

Enrolled
House Bill 2386

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

CHAPTER

AN ACT

Relating to physical therapy; amending ORS 688.030 and 688.132.

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

SECTION 1. ORS 688.132 is amended to read:

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

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

(b) The physical therapist continues therapy and [30] **60** days have passed since the initial physical therapy treatment has been administered, unless:

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

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

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

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

SECTION 2. ORS 688.030 is amended to read:

688.030. ORS 688.010 to 688.201 do not apply to:

(1) [Any] **A** person engaging in the domestic application of any [act] **activity** included in the definition of **the practice of** physical therapy, [or any person licensed under any other health care licensing law of this state to do any such act or to persons working under the direction of any such person] if the person does not represent to anyone receiving services or to the public that the person is a physical therapist **or a physical therapist assistant.**

[2) *Massage practiced at any bona fide athletic club, at any athletic department of any bona fide fraternal organization, at any public institution or at any athletic department of a school or college.*]

(2) A person using any procedure included in the practice of physical therapy if the procedure is within the scope of practice of the person and the person:

(a) Is licensed under a health care licensing law of this state; and

(b) Does not represent or imply that the person is a physical therapist or a physical therapist assistant.

[(3) The practice of physical therapy which is incidental to the planned program of study for students enrolled in a physical therapist or physical therapist assistant program approved by the Physical Therapist Licensing Board.]

(3) A person who is enrolled in an accredited physical therapy education program that leads to a degree as a physical therapist or a physical therapist assistant and who is satisfying supervised clinical education requirements under the direct supervision of a physical therapist.

(4) A physical therapist licensed in another jurisdiction who is, for a period not to exceed 60 days in each calendar year:

(a) Providing consultation from the other jurisdiction by means of telecommunications to a physical therapist in this state;

(b) Providing physical therapy services to a touring theater company, a performing arts company or an athletic team; or

(c) Performing physical therapy while teaching or participating in an educational conference in this state.

Passed by House April 3, 2007

Received by Governor:

Repassed by House May 30, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate May 24, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State