

House Bill 2386

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 **as introduced**.

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.

A BILL FOR AN ACT

1 Relating to physical therapy; amending ORS 676.110, 676.120, 688.020, 688.030 and 688.132.

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

3 **SECTION 1.** ORS 676.110 is amended to read:

4 676.110. Any person practicing a health care profession who uses the title "doctor," or any
5 contraction thereof, "clinic," "institute," "specialist" or any other assumed or artificial name or ti-
6 tle, in connection with the business or profession, on any written or printed matter, or in connection
7 with any advertising, billboards, signs or professional notices, shall add after the name of the person,
8 or after any such assumed or artificial names, one of the following respective designations in letters
9 or print which shall be at least one-fourth the size of the largest letters used in the title or name,
10 and in material, color, type or illumination to give display and legibility of at least one-fourth that
11 of the title or name:
12

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

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

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

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

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

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

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

28 (8) In the case of a person practicing veterinary medicine, the word "veterinarian."

29 (9) In the case of a person practicing acupuncture, the word "acupuncturist."

30 **(10) In the case of a person licensed to practice physical therapy by the Physical Thera-**

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 **pist Licensing Board, the words “physical therapist” or “physiotherapist.”**

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

3 676.120. [No] **A person [shall] may not** use any of the designations stated in ORS 676.110 (1) to
 4 [(9)] **(10)**, in connection with the name, business or profession of the person or in connection with
 5 an assumed or artificial name, or “clinic,” “institute” or “specialist,” unless the person is licensed
 6 under the laws of this state to practice the particular health care profession indicated by such
 7 designation, as stated in ORS 676.110. However, upon the death of any person duly licensed by any
 8 board empowered to license any practitioner of a health care profession, the executors of the estate
 9 or the heirs, assigns, associates or partners may retain the use of the decedent’s name, where it
 10 appears other than as a part of an assumed name, for no more than one year after the death of such
 11 person or until the estate is settled, whichever is sooner.

12 **SECTION 3.** ORS 688.020 is amended to read:

13 688.020. (1) Unless a person is a licensed physical therapist or holds a permit issued under ORS
 14 688.110, a person [shall] **may not**[:]

15 [(a)] practice physical therapy.[: or]

16 [(b) *Use in connection with the name of the person the words or letters, “P.T.,” “R.P.T.”,*
 17 *“L.P.T.,” “physical therapist,” “physiotherapist” or any other letters, words, abbreviations or insignia*
 18 *indicating that the person is a physical therapist, or purports to be a physical therapist.*]

19 **(2) A physical therapist shall use the letters “PT” in connection with the physical ther-**
 20 **apist’s name and place of business to denote licensure under ORS 688.010 to 688.201.**

21 **(3) A person or business entity, or an employee, representative or agent of a person or**
 22 **business entity, may not:**

23 **(a) Use in connection with activities conducted by the person or business entity the**
 24 **words “physical therapy,” “physical therapist,” “physiotherapist,” “physiotherapy,” or the**
 25 **letters “PT,” “DPT,” “MPT” or any other words, abbreviations or insignia indicating or im-**
 26 **plying that physical therapy is provided by the person or business entity, unless the physical**
 27 **therapy is provided by or under the direction of a physical therapist.**

28 **(b) Advertise or otherwise promote another person as being a physical therapist or**
 29 **physiotherapist unless the person being advertised or promoted is a licensed physical thera-**
 30 **pist.**

31 **(4) Offer, provide to or bill a person for services characterized as physical therapy or**
 32 **physiotherapy unless the services are performed by a licensed physical therapist.**

33 [(2)] **(5)(a)** Unless a person holds a license as a physical therapist assistant, a person [shall]
 34 **may not**[:]

35 [(a)] practice as a physical therapist assistant.[: or]

36 [(b) *Use in connection with the name of the person the words or letters, “L.P.T.A.,” “P.T.A.”,*
 37 *“physical therapist assistant,” “licensed physical therapist assistant”, or any other letters, words, ab-*
 38 *brevisions or insignia indicating that the person is a physical therapist assistant or purports to be a*
 39 *physical therapist assistant.*]

40 **(b) A physical therapist assistant shall use the letters “PTA” in connection with the**
 41 **physical therapist assistant’s name to denote licensure under ORS 688.040.**

42 **(c) A person may not use the title “physical therapist assistant,” the letters “PTA” or**
 43 **any other words, abbreviations or insignia in connection with the person’s name to indicate**
 44 **or imply that the person is a physical therapist assistant unless the person is licensed under**
 45 **ORS 688.040.**

SECTION 4. 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.]*

[(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 licensed under a health care licensing law of this state who is engaged in any activity included in the practice of physical therapy if the activity is within the scope of practice of the person’s licensure and the person does not indicate or imply that the person is a physical therapist, a physical therapist assistant or a provider of physical therapy.

[(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 physical therapist assistant and who is satisfying supervised clinical education requirements under the on-site 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 that jurisdiction by means of telecommunications to a physical therapist in Oregon.

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

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

SECTION 5. 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 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.]

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

6
