
SENATE BILL 5292

State of Washington 60th Legislature 2007 Regular Session

By Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette

Read first time 01/16/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to physical therapist assistants; amending RCW
2 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060,
3 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150,
4 18.74.160, and 18.74.170; and adding new sections to chapter 18.74 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.74.010 and 2005 c 501 s 2 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Board" means the board of physical therapy created by RCW
11 18.74.020.

12 (2) "Department" means the department of health.

13 (3) "Physical therapy" means the care and services provided by or
14 under the direction and supervision of a physical therapist licensed by
15 the state. The use of Roentgen rays and radium for diagnostic and
16 therapeutic purposes, the use of electricity for surgical purposes,
17 including cauterization, and the use of spinal manipulation, or
18 manipulative mobilization of the spine and its immediate articulations,

1 are not included under the term "physical therapy" as used in this
2 chapter.

3 (4) "Physical therapist" means a person who meets all the
4 requirements of this chapter and is licensed in this state to practice
5 physical therapy.

6 (5) "Secretary" means the secretary of health.

7 (6) Words importing the masculine gender may be applied to females.

8 (7) "Authorized health care practitioner" means and includes
9 licensed physicians, osteopathic physicians, chiropractors,
10 naturopaths, podiatric physicians and surgeons, dentists, and advanced
11 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein
12 shall be construed as altering the scope of practice of such
13 practitioners as defined in their respective licensure laws.

14 (8) "Practice of physical therapy" is based on movement science and
15 means:

16 (a) Examining, evaluating, and testing individuals with mechanical,
17 physiological, and developmental impairments, functional limitations in
18 movement, and disability or other health and movement-related
19 conditions in order to determine a diagnosis, prognosis, plan of
20 therapeutic intervention, and to assess and document the ongoing
21 effects of intervention;

22 (b) Alleviating impairments and functional limitations in movement
23 by designing, implementing, and modifying therapeutic interventions
24 that include therapeutic exercise; functional training related to
25 balance, posture, and movement to facilitate self-care and
26 reintegration into home, community, or work; manual therapy including
27 soft tissue and joint mobilization and manipulation; therapeutic
28 massage; assistive, adaptive, protective, and devices related to
29 postural control and mobility except as restricted by (c) of this
30 subsection; airway clearance techniques; physical agents or modalities;
31 mechanical and electrotherapeutic modalities; and patient-related
32 instruction;

33 (c) Training for, and the evaluation of, the function of a patient
34 wearing an orthosis or prosthesis as defined in RCW 18.200.010.
35 Physical therapists may provide those direct-formed and prefabricated
36 upper limb, knee, and ankle-foot orthoses, but not fracture orthoses
37 except those for hand, wrist, ankle, and foot fractures, and assistive
38 technology devices specified in RCW 18.200.010 as exemptions from the

1 defined scope of licensed orthotic and prosthetic services. It is the
2 intent of the legislature that the unregulated devices specified in RCW
3 18.200.010 are in the public domain to the extent that they may be
4 provided in common with individuals or other health providers, whether
5 unregulated or regulated under Title 18 RCW, without regard to any
6 scope of practice;

7 (d) Performing wound care services that (~~is~~~~are~~) are limited to
8 sharp debridement, debridement with other agents, dry dressings, wet
9 dressings, topical agents including enzymes, hydrotherapy, electrical
10 stimulation, ultrasound, and other similar treatments. Physical
11 therapists may not delegate sharp debridement. A physical therapist
12 may perform wound care services only by referral from or after
13 consultation with an authorized health care practitioner;

14 (e) Reducing the risk of injury, impairment, functional limitation,
15 and disability related to movement, including the promotion and
16 maintenance of fitness, health, and quality of life in all age
17 populations; and

18 (f) Engaging in administration, consultation, education, and
19 research.

20 (9)(a) "Physical therapist assistant" means a person who (~~has~~
21 ~~successfully completed a board approved physical therapist assistant~~
22 ~~program~~) meets all the requirements of this chapter and is licensed as
23 a physical therapist assistant and who performs physical therapy
24 procedures and related tasks that have been selected and delegated only
25 by the supervising physical therapist. However, a physical therapist
26 may not delegate sharp debridement to a physical therapist assistant.

27 (b) "Physical therapy aide" means a person who is involved in
28 direct physical therapy patient care who does not meet the definition
29 of a physical therapist or physical therapist assistant and receives
30 ongoing on-the-job training.

31 (c) "Other assistive personnel" means other trained or educated
32 health care personnel, not defined in (a) or (b) of this subsection,
33 who perform specific designated tasks related to physical therapy under
34 the supervision of a physical therapist, including but not limited to
35 licensed massage practitioners, athletic trainers, and exercise
36 physiologists. At the direction of the supervising physical therapist,
37 and if properly credentialed and not prohibited by any other law, other

1 assistive personnel may be identified by the title specific to their
2 training or education.

3 (10) "Direct supervision" means the supervising physical therapist
4 must (a) be continuously on-site and present in the department or
5 facility where assistive personnel or holders of interim permits are
6 performing services; (b) be immediately available to assist the person
7 being supervised in the services being performed; and (c) maintain
8 continued involvement in appropriate aspects of each treatment session
9 in which a component of treatment is delegated to assistive personnel.

10 (11) "Sharp debridement" means the removal of devitalized tissue
11 from a wound with scissors, scalpel, and tweezers without anesthesia.
12 "Sharp debridement" does not mean surgical debridement. A physical
13 therapist may perform sharp debridement, to include the use of a
14 scalpel, only upon showing evidence of adequate education and training
15 as established by rule. Until the rules are established, but no later
16 than July 1, 2006, physical therapists licensed under this chapter who
17 perform sharp debridement as of July 24, 2005, shall submit to the
18 secretary an affidavit that includes evidence of adequate education and
19 training in sharp debridement, including the use of a scalpel.

20 **Sec. 2.** RCW 18.74.020 and 1991 c 3 s 174 are each amended to read
21 as follows:

22 The state board of physical therapy is hereby created. The board
23 shall consist of (~~five~~) six members who shall be appointed by the
24 governor. Of the initial appointments, two shall be appointed for a
25 term of two years, two for a term of three years, and one for a term of
26 four years. Thereafter, all appointments shall be for terms of four
27 years. Four members of the board shall be physical therapists licensed
28 under this chapter and residing in this state, shall have not less than
29 five years' experience in the practice of physical therapy, and shall
30 be actively engaged in practice within two years of appointment. One
31 member shall be a physical therapist assistant licensed under this
32 chapter and residing in this state, shall not have less than five
33 years' experience in the practice of physical therapy, and shall be
34 actively engaged in practice within two years of appointment. The
35 (~~fifth~~) sixth member shall be appointed from the public at large,
36 shall have an interest in the rights of consumers of health services,
37 and shall not be or have been a member of any other licensing board, a

1 licensee of any health occupation board, an employee of any health
2 facility nor derive his or her primary livelihood from the provision of
3 health services at any level of responsibility. In the event that a
4 member of the board for any reason cannot complete his or her term of
5 office, another appointment shall be made by the governor in accordance
6 with the procedure stated (~~(above)~~) in this section to fill the
7 remainder of the term. No member may serve for more than two
8 successive four-year terms.

9 The secretary of health shall furnish such secretarial, clerical,
10 and other assistance as the board may require. Each member of the
11 board shall, in addition to travel expenses in accordance with RCW
12 43.03.050 and 43.03.060, be compensated in accordance with RCW
13 43.03.240.

14 **Sec. 3.** RCW 18.74.030 and 1983 c 116 s 6 are each amended to read
15 as follows:

16 (1) An applicant for a license as a physical therapist shall have
17 the following minimum qualifications:

18 ~~((+1))~~ (a) Be of good moral character; and

19 ~~((+2))~~ (b) Have obtained either ~~((+a))~~ (i) a baccalaureate degree
20 in physical therapy from an institution of higher learning approved by
21 the board or ~~((+b))~~ (ii) a baccalaureate degree from an institution of
22 higher learning and a certificate or advanced degree from a school of
23 physical therapy approved by the board.

24 (2) An applicant for a license as a physical therapist assistant
25 must have the following minimum qualifications:

26 (a) Be of good moral character; and

27 (b) Have successfully completed a board-approved physical therapist
28 assistant program.

29 (3) The applicant shall present proof of qualification to the board
30 in the manner and on the forms prescribed by ~~((+t))~~ the board.

31 **Sec. 4.** RCW 18.74.035 and 1995 c 198 s 10 are each amended to read
32 as follows:

33 (1) All qualified applicants for a license as a physical therapist
34 shall be examined by the board at such time and place as the board may
35 determine. The board may approve an examination prepared or
36 administered by a private testing agency or association of licensing

1 authorities. The examination shall embrace the following subjects:
2 The applied sciences of anatomy, neuroanatomy, kinesiology, physiology,
3 pathology, psychology, physics; physical therapy, as defined in this
4 chapter, applied to medicine, neurology, orthopedics, pediatrics,
5 psychiatry, surgery; medical ethics; technical procedures in the
6 practice of physical therapy as defined in this chapter; and such other
7 subjects as the board may deem useful to test the applicant's fitness
8 to practice physical therapy, but not including the adjustment or
9 manipulation of the spine or use of a thrusting force as mobilization.
10 Examinations shall be held within the state at least once a year, at
11 such time and place as the board shall determine. An applicant who
12 fails an examination may apply for reexamination upon payment of a
13 reexamination fee determined by the secretary.

14 (2) All qualified applicants for a license as a physical therapist
15 assistant must be examined by the board at such a time and place as the
16 board may determine. The board may approve an examination prepared or
17 administered by a private testing agency or association of licensing
18 authorities.

19 **Sec. 5.** RCW 18.74.040 and 1991 c 3 s 177 are each amended to read
20 as follows:

21 (1) The secretary ((of health)) shall license as a physical
22 therapist, and shall furnish a license to, each applicant who
23 successfully passes the examination for licensure as a physical
24 therapist.

25 (2) The secretary shall license as a physical therapist assistant,
26 and shall furnish a license to, each applicant who successfully passes
27 the examination for licensure as a physical therapist assistant.

28 **Sec. 6.** RCW 18.74.060 and 1996 c 191 s 60 are each amended to read
29 as follows:

30 Upon the recommendation of the board, the secretary shall license
31 as a physical therapist or physical therapist assistant and shall
32 furnish a license to any person who is a physical therapist or physical
33 therapist assistant registered, certified, or licensed under the laws
34 of another state or territory, or the District of Columbia, if the
35 qualifications for such registration, certification, or license
36 required of the applicant were substantially equal to the requirements

1 under this chapter. At the time of making application, the applicant
2 shall comply with administrative procedures, administrative
3 requirements, and fees established pursuant to RCW 43.70.250 and
4 43.70.280.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.74 RCW
6 to read as follows:

7 The board shall waive the examination and grant a license to a
8 person who meets the commonly accepted standards for practicing as a
9 physical therapist assistant, as adopted by rule. Persons eligible for
10 licensure as a physical therapist assistant under this section must
11 apply for a license within one year of the effective date of this
12 section.

13 **Sec. 8.** RCW 18.74.070 and 1996 c 191 s 61 are each amended to read
14 as follows:

15 Every licensed physical therapist and physical therapist assistant
16 shall apply to the secretary for a renewal of the license and pay to
17 the state treasurer a fee determined by the secretary as provided in
18 RCW 43.70.250 and 43.70.280.

19 **Sec. 9.** RCW 18.74.073 and 1998 c 143 s 1 are each amended to read
20 as follows:

21 Any physical therapist or physical therapist assistant licensed
22 under this chapter not practicing physical therapy or providing
23 services may place his or her license in an inactive status. The board
24 shall prescribe requirements for maintaining an inactive status and
25 converting from an inactive or active status. The secretary may
26 establish fees for alterations in license status.

27 **Sec. 10.** RCW 18.74.090 and 1991 c 3 s 181 are each amended to read
28 as follows:

29 (1) A person who is not licensed with the secretary of health as a
30 physical therapist under the requirements of this chapter shall not
31 represent him or herself as being so licensed and shall not use in
32 connection with his or her name the words or letters "P.T.", "R.P.T.",
33 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or
34 "physiotherapist", or any other letters, words, signs, numbers, or

1 insignia indicating or implying that he or she is a physical therapist.
2 No person may practice physical therapy without first having a valid
3 license. Nothing in this chapter prohibits any person licensed in this
4 state under any other act from engaging in the practice for which he or
5 she is licensed. It shall be the duty of the prosecuting attorney of
6 each county to prosecute all cases involving a violation of this
7 chapter arising within his or her county. The attorney general may
8 assist in such prosecution and shall appear at all hearings when
9 requested to do so by the board.

10 (2) No person may use the title "physical therapist assistant," the
11 letters "PTA," or any other words, abbreviations, or insignia in
12 connection with his or her name to indicate or imply, directly or
13 indirectly, that he or she is a physical therapist assistant without
14 being licensed in accordance with this chapter as a physical therapist
15 assistant.

16 **Sec. 11.** RCW 18.74.120 and 1991 c 3 s 183 are each amended to read
17 as follows:

18 The secretary of health shall keep a record of proceedings under
19 this chapter and a register of all persons licensed under it. The
20 register shall show the name of every living licensed physical
21 therapist and physical therapist assistant, his or her last known place
22 of residence, and the date and number of his or her license as a
23 physical therapist or physical therapist assistant.

24 **Sec. 12.** RCW 18.74.130 and 1983 c 116 s 22 are each amended to
25 read as follows:

26 This chapter does not prohibit or regulate:

27 (1) The practice of physical therapy by students enrolled in
28 approved schools as may be incidental to their course of study so long
29 as such activities do not go beyond the scope of practice defined by
30 this chapter.

31 (2) Auxiliary services provided by physical therapy aides carrying
32 out duties necessary for the support of physical therapy including
33 those duties which involve minor physical therapy services when
34 performed under the direct supervision of licensed physical therapists
35 or physical therapist assistants so long as such activities do not go
36 beyond the scope of practice defined by this chapter.

1 (3) The practice of physical therapy by licensed or registered
2 physical therapists of other states or countries while appearing as
3 clinicians of bona fide educational seminars sponsored by physical
4 therapy, medical, or other healing art professional associations so
5 long as such activities do not go beyond the scope of practice defined
6 by this chapter.

7 (4) The practice of physical therapists and physical therapist
8 assistants in the armed services or employed by any other branch of the
9 federal government.

10 **Sec. 13.** RCW 18.74.150 and 2005 c 501 s 4 are each amended to read
11 as follows:

12 (1) It is unlawful for any person to practice or in any manner hold
13 himself or herself out to practice physical therapy or designate
14 himself or herself as a physical therapist or physical therapist
15 assistant, unless he or she is licensed in accordance with this
16 chapter.

17 (2) This chapter does not restrict persons licensed under any other
18 law of this state from engaging in the profession or practice for which
19 they are licensed, if they are not representing themselves to be
20 physical therapists, physical therapy assistants, or providers of
21 physical therapy.

22 (3) The following persons are exempt from licensure as physical
23 therapists under this chapter when engaged in the following activities:

24 (a) A person who is pursuing a course of study leading to a degree
25 as a physical therapist in an approved professional education program
26 and is satisfying supervised clinical education requirements related to
27 his or her physical therapy education while under direct supervision of
28 a licensed physical therapist;

29 (b) A physical therapist while practicing in the United States
30 armed services, United States public health service, or veterans
31 administration as based on requirements under federal regulations for
32 state licensure of health care providers; and

33 (c) A physical therapist licensed in another United States
34 jurisdiction, or a foreign-educated physical therapist credentialed in
35 another country, performing physical therapy as part of teaching or
36 participating in an educational seminar of no more than sixty days in
37 a calendar year.

1 (4) The following persons are exempt from licensure as physical
2 therapist assistants under this chapter when engaged in the following
3 activities:

4 (a) A person who is pursuing a course of study leading to a degree
5 as a physical therapist assistant in an approved professional education
6 program and is satisfying supervised clinical education requirements
7 related to his or her physical therapist assistant education while
8 under direct supervision of a licensed physical therapist;

9 (b) A physical therapist assistant while practicing in the United
10 States armed services, United States public health service, or veterans
11 administration as based on requirements under federal regulations for
12 state licensure of health care providers; and

13 (c) A physical therapist assistant licensed in another United
14 States jurisdiction, or a foreign-educated physical therapist assistant
15 credentialed in another country, or a physical therapist assistant who
16 is teaching or participating in an educational seminar of no more than
17 sixty days in a calendar year.

18 **Sec. 14.** RCW 18.74.160 and 2005 c 501 s 5 are each amended to read
19 as follows:

20 (1) A physical therapist licensed under this chapter is fully
21 authorized to practice physical therapy as defined in this chapter.

22 (2) A physical therapist shall refer persons under his or her care
23 to appropriate health care practitioners if the physical therapist has
24 reasonable cause to believe symptoms or conditions are present that
25 require services beyond the scope of practice under this chapter or
26 when physical therapy is contraindicated.

27 (3) Physical therapists and physical therapist assistants shall
28 adhere to the recognized standards of ethics of the physical therapy
29 profession and as further established by rule.

30 (4) A physical therapist may perform electroneuromyographic
31 examinations for the purpose of testing neuromuscular function only by
32 referral from an authorized health care practitioner identified in RCW
33 18.74.010(7) and only upon demonstration of further education and
34 training in electroneuromyographic examinations as established by rule.
35 Within two years after July 1, 2005, the secretary shall waive the
36 requirement for further education and training for those physical

1 therapists licensed under this chapter who perform
2 electroneuromyographic examinations.

3 (5) A physical therapist licensed under this chapter may purchase,
4 store, and administer medications such as hydrocortisone, fluocinonide,
5 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,
6 zinc oxide, and other similar medications, and may administer such
7 other drugs or medications as prescribed by an authorized health care
8 practitioner for the practice of physical therapy. A pharmacist who
9 dispenses such drugs to a licensed physical therapist is not liable for
10 any adverse reactions caused by any method of use by the physical
11 therapist.

12 **Sec. 15.** RCW 18.74.170 and 2005 c 501 s 6 are each amended to read
13 as follows:

14 (1) Physical therapists are responsible for patient care given by
15 assistive personnel under their supervision. A physical therapist may
16 delegate to assistive personnel and supervise selected acts, tasks, or
17 procedures that fall within the scope of physical therapy practice but
18 do not exceed the education or training of the assistive personnel.

19 (2) Nothing in this chapter may be construed to prohibit other
20 licensed health care providers from using the services of physical
21 therapist assistants, as long as the title "physical therapist
22 assistant" is not used in violation of RCW 18.74.090, physical
23 therapist aides, or other assistive personnel as long as the licensed
24 health care provider is responsible for the activities of such
25 assistants, aides, and other personnel and provides appropriate
26 supervision.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.74 RCW
28 to read as follows:

29 A physical therapist is professionally and legally responsible for
30 patient care given by supportive personnel under his or her
31 supervision. If a physical therapist fails to adequately supervise
32 patient care given by supportive personnel, the board may take
33 disciplinary action against the physical therapist.

34 (1) Regardless of the setting in which physical therapy services
35 are provided, only the licensed physical therapist may perform the
36 following responsibilities:

- 1 (a) Interpretation of referrals;
- 2 (b) Initial examination, problem identification, and diagnosis for
3 physical therapy;
- 4 (c) Development or modification of a plan of care that is based on
5 the initial examination and includes the goals for physical therapy
6 intervention;
- 7 (d) Determination of which tasks require the expertise and
8 decision-making capacity of the physical therapist and must be
9 personally rendered by the physical therapist, and which tasks may be
10 delegated;
- 11 (e) Assurance of the qualifications of all assistive personnel to
12 perform assigned tasks through written documentation of their education
13 or training that is maintained and available at all times;
- 14 (f) Delegation and instruction of the services to be rendered by
15 the physical therapist, physical therapist assistant, or physical
16 therapy aide including, but not limited to, specific tasks or
17 procedures, precautions, special problems, and contraindicated
18 procedures;
- 19 (g) Timely review of documentation, reexamination of the patient,
20 and revision of the plan of care when indicated;
- 21 (h) Establishment of a discharge plan.
- 22 (2) Supervision requires that the patient reevaluation is
23 performed:
- 24 (a) Every fifth visit, or if treatment is performed more than five
25 times per week, reevaluation must be performed at least once a week;
- 26 (b) When there is any change in the patient's condition not
27 consistent with planned progress or treatment goals.
- 28 (3) Supervision of supportive personnel means:
- 29 (a) Physical therapist assistants may function under direct or
30 indirect supervision;
- 31 (b) Physical therapy aides must function under direct supervision;
- 32 (c) The physical therapist may supervise a total of two supportive
33 personnel at any one time.

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