practice the particular health care profession indicated by such
14 designation, as stated in ORS 676.110. However, upon the death of any person duly licensed by any
15 board empowered to license any practitioner of a health care profession, the executors of the estate
16 or the heirs, assigns, associates or partners may retain the use of the decedent’s name, where it
17 appears other than as a part of an assumed name, for no more than one year after the death of such
18 person or until the estate is settled, whichever is sooner.

19 **SECTION 3.** ORS 688.132 is amended to read:

20 688.132. (1) A licensed physical therapist shall immediately refer a person to a medical doctor,
21 osteopathic physician, chiropractic physician, podiatric physician and surgeon, naturopathic physi-
22 cian, dentist, physician assistant or nurse practitioner if:

23 (a) Signs or symptoms are present that require treatment or diagnosis by such providers or for
24 which physical therapy is contraindicated or for which treatment is outside the knowledge of the
25 physical therapist or scope of practice of physical therapy; or

26 (b) The physical therapist continues therapy and [30] **45** days have passed since the initial
27 physical therapy treatment has been administered, unless:

28 (A) The individual is a child or a student eligible for special education, as defined by state or
29 federal law, and is being seen pursuant to the child’s or the student’s individual education plan or
30 individual family service plan;

31 (B) The individual is a student athlete at a public or private school, college or university and
32 is seeking treatment in that role as athlete; or

33 (C) The individual is a resident of a long term care facility as defined in ORS 442.015, a resi-
34 dential facility as defined in ORS 443.400, an adult foster home as defined in ORS 443.705 or an
35 intermediate care facility for mental retardation pursuant to federal regulations.

36 (2) Notwithstanding any provision of ORS 742.518 to 742.542, personal injury protection benefits
37 are not required to be paid for physical therapy treatment of a person covered by the applicable
38 insurance policy unless the person is referred to the physical therapist by a licensed physician,
39 podiatric physician and surgeon, naturopathic physician, dentist, physician’s assistant or nurse
40 practitioner.

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