

FIRST REGULAR SESSION

HOUSE BILL NO. 761

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time April 28, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2242L.011

AN ACT

Relating to animal physical therapists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section 1. As used in this section and section 2 of this act, the following terms mean:

- 2 (1) "Board", the state board of registration for the healing arts in the state of
3 Missouri;
- 4 (2) "Entity", any individual, partnership, firm, corporation, or other business
5 entity which provides, furnishes, or refers physical therapy services for animals;
- 6 (3) "Fair market value", value in-arms-length transactions, consistent with the
7 general market value and, with respect to rentals or leases, the value of rental property for
8 general commercial purposes, not taking into account its intended use, and, in the case of
9 a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor
10 would attribute to the proximity or convenience to the lessor where the lessor is a potential
11 source of animal referrals to the lessee;
- 12 (4) "Joint venture", any ownership or investment interest or compensation
13 arrangement between physicians and an entity providing physical therapy services;
- 14 (5) "Veterinarian", any veterinarian licensed under chapter 340, RSMo;
- 15 (6) "Referral", any referral or prescription, written or verbal, for physical therapy
16 service for animals;
- 17 (7) "Remuneration" includes any remuneration, directly or indirectly, overtly or
18 covertly, in-cash or in-kind arising out of a compensation arrangement of any kind.
19 Remuneration does not include any payment by a lessee or lessor for the use of premises
20 or equipment as long as all of the following five standards are met:
- 21 (a) The lease agreement is set out in writing and signed by the parties;

- 22 (b) The lease specifies the premises or equipment covered by the lease;
- 23 (c) If the lease is intended to provide the lessee with access to the premises or to the
24 equipment for periodic intervals of time, rather than on a full-time basis for a term of the
25 lease, the lease shall specify exactly the schedule of such intervals, their precise length, and
26 the exact rent for such intervals;
- 27 (d) The term of the lease is not for less than one year;
- 28 (e) The aggregate rental charge is set in advance, is consistent with fair market in-
29 arms-length transactions, and is not determined in a manner that takes into account the
30 volume or value of any referrals or business otherwise generated between the parties;
- 31 (8) "Rural area", a county with a population density of no greater than one
32 hundred persons per square mile, as defined by the latest United States Census.

Section 2. 1. A veterinarian shall not make a referral to an entity for the furnishing
2 of any physical therapy services for animals with whom the veterinarian, veterinarian's
3 employer, or immediate family member of such referring veterinarian has a financial
4 relationship. A financial relationship exists if the referring veterinarian, the referring
5 veterinarian's employer, or immediate family member:

6 (1) Has a direct or indirect ownership or investment interest in the entity whether
7 through equity, debt, or other means; or

8 (2) Receives remuneration from a compensation arrangement from the entity for
9 the referral.

10 2. The following financial arrangements shall be exempt from disciplinary action
11 under this section:

12 (1) When the entity with whom the referring veterinarian has an ownership or
13 investment interest is the sole provider of the physical therapy service for animals within
14 a rural area;

15 (2) When the referring veterinarian owns registered securities issued by a publicly
16 held corporation or publicly traded limited partnership, the shares of which are traded on
17 a national exchange or the over-the-counter market, provided that such referring
18 veterinarian's interest in the publicly held corporation or publicly traded limited
19 partnership is less than five percent and the referring veterinarian does not receive any
20 compensation from such publicly held corporation or publicly traded limited partnership
21 other than as any other owner of the shares of such publicly held corporation or publicly
22 traded limited partnership;

23 (3) When the referring veterinarian has an interest in real property resulting in a
24 landlord-tenant relationship between the veterinarian and the entity in which the equity
25 interest is held, unless the rent is determined, in whole or in part, by the business volume

26 or profitability of the tenant or is otherwise unrelated to fair market value;

27 (4) When the indirect ownership in the entity is by means of a bona fide debt
28 incurred in the purchase or acquisition of the entity for a price which does not in any
29 manner reflect the potential source of referrals from the veterinarian with the indirect
30 interest in the entity and the terms of the debt are fair market value, and neither the
31 amount or the terms of the debt in any manner, directly or indirectly, constitutes a form
32 of compensating such veterinarian for the source of his or her business.

Section 3. 1. Nothing in chapter 340, RSMo, shall prevent a physical therapist for
2 animals from providing educational resources and training, developing fitness or wellness
3 programs for asymptomatic animals, or providing screening or consultative services within
4 the scope of physical therapy practice for animals without the prescription and direction
5 of a person licensed and registered as a veterinarian pursuant to chapter 340, RSMo,
6 whose license is in good standing, except that no physical therapist for animals shall initiate
7 treatment for a new injury or illness without the prescription or direction of a person
8 licensed and registered as a veterinarian pursuant to chapter 340, RSMo, whose license is
9 in good standing.

10 2. Nothing in chapter 340, RSMo, shall prevent a physical therapist for animals
11 from examining and treating, without the prescription and direction of a person licensed
12 and registered as a veterinarian pursuant to chapter 340, RSMo, whose license is in good
13 standing, any animal with a recurring, self-limited injury within one year of diagnosis by
14 a person licensed and registered as a veterinarian pursuant to chapter 340, RSMo, whose
15 license is in good standing, or any animal with a chronic illness that has been previously
16 diagnosed by a person licensed and registered as a veterinarian pursuant to chapter 340,
17 RSMo, whose license is in good standing, except that a physical therapist for animals shall
18 contact the animal's current veterinarian within seven days of initiating physical therapy
19 services, pursuant to this subsection, shall not change an existing physical therapy referral
20 available to the physical therapist without approval of the animal's current veterinarian,
21 and shall refer to a person licensed and registered as a veterinarian pursuant to chapter
22 340, RSMo, whose license is in good standing, any animal whose medical condition should,
23 at the time of examination or treatment, be determined to be beyond the scope of practice
24 of physical therapy. A physical therapist for animals shall refer to a person licensed and
25 registered as a veterinarian pursuant to chapter 340, RSMo, whose license is in good
26 standing, any animal whose condition, for which physical therapy services are rendered
27 pursuant to this subsection, has not been documented to be progressing toward
28 documented treatment goals after six visits or fourteen days, whichever shall come first.
29 If the animal's condition for which physical therapy services are rendered under this

30 subsection shall be documented to be progressing toward documented treatment goals, a
31 physical therapist may continue treatment without referral from a veterinarian whose
32 license is in good standing. If treatment rendered under this subsection is to continue
33 beyond thirty days, a physical therapist shall notify the animal's current veterinarian
34 before continuing treatment beyond the thirty-day limitation. A physical therapist shall
35 also perform such notification before continuing treatment rendered under this subsection
36 for each successive period of thirty days.

37 **3. The provision of physical therapy services of evaluation and screening pursuant**
38 **to this section, shall be limited to a physical therapist, and any authority for evaluation and**
39 **screening granted within this section, may not be delegated. Upon each reinitiation of**
40 **physical therapy services, a physical therapist shall provide a full physical therapy**
41 **evaluation prior to the reinitiation of physical therapy treatment. Physical therapy**
42 **treatment provided pursuant to the provisions of subsection 2 of this section, may be**
43 **delegated by physical therapists to physical therapist assistants only if the patient's current**
44 **veterinarian has been so informed as part of the physical therapist's seven-day notification**
45 **upon reinitiation of physical therapy services as required in subsection 2 of this section.**
46 **Nothing in this subsection shall be construed as to limit the ability of physical therapists**
47 **or physical therapist assistants to provide physical therapy services in accordance with the**
48 **provisions of chapter 340, RSMo, and upon the referral of a veterinarian licensed pursuant**
49 **to chapter 340, RSMo, whose license is in good standing. Nothing in this subsection shall**
50 **prohibit a person licensed or registered as a veterinarian licensed pursuant to chapter 340,**
51 **RSMo, whose license is in good standing, from acting within the scope of their practice as**
52 **defined by chapter 340, RSMo.**

53 **4. No person practicing as a physical therapist or physical therapist assistant shall**
54 **make a medical diagnosis.**