

SECOND REGULAR SESSION

HOUSE BILL NO. 2068

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASSON.

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4863L.01I

AN ACT

To repeal sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, and to enact in lieu thereof twenty-seven new sections relating to physical therapists, with penalty provisions.

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

Section A. Sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 2 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, are repealed and 3 twenty-seven new sections enacted in lieu thereof, to be known as sections 334.500, 334.506, 4 334.525, 334.530, 334.540, 334.550, 334.560, 334.570, 334.601, 334.602, 334.610, 334.611, 5 334.612, 334.613, 334.614, 334.615, 334.616, 334.617, 334.618, 334.650, 334.655, 334.660, 6 334.665, 334.670, 334.675, 334.686, and 334.687, to read as follows:

334.500. As used in sections 334.500 to 334.685, the following terms mean:

- 2 (1) "Board", the state board of registration for the healing arts in the state of Missouri;
- 3 (2) **"Consultation by means of telecommunication", a physical therapist rendering**
- 4 **professional or expert opinion or advice to another physical therapist or health care**
- 5 **provider via telecommunication or computer technology from a distant location.**
- 6 **Consultation by means of telecommunication includes the review or transfer of patient**
- 7 **records or related information by means of audio, video, or data communications;**
- 8 (3) "Physical therapist assistant", a person who is licensed as a physical therapist
- 9 assistant by the board or a person who was actively engaged in practice as a physical therapist
- 10 assistant on August 28, 1993;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 [(3)] (4) "Physical therapist", a person who is licensed to practice physical therapy;

12 (5) **"Physical therapy evaluation or treatment via telecommunication", a physical**
13 **therapist rendering treatment by telecommunications or computer technology from a**
14 **distant location, including the review or transfer of patient records or related information**
15 **by means of audio, video, or data communications. The physical therapist shall be licensed**
16 **in this state and provide hands-on assessment before beginning treatment with a hands-on**
17 **assessment at a minimum of every thirty days;**

18 [(4)] (6) **"Practice of physical therapy"**, the examination, treatment and instruction of
19 human beings to assess, prevent, correct, alleviate and limit physical disability, movement
20 dysfunction, bodily malfunction and pain from injury, disease and any other bodily condition,
21 such term includes, but is not limited to, the administration, interpretation and evaluation of
22 physical therapy tests and measurements of bodily functions and structures; the planning,
23 administration, evaluation and modification of treatment and instruction, including the use of
24 physical measures, activities and devices, for preventive and therapeutic purposes; and the
25 provision of consultative, educational, research and other advisory services for the purpose of
26 reducing the incidence and severity of physical disability, movement dysfunction, bodily
27 malfunction and pain does not include the use of surgery or obstetrics or the administration of
28 x-radiation, radioactive substance, diagnostic x-ray, diagnostic laboratory electrocautery,
29 electrosurgery or invasive tests or the prescribing of any drug or medicine or the administration
30 or dispensing of any drug or medicine other than a topical agent administered or dispensed upon
31 the direction of a physician. Physical therapists may perform electromyography and nerve
32 conduction tests but may not interpret the results of the electromyography or nerve conduction
33 test. Physical therapists shall practice physical therapy within the scope of their education and
34 training as provided in sections 334.500 to 334.620.

 334.506. 1. [Nothing in this chapter shall prevent a physical therapist, whose license is
2 in good standing, from providing educational resources and training, developing fitness or
3 wellness programs for asymptomatic persons, or providing screening or consultative services
4 within the scope of physical therapy practice without the prescription and direction of a person
5 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor
6 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist
7 pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist
8 practicing in another jurisdiction, whose license is in good standing, except that no physical
9 therapist shall initiate treatment for a new injury or illness without the prescription or direction
10 of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a
11 chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a

12 podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or
13 podiatrist practicing in another jurisdiction, whose license is in good standing.

14 2. Nothing in this chapter shall prevent a physical therapist, whose license is in good
15 standing, from examining and treating, without the prescription and direction of a person
16 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor
17 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist
18 pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist
19 practicing in another jurisdiction, whose license is in good standing, any person with a recurring,
20 self-limited injury within one year of diagnosis by a person licensed and registered as a physician
21 and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a
22 dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any
23 licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose
24 license is in good standing, or any person with a chronic illness that has been previously
25 diagnosed by a person licensed and registered as a physician and surgeon pursuant to this
26 chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332,
27 RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician,
28 dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, except
29 that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or
30 podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection,
31 shall not change an existing physical therapy referral available to the physical therapist without
32 approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to
33 a person licensed and registered as a physician and surgeon pursuant to this chapter, as a
34 chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
35 podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or
36 podiatrist practicing in another jurisdiction, whose license is in good standing, any patient whose
37 medical condition should, at the time of examination or treatment, be determined to be beyond
38 the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and
39 registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to
40 chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to
41 chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in
42 another jurisdiction, whose license is in good standing, any person whose condition, for which
43 physical therapy services are rendered pursuant to this subsection, has not been documented to
44 be progressing toward documented treatment goals after six visits or fourteen days, whichever
45 shall come first. If the person's condition for which physical therapy services are rendered under
46 this subsection shall be documented to be progressing toward documented treatment goals, a
47 physical therapist may continue treatment without referral from a physician, chiropractor, dentist

48 or podiatrist, whose license is in good standing. If treatment rendered under this subsection is
49 to continue beyond thirty days, a physical therapist shall notify the patient's current physician,
50 chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty-day limitation.
51 A physical therapist shall also perform such notification before continuing treatment rendered
52 under this subsection for each successive period of thirty days.] **As used in this section,**
53 **"approved health care provider" means a person holding a current and active license as**
54 **a physician and surgeon under this chapter, a chiropractor under chapter 331, RSMo, a**
55 **dentist under chapter 332, RSMo, a podiatrist under chapter 330, RSMo, a physician**
56 **assistant under this chapter, or any licensed and registered physician, chiropractor,**
57 **dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.**

58 **2. A physical therapist shall not initiate treatment for a new injury or illness**
59 **without a prescription from an approved health care provider.**

60 **3. A physical therapist may provide educational resources and training, develop**
61 **fitness or wellness programs for asymptomatic persons, or provide screening or**
62 **consultative services within the scope of physical therapy practice without the prescription**
63 **and direction of an approved health care provider.**

64 **4. A physical therapist may examine and treat without the prescription and**
65 **direction of an approved health care provider any person with a recurring self-limited**
66 **injury within one year of diagnosis by an approved health care provider or a chronic**
67 **illness that has been previously diagnosed by an approved health care provider. The**
68 **physical therapist shall:**

69 **(1) Contact the patient's current approved health care provider within seven days**
70 **of initiating physical therapy services under this subsection;**

71 **(2) Not change an existing physical therapy referral available to the physical**
72 **therapist without approval of the patient's current approved health care provider;**

73 **(3) Refer to an approved health care provider any patient whose medical condition**
74 **at the time of examination or treatment is determined to be beyond the scope of practice**
75 **of physical therapy;**

76 **(4) Refer to an approved health care provider any patient whose condition for**
77 **which physical therapy services are rendered under this subsection has not been**
78 **documented to be progressing toward documented treatment goals after six visits or**
79 **fourteen days, whichever first occurs;**

80 **(5) Notify the patient's current approved health care provider prior to the**
81 **continuation of treatment if treatment rendered under this subsection is to continue**
82 **beyond thirty days. The physical therapist shall provide such notification for each**
83 **successive period of thirty days.**

84 [3.] **5.** The provision of physical therapy services of evaluation and screening pursuant
85 to this section shall be limited to a physical therapist, and any authority for evaluation and
86 screening granted within this section may not be delegated. Upon each reinitiation of physical
87 therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the
88 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the
89 provisions of subsection [2] **4** of this section, may be delegated by physical therapists to physical
90 therapist assistants only if the patient's current [physician, chiropractor, dentist, or podiatrist]
91 **approved health care provider** has been so informed as part of the physical therapist's
92 seven-day notification upon reinitiation of physical therapy services as required in subsection [2]
93 **4** of this section. Nothing in this subsection shall be construed as to limit the ability of physical
94 therapists or physical therapist assistants to provide physical therapy services in accordance with
95 the provisions of this chapter, and upon the referral of [a physician and surgeon licensed pursuant
96 to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332,
97 RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician,
98 dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing] **an**
99 **approved health care provider**. Nothing in this subsection shall prohibit [a person licensed or
100 registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to
101 chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter
102 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another
103 jurisdiction, whose license is in good standing.] **an approved health care provider** from acting
104 within the scope of their practice as defined by the applicable chapters of RSMo.

105 [4.] **6.** No person licensed to practice, or applicant for licensure, as a physical therapist
106 or physical therapist assistant shall make a medical diagnosis.

107 **7. A physical therapist shall only delegate physical therapy treatment to a physical**
108 **therapist assistant or to a person in an entry level of a professional education program**
109 **approved by the Commission for Accreditation of Physical Therapists and Physical**
110 **Therapist Assistant Education (CAPTE) who satisfy supervised clinical education**
111 **requirements related to the person's physical therapist or physical therapist assistant**
112 **education while under onsite supervision of a physical therapist.**

334.525. 1. Notwithstanding any other provision of law to the contrary, any person
2 **licensed as a physical therapist or physical therapist assistant under this chapter may apply**
3 **to the state board of registration for the healing arts for an inactive license status on a form**
4 **furnished by the board. Upon receipt of the completed inactive status application form**
5 **and the board's determination that the licensee meets the requirements established by the**
6 **board by rule, the board shall declare the licensee inactive and shall place the licensee on**
7 **an inactive status list. A person whose license is inactive or who has discontinued his or**

8 **her practice because of retirement shall not practice his or her profession within this state.**
9 **Such person may continue to use the title of his or her profession or the initials of his or her**
10 **profession after such person's name.**

11 **2. If a licensee is granted inactive status, the licensee may return to active status by**
12 **notifying the board in advance of his or her intention, paying the appropriate fees, and**
13 **meeting all established requirements of the board as a condition of reinstatement.**

334.530. 1. A candidate for license to practice as a physical therapist shall be at least
2 twenty-one years of age. A candidate shall furnish evidence of such person's good moral
3 character and the person's educational qualifications by submitting satisfactory evidence of
4 completion of a program of physical therapy education approved as reputable by the board. A
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical
6 therapy approved as reputable by the American Medical Association or, if graduated before
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied
9 with the educational qualifications of this subsection.

10 2. Persons desiring to practice as physical therapists in this state shall appear before the
11 board at such time and place as the board may direct and be examined as to their fitness to
12 engage in such practice. Applications for examination shall be in writing, on a form furnished
13 by the board and shall include evidence satisfactory to the board that the applicant possesses the
14 qualifications set forth in subsection 1 of this section. Each application shall contain a statement
15 that it is made under oath or affirmation and that its representations are true and correct to the
16 best knowledge and belief of the [person signing the statement] **applicant**, subject to the
17 penalties of making a false affidavit or declaration.

18 3. [The board shall not issue a permanent license to practice as a physical therapist or
19 allow any person to sit for the Missouri state board examination for physical therapists who has
20 failed three or more times any physical therapist licensing examination administered in one or
21 more states or territories of the United States or the District of Columbia.

22 4. The board may waive the provisions of subsection 3 if the applicant has met one of
23 the following provisions:

24 (1) The applicant is licensed and has maintained an active clinical practice for the
25 previous three years in another state of the United States, the District of Columbia or Canada and
26 the applicant has achieved a passing score on a licensing examination administered in a state or
27 territory of the United States, the District of Columbia and no license issued to the applicant has
28 been disciplined or limited in any state or territory of the United States, the District of Columbia
29 or Canada;

30 (2) The applicant has failed the licensure examination three times or more and then
31 obtains a professional degree in physical therapy at a level higher than previously completed, the
32 applicant can sit for the licensure examination three additional times.

33 5.] The examination of qualified candidates for licenses to practice physical therapy shall
34 [include a written examination and shall embrace the subjects taught in reputable programs of
35 physical therapy education, sufficiently strict to test the qualifications of the candidates as
36 practitioners] **test entry-level competence as related to physical therapy theory, examination
37 and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention,
38 and consultation.**

39 [6.] 4. The examination shall embrace, in relation to the human being, the subjects of
40 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
41 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
42 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
43 physical therapy.

44 **5. The applicant shall pass a test administered by the board on the laws and rules
45 related to the practice of physical therapy in Missouri.**

334.540. 1. The board shall issue a license to any physical therapist who [is licensed]
2 **possesses an active license** in another jurisdiction and who has had no violations, suspensions
3 or revocations of a license to practice physical therapy in any jurisdiction, provided that, such
4 person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than,
5 the requirements for licensure of physical therapists in Missouri at the time the applicant applies
6 for licensure.

7 2. Every applicant for a license pursuant to this section, upon making application and
8 showing the necessary qualifications as provided in subsection 1 of this section, shall be required
9 to pay the same fee as the fee required to be paid by applicants who apply to take the
10 examination before the board. Within the limits provided in this section, the board may
11 negotiate reciprocal compacts with licensing boards of other states for the admission of licensed
12 practitioners from Missouri in other states.

13 3. [Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall
14 not issue a license to any applicant who has failed three or more times any physical therapist
15 licensing examination administered in one or more states or territories of the United States or the
16 District of Columbia.

17 4. The board may waive the provisions of subsection 3 if the applicant has met one of
18 the following provisions:

19 (1) The applicant is licensed and has maintained an active clinical practice for the
20 previous three years in another state of the United States, the District of Columbia or Canada and

21 the applicant has achieved a passing score on a licensing examination administered in a state or
22 territory of the United States, the District of Columbia and no license issued to the applicant has
23 been disciplined or limited in any state or territory of the United States, the District of Columbia
24 or Canada;

25 (2) The applicant has failed the licensure examination three times or more and then
26 obtains a professional degree in physical therapy at a level higher than previously completed, the
27 applicant can sit for the licensure examination three additional times] **The applicant shall pass**
28 **a test administered by the board on the laws and rules related to practice of physical**
29 **therapy in Missouri.**

334.550. **1.** An applicant who has not been previously examined in **this state or** another
2 jurisdiction and meets the qualifications of subsection 1 of section 334.530, **or an applicant**
3 **applying for reinstatement of an inactive license under a supervised active practice,** may
4 pay a temporary license fee and submit an agreement-to-supervise form, which is signed by the
5 applicant's supervising physical therapist, to the board and obtain without examination a
6 nonrenewable temporary license. Such temporary licensee may only engage in the practice of
7 physical therapy under the supervision of a licensed physical therapist. **The supervising**
8 **physical therapist shall hold an unencumbered license to practice physical therapy in this**
9 **state and shall provide the board proof of active clinical practice in this state for a**
10 **minimum of one year prior to supervising a temporary licensee. The supervising physical**
11 **therapist shall not be an immediate family member of the applicant.** The board shall define
12 **immediate family member and** the scope of such supervision by rules and regulations. **The**
13 **supervising physical therapist for the first-time examinee applicant shall submit to the**
14 **board a signed notarized form prescribed by the board attesting that the applicant for**
15 **temporary license shall begin employment at a location in this state within seven days of**
16 **issuance of the temporary license. The supervising physical therapist shall notify the board**
17 **within three days if the temporary licensee's employment ceases. A licensed physical**
18 **therapist shall not supervise more than one temporary licensee.**

19 **2.** The temporary license **for the first-time examinee applicant** shall expire on [either]
20 the date the applicant receives the results of the applicant's initial examination, **the date the**
21 **applicant withdraws from sitting for the examination, the date the board is notified by the**
22 **supervising physical therapist that the temporary licensee's employment has ceased,** or
23 within ninety days of its issuance, whichever occurs first.

24 **3.** **The temporary license for the reinstatement applicant under the supervised**
25 **active practice shall expire effective one year from the date of issuance.**

334.560. The board shall charge each person who applies for examination for a license
2 to practice as a physical therapist an examination fee. Should the examination prove

3 unsatisfactory and the board refuse to issue a license thereon, the applicant failing to pass the
4 examination may reapply and return to any meeting and be examined upon payment of a
5 reexamination fee[; but no temporary license may be issued to such persons].

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before
2 the registration renewal date, apply to the board for a certificate of registration for the ensuing
3 licensing period. The application shall be made **under oath** on a form furnished to the applicant
4 [and shall state] **by the board. The application shall include, but not be limited to,**
5 **disclosure of the following:**

- 6 (1) The applicant's full name [and the address at which the person practices and the
7 address at which the person resides and the date and number of such person's license] ;
- 8 (2) **The applicant's office address or addresses and telephone number or numbers;**
- 9 (3) **The applicant's home address and telephone number;**
- 10 (4) **The date and number of the applicant's license;**
- 11 (5) **All final disciplinary actions taken against the applicant by any professional**
12 **association or society, licensed hospital or medical staff of a hospital, physical therapy**
13 **facility, state, territory, federal agency or county; and**
- 14 (6) **Information concerning the applicant's current physical and mental fitness to**
15 **practice his or her profession.**

16

17 **The applicant may be required to successfully complete a test administered by the board**
18 **on the laws and rules related to the practice of physical therapy. The test process, dates,**
19 **and passing scores shall be established by the board by rule.**

20 2. A [blank form] **notice** for application for registration shall be [mailed] **made**
21 **available** to each person licensed in this state [at the person's last known address of practice or
22 residence]. The failure to [mail the form of application or the failure to receive it] **receive the**
23 **notice** does not, however, relieve any person of the duty to register and pay the fee required by
24 sections 334.500 to 334.620 nor exempt such person from the penalties provided by sections
25 334.500 to 334.620 for failure to register.

26 **3. If a physical therapist does not renew such license for two consecutive renewal**
27 **periods, such license shall be deemed void.**

28 **4. Each applicant for registration shall accompany the application for registration**
29 **with a registration fee to be paid to the director of revenue for the licensing period for**
30 **which registration is sought.**

31 **5. If the application is filed and the fee paid after the registration renewal date, a**
32 **delinquent fee shall be paid; except that, whenever in the opinion of the board the**

33 applicant's failure to register is caused by extenuating circumstances including illness of
34 the applicant, as defined by rule, the delinquent fee may be waived by the board.

35 **6. Upon application and submission by such person of evidence satisfactory to the**
36 **board that such person is licensed to practice in this state and upon the payment of fees**
37 **required to be paid by this chapter, the board shall issue to such person a certificate of**
38 **registration. The certificate of registration shall contain the name of the person to whom**
39 **it is issued and his or her office address, the expiration date, and the number of the license**
40 **to practice.**

41 **7. Upon receiving such certificate, every person shall cause the certificate to be**
42 **readily available or conspicuously displayed at all times in every practice location**
43 **maintained by such person in the state. If the licensee maintains more than one practice**
44 **location in this state, the board shall, without additional fee, issue to such licensee duplicate**
45 **certificates of registration for each practice location so maintained. If any licensee changes**
46 **practice locations during the period for which any certificate of registration has been**
47 **issued, the licensee shall, within fifteen days thereafter, notify the board of such change**
48 **and the board shall issue to the licensee, without additional fee, a new registration**
49 **certificate showing the new location.**

50 **8. Whenever any new license is granted to any physical therapist or physical**
51 **therapist assistant under the provisions of this chapter, the board shall, upon application**
52 **therefore, issue to such physical therapist or physical therapist assistant a certificate of**
53 **registration covering a period from the date of the issuance of the license to the next**
54 **renewal date without the payment of any registration fee.**

334.601. The board shall set the amount of the fees which this chapter authorizes
2 **and requires by rule. The fees shall be set at a level to produce revenue which shall not**
3 **substantially exceed the cost and expense of administering this chapter.**

334.602. 1. Physical therapists and physical therapist assistants shall provide
2 **documentation in order that an adequate and complete patient record can be maintained.**
3 **All patient records shall be legible and available for review and shall include at a minimum**
4 **documentation of the following information:**

- 5 **(1) Identification of the patient, including name, birthdate, address, and telephone**
6 **number;**
- 7 **(2) The date or dates the patient was seen;**
- 8 **(3) The current status of the patient, including the reason for the visit;**
- 9 **(4) Observation of pertinent physical findings;**
- 10 **(5) Assessment and clinical impression of physical therapy diagnosis;**
- 11 **(6) Plan of care and treatment;**

12 **(7) Documentation of progress toward goals;**

13 **(8) Informed consent;**

14 **(9) Discharge summary.**

15 **2. Patient records remaining under the care, custody, and control of the licensee**
16 **shall be maintained by the licensee of the board, or the licensee's designee, for a minimum**
17 **of seven years from the date of when the last professional service was provided.**

18 **3. Any correction, addition, or change in any patient record shall be clearly marked**
19 **and identified as such, and the date, time, and name of the person making the correction,**
20 **addition, or change shall be included, as well as the reason for the correction, addition, or**
21 **change.**

22 **4. The board shall not obtain a patient medical record without written**
23 **authorization from the patient to obtain the medical record or the issuance of a subpoena**
24 **for the patient medical record.**

334.610. Any person who holds himself or herself out to be a physical therapist or a
2 licensed physical therapist within this state or any person who advertises as a physical therapist
3 or claims that the person can render physical therapy services and who, in fact, does not hold a
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall
5 be punished as provided by law. Any person who, in any manner, represents himself or herself
6 as a physical therapist, or who uses in connection with such person's name the words or letters
7 "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",
8 "R.P.T.", or any other letters, words, abbreviations or insignia, indicating or implying that the
9 person is a physical therapist without a valid existing license as a physical therapist issued to
10 such person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a class B
11 misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any person licensed in this
12 state under chapter 331, RSMo, from carrying out the practice for which the person is duly
13 licensed, or from advertising the use of physiologic and rehabilitative modalities; nor shall it
14 prohibit any person licensed or registered in this state under section 334.735 or any other law
15 from carrying out the practice for which the person is duly licensed or registered; nor shall it
16 prevent professional and semiprofessional teams, schools, YMCA clubs, athletic clubs and
17 similar organizations from furnishing treatment to their players and members. This section, also,
18 shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice
19 not otherwise prohibited by law and provided they do not represent themselves as physical
20 therapists. This section shall not apply to physicians and surgeons licensed under this chapter
21 [or to a person in an entry level of a professional education program approved by the commission
22 for accreditation of physical therapists and physical therapist assistant education (CAPTE) who
23 is satisfying supervised clinical education requirements related to the person's physical therapist

24 or physical therapist assistant education while under on-site supervision of a physical therapist;
25 or to a physical therapist who is practicing in the United States Armed Services, United States
26 Public Health Service, or Veterans Administration under federal regulations for state licensure
27 for health care providers].

**334.611. Notwithstanding any other provision of law to the contrary, any qualified
2 physical therapist who is legally authorized to practice under the laws of another state may
3 practice as a physical therapist in this state without examination by the board or payment
4 of any fee if such practice consists solely of the provision of gratuitous services provided
5 for a summer camp or teaching or participating in a continuing educational seminar for
6 a period not to exceed fourteen days in any one calendar year. Nothing in sections 334.500
7 to 334.625 shall be construed to prohibit isolated or occasional gratuitous service to and
8 treatment of the afflicted or to prohibit physical therapists from other nations, states, or
9 territories from performing their duties for their respective teams or organizations during
10 the course of their teams' or organizations' stay in this state.**

**334.612. 1. If the board finds merit to a complaint by an individual incarcerated
2 or under the care and control of the department of corrections and takes further
3 investigative action, no documentation shall appear on file or disciplinary action shall be
4 taken in regards to the licensee's license unless the provisions of subsection 2 of section
5 334.613 have been violated. Any case file documentation that does not result in the board
6 filing an action under subsection 2 of section 334.613 shall be destroyed within three
7 months after the final case disposition by the board. No notification to any other licensing
8 board in another state or any national registry regarding any investigative action shall be
9 made unless the provisions of subsection 2 of section 334.613 have been violated.**

**2. Upon written request of the physical therapist or physical therapist assistant
11 subject to a complaint prior to August 28, 1999, by an individual incarcerated or under the
12 care and control of the department of corrections that did not result in the board filing an
13 action described in subsection 2 of section 334.613, the board and the division of
14 professional registration shall in a timely fashion:**

15 (1) Destroy all documentation regarding the complaint;

**16 (2) If previously notified of the complaint, notify any other licensing board in
17 another state or any national registry regarding the board's actions; and**

**18 (3) Send a letter to the licensee that clearly states that the board found the
19 complaint to be unsubstantiated, that the board has taken the requested action, and notify
20 the licensee of the provisions of subsection 3 of this section.**

21 **3. Any person who has been the subject of an unsubstantiated complaint as**
22 **provided in subsection 1 or 2 of this section shall not be required to disclose the existence**
23 **of such complaint in subsequent applications or representations relating to their practice.**

334.613. 1. The board may refuse to issue or renew a license to practice as a
2 **physical therapist or physical therapist assistant for one or any combination of causes**
3 **stated in subsection 2 of this section. The board shall notify the applicant in writing of the**
4 **reasons for the refusal and shall advise the applicant of the applicant's right to file a**
5 **complaint with the administrative hearing commission as provided by chapter 621, RSMo.**
6 **As an alternative to a refusal to issue or renew a license to practice as a physical therapist**
7 **or physical therapist assistant, the board may, at its discretion, issue a license which is**
8 **subject to probation, restriction, or limitation to an applicant for licensure for any one or**
9 **any combination of causes stated in subsection 2 of this section. The board's order of**
10 **probation, limitation, or restriction shall contain a statement of the discipline imposed, the**
11 **basis therefor, the date such action shall become effective, and a statement that the**
12 **applicant has thirty days to request in writing a hearing before the administrative hearing**
13 **commission. If the board issues a probationary, limited, or restricted license to an**
14 **applicant for licensure, either party may file a written petition with the administrative**
15 **hearing commission within thirty days of the effective date of the probationary, limited,**
16 **or restricted license seeking review of the board's determination. If no written request for**
17 **a hearing is received by the administrative hearing commission within the thirty-day**
18 **period, the right to seek review of the board's decision shall be considered as waived.**

19 **2. The board may cause a complaint to be filed with the administrative hearing**
20 **commission as provided by chapter 621, RSMo, against any holder of a license to practice**
21 **as a physical therapist or physical therapist assistant or a physical therapist or physical**
22 **therapist assistant who has failed to renew or has surrendered his or her license for any**
23 **one or any combination of the following causes:**

24 **(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic**
25 **beverage to an extent that such use impairs a person's ability to perform the work of a**
26 **physical therapist or physical therapist assistant;**

27 **(2) The person has been finally adjudicated and found guilty, or entered a plea of**
28 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**
29 **United States, for any offense reasonably related to the qualifications, functions, or duties**
30 **of a physical therapist or physical therapist assistant, for any offense an essential element**
31 **of which is fraud, dishonesty, or an act of violence, or for any offense involving moral**
32 **turpitude, whether or not sentence is imposed;**

33 **(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate**
34 **of registration or authority, permit, or license issued under this chapter or in obtaining**
35 **permission to take any examination given or required under this chapter;**

36 **(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or**
37 **unprofessional conduct in the performance of the functions or duties of a physical therapist**
38 **or physical therapist assistant, including but not limited to the following:**

39 **(a) Obtaining or attempting to obtain any fee, charge, tuition, or other**
40 **compensation by fraud, deception, or misrepresentation; willfully and continually**
41 **overcharging or overtreating patients; or charging for sessions of physical therapy which**
42 **did not occur unless the services were contracted for in advance, or for services which were**
43 **not rendered or documented in the patient's records;**

44 **(b) Attempting, directly or indirectly, by way of intimidation, coercion, or**
45 **deception, to obtain or retain a patient or discourage the use of a second opinion or**
46 **consultation;**

47 **(c) Willfully and continually performing inappropriate or unnecessary treatment**
48 **or services;**

49 **(d) Delegating professional responsibilities to a person who is not qualified by**
50 **training, skill, competency, age, experience, or licensure to perform such responsibilities;**

51 **(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a**
52 **method, procedure, treatment, medicine, or device;**

53 **(f) Performing services which have been declared by board rule to be of no physical**
54 **therapy value;**

55 **(g) Final disciplinary action by any professional association, professional society,**
56 **licensed hospital or medical staff of the hospital, or physical therapy facility in this or any**
57 **other state or territory, whether agreed to voluntarily or not, and including but not limited**
58 **to any removal, suspension, limitation, or restriction of the person's professional**
59 **employment, malpractice, or any other violation of any provision of this chapter;**

60 **(h) Administering treatment without sufficient examination, or for other than**
61 **medically accepted therapeutic or experimental or investigative purposes duly authorized**
62 **by a state or federal agency, or not in the course of professional physical therapy practice;**

63 **(i) Engaging in or soliciting sexual relationships, whether consensual or**
64 **nonconsensual, while a physical therapist or physical therapist assistant/patient**
65 **relationship exists; making sexual advances, requesting sexual favors, or engaging in other**
66 **verbal conduct or physical contact of a sexual nature with patients or clients;**

67 **(j) Terminating the care of a patient without adequate notice or without making**
68 **other arrangements for the continued care of the patient;**

69 (k) **Failing to furnish details of a patient's physical therapy records to treating**
70 **physicians, other physical therapists, or hospitals upon proper request; or failing to comply**
71 **with any other law relating to physical therapy records;**

72 (l) **Failure of any applicant or licensee, other than the licensee subject to the**
73 **investigation, to cooperate with the board during any investigation;**

74 (m) **Failure to comply with any subpoena or subpoena duces tecum from the board**
75 **or an order of the board;**

76 (n) **Failure to timely pay license renewal fees specified in this chapter;**

77 (o) **Violating a probation agreement with this board or any other licensing agency;**

78 (p) **Failing to inform the board of the physical therapist's or physical therapist**
79 **assistant's current telephone number, residence, and business address;**

80 (q) **Advertising by an applicant or licensee which is false or misleading, or which**
81 **violates any rule of the board, or which claims without substantiation the positive cure of**
82 **any disease, or professional superiority to or greater skill than that possessed by any other**
83 **physical therapist or physical therapist assistant. An applicant or licensee shall also be in**
84 **violation of this provision if the applicant or licensee has a financial interest in any**
85 **organization, corporation, or association which issues or conducts such advertising;**

86 (5) **Any conduct or practice which is or might be harmful or dangerous to the**
87 **mental or physical health of a patient or the public; or incompetency, gross negligence, or**
88 **repeated negligence in the performance of the functions or duties of a physical therapist**
89 **or physical therapist assistant. For the purposes of this subdivision, "repeated negligence"**
90 **means the failure, on more than one occasion, to use that degree of skill and learning**
91 **ordinarily used under the same or similar circumstances by the member of the applicant's**
92 **or licensee's profession;**

93 (6) **Violation of, or attempting to violate, directly or indirectly, or assisting or**
94 **enabling any person to violate, any provision of this chapter, or of any lawful rule adopted**
95 **under this chapter;**

96 (7) **Impersonation of any person licensed as a physical therapist or physical**
97 **therapist assistant or allowing any person to use his or her license or diploma from any**
98 **school;**

99 (8) **Revocation, suspension, restriction, modification, limitation, reprimand,**
100 **warning, censure, probation, or other final disciplinary action against a physical therapist**
101 **or physical therapist assistant for a license or other right to practice as a physical therapist**
102 **or physical therapist assistant by another state, territory, federal agency or country,**
103 **whether or not voluntarily agreed to by the licensee or applicant, including but not limited**
104 **to the denial of licensure, surrender of the license, allowing the license to expire or lapse,**

105 or discontinuing or limiting the practice of physical therapy while subject to an
106 investigation or while actually under investigation by any licensing authority, medical
107 facility, branch of the armed forces of the United States of America, insurance company,
108 court, agency of the state or federal government, or employer;

109 (9) A person is finally adjudged incapacitated or disabled by a court of competent
110 jurisdiction;

111 (10) Assisting or enabling any person to practice or offer to practice who is not
112 licensed and currently eligible to practice under this chapter; or knowingly performing any
113 act which in any way aids, assists, procures, advises, or encourages any person to practice
114 physical therapy who is not licensed and currently eligible to practice under this chapter;

115 (11) Issuance of a license to practice as a physical therapist or physical therapist
116 assistant based upon a material mistake of fact;

117 (12) Failure to display a valid license pursuant to practice as a physical therapist
118 or physical therapist assistant;

119 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making
120 of, a false statement in any document executed in connection with the practice of physical
121 therapy;

122 (14) Soliciting patronage in person or by agents or representatives, or by any other
123 means or manner, under the person's own name or under the name of another person or
124 concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public
125 as to the need or necessity for or appropriateness of physical therapy services for all
126 patients, or the qualifications of an individual person or persons to render, or perform
127 physical therapy services;

128 (15) Using, or permitting the use of, the person's name under the designation of
129 "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.",
130 "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.",
131 "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial
132 exploitation of any goods, wares or merchandise;

133 (16) Knowingly making or causing to be made a false statement or
134 misrepresentation of a material fact, with intent to defraud, for payment under chapter
135 208, RSMo, or chapter 630, RSMo, or for payment from Title XVIII or Title XIX of the
136 federal Medicare program;

137 (17) Failure or refusal to properly guard against contagious, infectious, or
138 communicable diseases or the spread thereof; maintaining an unsanitary facility or
139 performing professional services under unsanitary conditions; or failure to report the

140 existence of an unsanitary condition in any physical therapy facility to the board, in
141 writing, within thirty days after the discovery thereof;

142 (18) Any candidate for licensure or person licensed to practice as a physical
143 therapist or physical therapist assistant, paying or offering to pay a referral fee or,
144 notwithstanding section 334.010 to the contrary, practicing or offering to practice
145 professional physical therapy independent of the prescription and direction of a person
146 licensed and registered as a physician and surgeon under this chapter, as a physician
147 assistant under this chapter, as a chiropractor under chapter 331, RSMo, as a dentist
148 under chapter 332, RSMo, as a podiatrist under chapter 330, RSMo, or any licensed and
149 registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction,
150 whose license is in good standing;

151 (19) Any candidate for licensure or person licensed to practice as a physical
152 therapist or physical therapist assistant, treating or attempting to treat ailments or other
153 health conditions of human beings other than by professional physical therapy and as
154 authorized by sections 334.500 to 334.685;

155 (20) A pattern of personal use or consumption of any controlled substance unless
156 it is prescribed, dispensed, or administered by a physician who is authorized by law to do
157 so;

158 (21) Failing to maintain adequate patient records under 334.602;

159 (22) Attempting to engage in conduct that subverts or undermines the integrity of
160 the licensing examination or the licensing examination process, including but not limited
161 to utilizing in any manner recalled or memorized licensing examination questions from or
162 with any person or entity, failing to comply with all test center security procedures,
163 communicating or attempting to communicate with any other examinees during the test,
164 or copying or sharing licensing examination questions or portions of questions;

165 (23) Any candidate for licensure or person licensed to practice as a physical
166 therapist or physical therapist assistant who requests, receives, participates or engages
167 directly or indirectly in the division, transferring, assigning, rebating or refunding of fees
168 received for professional services or profits by means of a credit or other valuable
169 consideration such as wages, an unearned commission, discount or gratuity with any
170 person who referred a patient, or with any relative or business associate of the referring
171 person;

172 (24) Being unable to practice as a physical therapist or physical therapist assistant
173 with reasonable skill and safety to patients by reasons of incompetency, or because of
174 illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any
175 mental or physical condition. The following shall apply to this subdivision:

176 **(a) In enforcing this subdivision the board shall, after a hearing by the board, upon**
177 **a finding of probable cause, require a physical therapist or physical therapist assistant to**
178 **submit to a reexamination for the purpose of establishing his or her competency to practice**
179 **as a physical therapist or physical therapist assistant conducted in accordance with rules**
180 **adopted for this purpose by the board, including rules to allow the examination of the**
181 **pattern and practice of such physical therapist's or physical therapist assistant's**
182 **professional conduct, or to submit to a mental or physical examination or combination**
183 **thereof by at least three Missouri licensed physicians, one selected by the physical therapist**
184 **or physical therapist assistant compelled to take the examination, one selected by the**
185 **board, and one selected by the two physicians so selected;**

186 **(b) For the purpose of this subdivision, every physical therapist and physical**
187 **therapist assistant licensed under this chapter is deemed to have consented to submit to a**
188 **mental or physical examination when directed in writing by the board and further to have**
189 **waived all objections to the admissibility of the examining physician's testimony or**
190 **examination reports on the ground that the examining physician's testimony or**
191 **examination is privileged;**

192 **(c) In addition to ordering a physical or mental examination to determine**
193 **competency, the board may, notwithstanding any other law limiting access to medical or**
194 **other health data, obtain medical data and health records relating to a physical therapist,**
195 **physical therapist assistant or applicant without the physical therapist's, physical therapist**
196 **assistant's or applicant's consent;**

197 **(d) Written notice of the reexamination or the physical or mental examination shall**
198 **be sent to the physical therapist or physical therapist assistant, by registered mail,**
199 **addressed to the physical therapist or physical therapist assistant at the physical therapist's**
200 **or physical therapist assistant's last known address. Failure of a physical therapist or**
201 **physical therapist assistant to designate an examining physician to the board or failure to**
202 **submit to the examination when directed shall constitute an admission of the allegations**
203 **against the physical therapist or physical therapist assistant, in which case the board may**
204 **enter a final order without the presentation of evidence, unless the failure was due to**
205 **circumstances beyond the physical therapist's or physical therapist assistant's control. A**
206 **physical therapist or physical therapist assistant whose right to practice has been affected**
207 **under this subdivision shall, at reasonable intervals, be afforded an opportunity to**
208 **demonstrate that the physical therapist or physical therapist assistant can resume the**
209 **competent practice as a physical therapist or physical therapist assistant with reasonable**
210 **skill and safety to patients;**

211 (e) In any proceeding under this subdivision neither the record of proceedings nor
212 the orders entered by the board shall be used against a physical therapist or physical
213 therapist assistant in any other proceeding. Proceedings under this subdivision shall be
214 conducted by the board without the filing of a complaint with the administrative hearing
215 commission;

216 (f) When the board finds any person unqualified because of any of the grounds set
217 forth in this subdivision, it may enter an order imposing one or more of the disciplinary
218 measures set forth in subsection 3 of this section.

219 3. After the filing of such complaint before the administrative hearing commission,
220 the proceedings shall be conducted in accordance with the provisions of chapter 621,
221 RSMo. Upon a finding by the administrative hearing commission that the grounds
222 provided in subsection 2 of this section for disciplinary action are met, the board may,
223 singly or in combination:

224 (1) Warn, censure or place the physical therapist or physical therapist assistant
225 named in the complaint on probation on such terms and conditions as the board deems
226 appropriate for a period not to exceed ten years;

227 (2) Suspend the physical therapist's or physical therapist assistant's license for a
228 period not to exceed three years;

229 (3) Restrict or limit the physical therapist's or physical therapist assistant's license
230 for an indefinite period of time;

231 (4) Revoke the physical therapist's or physical therapist assistant's license;

232 (5) Administer a public or private reprimand;

233 (6) Deny the physical therapist's or physical therapist assistant's application for a
234 license;

235 (7) Permanently withhold issuance of a license;

236 (8) Require the physical therapist or physical therapist assistant to submit to the
237 care, counseling or treatment of physicians designated by the board at the expense of the
238 physical therapist or physical therapist assistant to be examined;

239 (9) Require the physical therapist or physical therapist assistant to attend such
240 continuing educational courses and pass such examinations as the board may direct.

241 4. In any order of revocation, the board may provide that the physical therapist or
242 physical therapist assistant shall not apply for reinstatement of the physical therapist's or
243 physical therapist assistant's license for a period of time ranging from two to seven years
244 following the date of the order of revocation. All stay orders shall toll this time period.

245 5. Before restoring to good standing a license issued under this chapter which has
246 been in a revoked, suspended, or inactive state for any cause for more than two years, the

247 board may require the applicant to attend such continuing medical education courses and
248 pass such examinations as the board may direct.

249 **6. In any investigation, hearing or other proceeding to determine a physical**
250 **therapist's, physical therapist assistant's or applicant's fitness to practice, any record**
251 **relating to any patient of the physical therapist, physical therapist assistant, or applicant**
252 **shall be discoverable by the board and admissible into evidence, regardless of any statutory**
253 **or common law privilege which such physical therapist, physical therapist assistant,**
254 **applicant, record custodian, or patient might otherwise invoke. In addition, no such**
255 **physical therapist, physical therapist assistant, applicant, or record custodian may**
256 **withhold records or testimony bearing upon a physical therapist's, physical therapist**
257 **assistant's, or applicant's fitness to practice on the ground of privilege between such**
258 **physical therapist, physical therapist assistant, applicant, or record custodian and a**
259 **patient.**

334.614. 1. Notwithstanding any other provisions of section 620.010, RSMo, to the
2 **contrary, the board shall at least quarterly publish a list of the names and addresses of all**
3 **physical therapists and physical therapist assistants who hold licenses under the provisions**
4 **of this chapter, and shall publish a list of all physical therapists and physical therapist**
5 **assistants whose licenses have been suspended, revoked, surrendered, restricted, denied,**
6 **or withheld.**

7 **2. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary,**
8 **in addition, the board shall prepare and make available to the public a report upon the**
9 **disciplinary matters submitted to them where the board recommends disciplinary action,**
10 **except in those instances when physical therapists and physical therapist assistants**
11 **possessing licenses voluntarily enter treatment and monitoring programs for purposes of**
12 **rehabilitation and, in such instances, only such specific action shall not be reported with**
13 **any other actions taken prior to, as part of, or following voluntary entrance into such**
14 **treatment programs. The report shall set forth findings of fact and any final disciplinary**
15 **actions of the board. If the board does not recommend disciplinary action, a report stating**
16 **that no action is recommended shall be prepared and forwarded to the complaining party.**

334.615. 1. Upon receipt of information that the holder of any license as a physical
2 **therapist or physical therapist assistant issued under this chapter may present a clear and**
3 **present danger to the public health and safety, the executive director shall direct that the**
4 **information be brought to the board in the form of sworn testimony or affidavits during**
5 **a meeting of the board.**

6 **2. The board may issue an order suspending or restricting the holder of a license**
7 **as a physical therapist or physical therapist assistant if it believes:**

- 8 (1) The licensee's acts, conduct, or condition may have violated subsection 2 of
9 section 334.613; and
- 10 (2) A licensee is practicing, attempting, or intending to practice in Missouri; and
- 11 (3) (a) A licensee is unable by reason of any physical or mental condition to receive
12 and evaluate information or to communicate decisions to the extent that the licensee's
13 condition or actions significantly affect the licensee's ability to practice; or
- 14 (b) Another state, territory, federal agency, or country has issued an order
15 suspending or restricting the physical therapist's or physical therapist assistant's right to
16 practice his or her profession; or
- 17 (c) The licensee has engaged in repeated acts of life-threatening negligence as
18 defined in subsection 2 of section 334.613; and
- 19 (4) The acts, conduct, or condition of the licensee constitute a clear and present
20 danger to the public health and safety.
- 21 3. (1) The order of suspension or restriction:
- 22 (a) Shall be based on the sworn testimony or affidavits presented to the board;
- 23 (b) May be issued without notice and hearing to the licensee;
- 24 (c) Shall include the facts which lead the board to conclude that the acts, conduct,
25 or condition of the licensee constitute a clear and present danger to the public health and
26 safety.
- 27 (2) The board or the administrative hearing commission shall serve the licensee, in
28 person or by certified mail, with a copy of the order of suspension or restriction and all
29 sworn testimony or affidavits presented to the board, a copy of the complaint and the
30 request for expedited hearing, and a notice of the place of and the date upon which the
31 preliminary hearing will be held.
- 32 (3) The order of restriction shall be effective upon service of the documents
33 required in subdivision (2) of this subsection.
- 34 (4) The order of suspension shall become effective upon the entry of the
35 preliminary order of the administrative hearing commission.
- 36 (5) The licensee may seek a stay order from the circuit court of Cole County from
37 the preliminary order of suspension, pending the issuance of a final order by the
38 administrative hearing commission.
- 39 4. The board shall file a complaint in the administrative hearing commission with
40 a request for expedited preliminary hearing and shall certify the order of suspension or
41 restriction and all sworn testimony or affidavits presented to the board. Immediately upon
42 receipt of a complaint filed under this section, the administrative hearing commission shall
43 set the place and date of the expedited preliminary hearing which shall be conducted as

44 soon as possible, but not later than five days after the date of service upon the licensee. The
45 administrative hearing commission shall grant a licensee's request for a continuance of the
46 preliminary hearing; however, the board's order shall remain in full force and effect until
47 the preliminary hearing, which shall be held not later than forty-five days after service of
48 the documents required in subdivision (2) of subsection 3 of this section.

49 **5. At the preliminary hearing, the administrative hearing commission shall receive**
50 **into evidence all information certified by the board and shall only hear evidence on the**
51 **issue of whether the board's order of suspension or restriction should be terminated or**
52 **modified. Within one hour after the preliminary hearing, the administrative hearing**
53 **commission shall issue its oral or written preliminary order, with or without findings of**
54 **fact and conclusions of law, that adopts, terminates, or modifies the board's order. The**
55 **administrative hearing commission shall reduce to writing any oral preliminary order**
56 **within five business days, but the effective date of the order shall be the date orally issued.**

57 **6. The preliminary order of the administrative hearing commission shall become**
58 **a final order and shall remain in effect for three years unless either party files a request**
59 **for a full hearing on the merits of the complaint filed by the board within thirty days from**
60 **the date of the issuance of the preliminary order of the administrative hearing commission.**

61 **7. Upon receipt of a request for full hearing, the administrative hearing commission**
62 **shall set a date for hearing and notify the parties in writing of the time and place of the**
63 **hearing. If a request for full hearing is timely filed, the preliminary order of the**
64 **administrative hearing commission shall remain in effect until the administrative hearing**
65 **commission enters an order terminating, modifying, or dismissing its preliminary order**
66 **or until the board issues an order of discipline following its consideration of the decision**
67 **of the administrative hearing commission under section 621.110, RSMo, and subsection 3**
68 **of section 334.100.**

69 **8. In cases where the board initiates summary suspension or restriction proceedings**
70 **against a physical therapist or physical therapist assistant licensed under this chapter, and**
71 **such petition is subsequently denied by the administrative hearing commission, in addition**
72 **to any award made under sections 536.085 and 536.087, RSMo, the board, but not**
73 **individual members of the board, shall pay actual damages incurred during any period of**
74 **suspension or restriction.**

75 **9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter**
76 **621, RSMo, to the contrary, the proceedings under this section shall be closed and no order**
77 **shall be made public until it is final, for purposes of appeal.**

78 **10. The burden of proving the elements listed in subsection 2 of this section shall**
79 **be upon the state board of registration for the healing arts.**

334.616. 1. A license issued under this chapter by the Missouri state board of registration for the healing arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit, or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.617. 1. Upon application by the board and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order, or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required by chapters 334.500 to 334.687 upon a showing that such acts or practices were performed or offered to be performed without a license; or

(2) Engaging in any practice or business authorized by a license issued under chapters 334.500 to 334.687 upon a showing that the holder presents a substantial probability of serious danger to the health, safety, or welfare of any resident of the state or client or patient of the licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county in which the defendant resides or Cole County.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by chapters 334.500 to 334.687 and may be brought concurrently with other actions to enforce chapters 334.500 to 334.687.

334.618. Upon receiving information that any provision of sections 334.500 to 334.687 has been or is being violated, the executive director of the board or other person designated by the board shall investigate, and upon probable cause appearing, the

4 **executive director shall, under the direction of the board, file a complaint with the**
5 **administrative hearing commission or appropriate official or court. All such complaints**
6 **shall be handled as provided by rule promulgated under subdivision (6) of subsection 16**
7 **of section 620.010, RSMo.**

334.650. 1. After January 1, 1997, no person shall hold himself or herself out as being
2 a physical therapist assistant in this state unless the person is licensed as provided in sections
3 334.650 to 334.685.

4 2. A licensed physical therapist shall direct and supervise a physical therapist assistant
5 [at all times. The licensed physical therapist shall have the responsibility of supervising the
6 physical therapy treatment program]. **The physical therapist shall retain ultimate authority**
7 **and responsibility for the physical therapy treatment. The licensed physical therapist shall**
8 **have the responsibility of supervising the physical therapy treatment program.** No physical
9 therapist may establish a treating office in which the physical therapist assistant is the primary
10 care provider. No licensed physical therapist shall have under their direct supervision more than
11 four **full-time equivalent** physical therapist assistants.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall
2 be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral
3 character and of the person's educational qualifications. The educational requirements for
4 licensure as a physical therapist assistant are:

5 (1) A certificate of graduation from an accredited high school or its equivalent; and

6 (2) Satisfactory evidence of completion of an associate degree program of physical
7 therapy education accredited by the commission on accreditation of physical therapy education.

8 2. Persons desiring to practice as a physical therapist assistant in this state shall appear
9 before the board at such time and place as the board may direct and be examined as to the
10 person's fitness to engage in such practice. Applications for examination shall be [in writing,]
11 on a form furnished by the board and shall include evidence satisfactory to the board that the
12 applicant possesses the qualifications provided in subsection 1 of this section. Each application
13 shall contain a statement that the statement is made under oath of affirmation and that its
14 representations are true and correct to the best knowledge and belief of the person signing the
15 statement, subject to the penalties of making a false affidavit or declaration.

16 3. The examination of qualified candidates for licensure to practice as physical therapist
17 assistants shall embrace [a written] **an** examination [and] which shall cover the curriculum taught
18 in accredited associate degree programs of physical therapy assistant education. Such
19 examination shall be sufficient to test the qualification of the candidates as practitioners.

20 4. [The board shall not issue a license to practice as a physical therapist assistant or allow
21 any person to sit for the Missouri state board examination for physical therapist assistants who

22 has failed three or more times any physical therapist licensing examination administered in one
23 or more states or territories of the United States or the District of Columbia.

24 5. The board may waive the provisions of subsection 4 if the applicant has met one of
25 the following provisions: the applicant is licensed and has maintained an active clinical practice
26 for the previous three years in another state of the United States, the District of Columbia or
27 Canada and the applicant has achieved a passing score on a licensing examination administered
28 in a state or territory of the United States, the District of Columbia and no license issued to the
29 applicant has been disciplined or limited in any state or territory of the United States, the District
30 of Columbia or Canada.

31 6.] The examination shall include, as related to the human body, the subjects of anatomy,
32 kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as
33 related to medicine and such other subjects, including medical ethics, as the board deems useful
34 to test the fitness of the candidate to practice as a physical therapist assistant.

35 **5. The applicant shall pass a test administered by the board on the laws and rules**
36 **related to the practice as a physical therapist assistant in this state.**

37 [7.] 6. The board shall license without examination any legally qualified person who is
38 a resident of this state and who was actively engaged in practice as a physical therapist assistant
39 on August 28, 1993. The board may license such person pursuant to this subsection until ninety
40 days after the effective date of this section.

41 [8.] 7. A candidate to practice as a physical therapist assistant who does not meet the
42 educational qualifications may submit to the board an application for examination if such person
43 can furnish written evidence to the board that the person has been employed in this state for at
44 least three of the last five years under the supervision of a licensed physical therapist and such
45 person possesses the knowledge and training equivalent to that obtained in an accredited school.
46 The board may license such persons pursuant to this subsection until ninety days after rules
47 developed by the state board of healing arts regarding physical therapist assistant licensing
48 become effective.

334.660. 1. The board shall license without examination legally qualified persons who
2 [hold] **possess active** certificates of licensure, registration or certification in any state or territory
3 of the United States or the District of Columbia, who have had no violations, suspensions or
4 revocations of such license, registration or certification, if such persons have passed [a written]
5 **an** examination to practice as a physical therapist assistant that was substantially equal to the
6 examination requirements of this state and in all other aspects, including education, the
7 requirements for such certificates of licensure, registration or certification were, at the date of
8 issuance, substantially equal to the requirements for licensure in this state.

9 2. [The board shall not issue a license to any applicant who has failed three or more
10 times any physical therapist assistant licensing examination administered in one or more states
11 or territories of the United States or the District of Columbia.

12 3. The board may waive the provisions of subsection 1 if the applicant has met one of
13 the following provisions: the applicant is licensed and has maintained an active clinical practice
14 for the previous three years in another state of the United States, the District of Columbia or
15 Canada and the applicant has achieved a passing score on a licensing examination administered
16 in a state or territory of the United States, the District of Columbia and no license issued to the
17 applicant has been disciplined or limited in any state or territory of the United States, the District
18 of Columbia or Canada.

19 4.] Every applicant for a license pursuant to this section, upon making application and
20 providing documentation of the necessary qualifications as provided in this section, shall pay the
21 same fee required of applicants to take the examination before the board. Within the limits of
22 this section, the board may negotiate reciprocal contracts with licensing boards of other states
23 for the admission of licensed practitioners from Missouri in other states.

24 **3. The applicant shall successfully pass a test administered by the board on the laws**
25 **and rules related to practice as a physical therapist assistant in this state.**

334.665. **1.** An applicant who has not been previously examined in another jurisdiction
2 and meets the qualifications of subsection 1 of section 334.655 **or an applicant applying for**
3 **reinstatement of an inactive license under a supervised active practice** may pay a temporary
4 license fee and submit an agreement-to-supervise form which is signed by the applicant's
5 supervising physical therapist to the board and obtain without examination a nonrenewable
6 temporary license. Such temporary licensee may only practice under the supervision of a
7 licensed physical therapist. **The supervising physical therapist shall hold an unencumbered**
8 **license to practice physical therapy in the state of Missouri and shall provide the board**
9 **proof of active clinical practice in the state of Missouri for a minimum of one year prior**
10 **to supervising the temporary licensee. The supervising physical therapist shall not be an**
11 **immediate family member of the applicant. The board shall define immediate family**
12 **member and the scope of such supervision by rule. The supervising physical therapist for**
13 **the first-time examinee applicant shall submit to the board a signed notarized form**
14 **prescribed by the board attesting that the applicant for temporary license shall begin**
15 **employment at a location in this state within seven days of issuance of the temporary**
16 **license. The supervising physical therapist shall notify the board within three days if the**
17 **temporary licensee's employment ceases.** A licensed physical therapist shall supervise no
18 more than one temporary licensee. [The board shall define the scope of such supervision by rules
19 and regulations.]

20 **2.** The temporary license **for the first-time examinee applicant** shall expire on [either]
21 the date the applicant receives the results of the applicant's initial examination, **the date the**
22 **applicant withdraws from sitting for the examination, the date the board is notified by the**
23 **supervising physical therapist that the temporary licensee's employment has ceased, or**
24 within ninety days of its issuance, whichever occurs first.

25 **3. The temporary license for the reinstatement applicant under the supervised**
26 **active practice shall expire effective one year from the date of issuance.**

 334.670. The board shall charge a person, who applies for examination for a license to
2 practice as a physical therapist assistant, an examination fee. If the person does not score a
3 passing grade on the examination, the board may refuse to issue a license. Any applicant who
4 fails to pass the examination may reapply and be reexamined upon payment of a reexamination
5 fee. [No temporary license may be issued to any person who has previously failed the
6 examination in Missouri or any other state or jurisdiction.]

 334.675. 1. Every person licensed pursuant to sections 334.650 to 334.685 shall, on or
2 before the licensing renewal date, apply to the board for a certificate of licensure for the next
3 licensing period. The application for renewal shall be made **under oath** on a form furnished to
4 the applicant [and shall state] **by the board. The application shall include, but not be limited**
5 **to, disclosure of the following:**

6 **(1)** The applicant's full name [and the address at which the applicant practices and the
7 address at which the applicant resides and] ;

8 **(2) The applicant's office address or addresses and telephone number or numbers;**

9 **(3) The applicant's home address and telephone number;**

10 **(4)** The date and number of the applicant's license;

11 **(5) All final disciplinary actions taken against the applicant by any professional**
12 **association or society, licensed hospital or medical staff of the hospital, physical therapy**
13 **facility, state, territory, federal agency or country; and**

14 **(6) Information concerning the applicant's current physical and mental fitness to**
15 **practice the applicant's profession.**

16

17 **The applicant may be required to successfully complete a test administered by the board**
18 **on the laws and rules related to the practice of physical therapy in this state. The test**
19 **process, dates, and passing scores shall be established by the board by rule.**

20 2. A [blank application form] **notice** shall be [mailed] **made available** to each person
21 licensed in this state [pursuant to sections 334.650 to 334.685 at the person's last known address
22 of practice or residence. The failure to mail the application for or the failure to receive the
23 application form] . **The failure to receive the notice** does not relieve any person of the duty to

24 renew the person's license and pay the renewal fee as required by sections 334.650 to 334.685
25 nor shall it exempt the person from the penalties provided by sections 334.650 to 334.685 for
26 failure to renew a license.

27 **3. If a physical therapist assistant does not renew such license for two consecutive**
28 **renewal periods, such license shall be deemed voided.**

29 **4. Each applicant for registration shall accompany the application for registration**
30 **with a registration fee to be paid to the director of revenue for the licensing period for**
31 **which registration is sought.**

32 **5. If the application is filed and the fee paid after the registration renewal date, a**
33 **delinquent fee shall be paid; except that, if in the opinion of the board the applicant's**
34 **failure to register is caused by extenuating circumstances, including illness of the applicant**
35 **as defined by rule, the delinquent fee may be waived by the board.**

36 **6. Upon due application therefore and upon submission by such person of evidence**
37 **satisfactory to the board that he or she is licensed to practice in this state and upon the**
38 **payment of fees required to be paid by this chapter, the board shall issue to such person**
39 **a certificate of registration. The certificate of registration shall contain the name of the**
40 **person to whom it is issued and his or her office address, the expiration date, and the**
41 **number of the license to practice.**

42 **7. Upon receiving such certificate, every person shall cause it to be readily available**
43 **or conspicuously displayed at all times in every practice location maintained by such**
44 **licensee in the state. If the licensee maintains more than one practice location in this state,**
45 **the board shall without additional fee issue to them duplicate certificates of registration for**
46 **each practice location so maintained. If any licensee changes practice locations during the**
47 **period for which any certificate of registration has been issued, such licensee shall, within**
48 **fifteen days thereafter, notify the board of such change and the board shall issue to the**
49 **licensee, without additional fee, a new registration certificate showing the new location.**

50 **8. Whenever any new license is granted to any physical therapist or physical**
51 **therapist assistant under the provisions of this chapter, the board shall, upon application**
52 **therefore, issue to such physical therapist or physical therapist assistant a certificate of**
53 **registration covering a period from the date of the issuance of the license to the next**
54 **renewal date without the payment of any registration fee.**

334.686. A person shall not use the title "physical therapist assistant", the letters
2 **"P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other words, abbreviations, or insignia in**
3 **connection with that person's name to indicate or imply, directly or indirectly, that the**
4 **person is a physical therapist assistant unless that person is licensed as a physical therapist**
5 **assistant under sections 334.500 to 334.620. This section shall not apply to physicians and**

6 surgeons licensed under this chapter or to a person in an entry level of a professional
7 education program approved by the Commission for Accreditation of Physical Therapists
8 and Physical Therapist Assistant Education (CAPTE) who is satisfying supervised clinical
9 education requirements related to the person's physical therapist or physical therapist
10 assistant education while under onsite supervision of a physical therapist; or to a physical
11 therapist who is practicing in the United States Armed Forces, United States Public Health
12 Service, or Veterans Administration under federal regulations for state licensure for health
13 care providers.

334.687. 1. For purposes of this section, the licensing of physical therapists and
2 physical therapist assistants shall take place within processes established by the state board
3 of registration for the healing arts through rules. The board of healing arts is authorized
4 to adopt rules establishing licensing and renewal procedures, supervision of physical
5 therapist assistants, and former licensees who wish to return to the practice of physical
6 therapy, fees, and addressing such other matters as are necessary to protect the public and
7 discipline the profession.

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
9 that is created under the authority delegated in this section shall become effective only if
10 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
11 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
12 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
13 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
14 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
15 adopted after August 28, 2008, shall be invalid and void.

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