



Rep. Angelo Saviano

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LRB093 16068 AMC 50397 a

1 AMENDMENT TO SENATE BILL 2382

2 AMENDMENT NO. _____. Amend Senate Bill 2382 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Physical Therapy Act is amended by
5 changing Sections 1, 2, 16.5, 17, 31, and 32.2 as follows:

6 (225 ILCS 90/1) (from Ch. 111, par. 4251)

7 (Section scheduled to be repealed on January 1, 2006)

8 Sec. 1. Definitions. As used in this Act:

9 (1) "Physical therapy" means the evaluation or treatment of
10 a person by the use of the effective properties of physical
11 measures and heat, cold, light, water, radiant energy,
12 electricity, sound, and air; and the use of therapeutic
13 massage, therapeutic exercise, mobilization, and the
14 rehabilitative procedures with or without assistive devices
15 for the purposes of preventing, correcting, or alleviating a
16 physical or mental disability, or promoting physical fitness
17 and well-being. Physical therapy includes, but is not limited
18 to: (a) performance of specialized tests and measurements, (b)
19 administration of specialized treatment procedures, (c)
20 interpretation of referrals from physicians, dentists,
21 advanced practice nurses, physician assistants, and
22 podiatrists, (d) establishment, and modification of physical
23 therapy treatment programs, (e) administration of topical
24 medication used in generally accepted physical therapy

1 procedures when such medication is prescribed by the patient's
2 physician, licensed to practice medicine in all its branches,
3 the patient's physician licensed to practice podiatric
4 medicine, the patient's advanced practice nurse, the patient's
5 physician assistant, or the patient's dentist, and (f)
6 supervision or teaching of physical therapy. Physical therapy
7 does not include radiology, electrosurgery, chiropractic
8 technique or determination of a differential diagnosis;
9 provided, however, the limitation on determining a
10 differential diagnosis shall not in any manner limit a physical
11 therapist licensed under this Act from performing an evaluation
12 pursuant to such license. Nothing in this Section shall limit a
13 physical therapist from employing appropriate physical therapy
14 techniques that he or she is educated and licensed to perform.
15 A physical therapist shall refer to a licensed physician,
16 advanced practice nurse, physician assistant, dentist, or
17 podiatrist any patient whose medical condition should, at the
18 time of evaluation or treatment, be determined to be beyond the
19 scope of practice of the physical therapist.

20 (2) "Physical therapist" means a person who practices
21 physical therapy and who has met all requirements as provided
22 in this Act.

23 (3) "Department" means the Department of Professional
24 Regulation.

25 (4) "Director" means the Director of Professional
26 Regulation.

27 (5) "Committee" means the Physical Therapy Examining
28 Committee approved by the Director.

29 (6) "Referral" means a written or oral authorization for
30 physical therapy services for a patient by a physician,
31 dentist, advanced practice nurse, physician assistant, or
32 podiatrist who maintains medical supervision of the patient and
33 makes a diagnosis or verifies that the patient's condition is
34 such that it may be treated by a physical therapist ~~for the~~

1 ~~purpose of this Act means the following of guidance or~~
2 ~~direction to the physical therapist given by the physician,~~
3 ~~dentist, or podiatrist who shall maintain supervision of the~~
4 ~~patient.~~

5 (7) "Documented current and relevant diagnosis" for the
6 purpose of this Act means a diagnosis, substantiated by
7 signature or oral verification of a physician, dentist,
8 advanced practice nurse, physician assistant, or podiatrist,
9 that a patient's condition is such that it may be treated by
10 physical therapy as defined in this Act, which diagnosis shall
11 remain in effect until changed by the physician, dentist,
12 advanced practice nurse, physician assistant, or podiatrist.

13 (8) "State" includes:

- 14 (a) the states of the United States of America;
15 (b) the District of Columbia; and
16 (c) the Commonwealth of Puerto Rico.

17 (9) "Physical therapist assistant" means a person licensed
18 to assist a physical therapist and who has met all requirements
19 as provided in this Act and who works under the supervision of
20 a licensed physical therapist to assist in implementing the
21 physical therapy treatment program as established by the
22 licensed physical therapist. The patient care activities
23 provided by the physical therapist assistant shall not include
24 the interpretation of referrals, evaluation procedures, or the
25 planning or major modification of patient programs.

26 (10) "Physical therapy aide" means a person who has
27 received on the job training, specific to the facility in which
28 he is employed, but who has not completed an approved physical
29 therapist assistant program.

30 (11) "Advanced practice nurse" means a person licensed
31 under the Nursing and Advanced Practice Nursing Act who has a
32 collaborative agreement with a collaborating physician that
33 authorizes referrals to physical therapists.

34 (12) "Physician assistant" means a person licensed under

1 the Physician Assistant Practice Act of 1987 who has been
2 delegated authority to make referrals to physical therapists.

3 (Source: P.A. 92-651, eff. 7-11-02.)

4 (225 ILCS 90/2) (from Ch. 111, par. 4252)

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 2. Licensure requirement; exempt activities. Practice
7 without a license forbidden - exception. No person shall after
8 the date of August 31, 1965 begin to practice physical therapy
9 in this State or hold himself out as being able to practice
10 this profession, unless he is licensed as such in accordance
11 with the provisions of this Act. After the effective date of
12 this amendatory Act of 1990, no person shall practice or hold
13 himself out as a physical therapist assistant unless he is
14 licensed as such under this Act. A physical therapist shall use
15 the initials "PT" in connection with his or her name to denote
16 licensure under this Act, and a physical therapist assistant
17 shall use the initials "PTA" in connection with his or her name
18 to denote licensure under this Act.

19 This Act does not prohibit:

20 (1) Any person licensed in this State under any other
21 Act from engaging in the practice for which he is licensed.

22 (2) The practice of physical therapy by those persons,
23 practicing under the supervision of a licensed physical
24 therapist and who have met all of the qualifications as
25 provided in Sections 7, 8.1, and 9 of this Act, until the
26 next examination is given for physical therapists or
27 physical therapist assistants and the results have been
28 received by the Department and the Department has
29 determined the applicant's eligibility for a license.
30 Anyone failing to pass said examination shall not again
31 practice physical therapy until such time as an examination
32 has been successfully passed by such person.

33 (3) The practice of physical therapy for a period not

1 exceeding 6 months by a person who is in this State on a
2 temporary basis to assist in a case of medical emergency or
3 to engage in a special physical therapy project, and who
4 meets the qualifications for a physical therapist as set
5 forth in Sections 7 and 8 of this Act and is licensed in
6 another state as a physical therapist.

7 (4) Practice of physical therapy by qualified persons
8 who have filed for endorsement for no longer than one year
9 or until such time that notification of licensure has been
10 granted or denied, whichever period of time is lesser.

11 (5) One or more licensed physical therapists from
12 forming a professional service corporation under the
13 provisions of the "Professional Service Corporation Act",
14 approved September 15, 1969, as now or hereafter amended,
15 and licensing such corporation for the practice of physical
16 therapy.

17 (6) Physical therapy aides from performing patient
18 care activities under the on-site supervision of a licensed
19 physical therapist or licensed physical therapist
20 assistant. These patient care activities shall not include
21 interpretation of referrals, evaluation procedures, the
22 planning of or major modifications of, patient programs.

23 (7) Physical Therapist Assistants from performing
24 patient care activities under the general supervision of a
25 licensed physical therapist. The physical therapist must
26 maintain continual contact with the physical therapist
27 assistant including periodic personal supervision and
28 instruction to insure the safety and welfare of the
29 patient.

30 (8) The practice of physical therapy by a physical
31 therapy student or a physical therapist assistant student
32 under the on-site supervision of a licensed physical
33 therapist. The physical therapist shall be readily
34 available for direct supervision and instruction to insure

1 the safety and welfare of the patient.

2 (9) The practice of physical therapy as part of an
3 educational program by a physical therapist licensed in
4 another state or country for a period not to exceed 6
5 months.

6 (Source: P.A. 90-580, eff. 5-21-98.)

7 (225 ILCS 90/16.5)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 16.5. Advertising services.

10 (a) A licensee shall include in every advertisement for
11 services regulated under this Act his or her title as it
12 appears on the license or the initials authorized under this
13 Act.

14 (b) It is unlawful for any person licensed under this Act
15 to use testimonials or claims of superior quality of care to
16 entice the public. It shall be unlawful to advertise fee
17 comparisons of available services with those of other persons
18 licensed under this Act.

19 (c) This Act does not authorize the advertising of
20 professional services that the offeror of such services is not
21 licensed to render. Nor shall the advertiser use statements
22 that contain false, fraudulent, deceptive or misleading
23 material or guarantees of success, play upon the vanity or
24 fears of the public, or promote or produce unfair competition.

25 (d) It is unlawful and punishable under Section 31 for any
26 person licensed under this Act to knowingly advertise that the
27 licensee will accept as payment for services rendered by
28 assignment from any third-party payor the amount the
29 third-party payor covers as payment in full, if the effect is
30 to give the impression of eliminating the need of payment by
31 the patient of any required deductible or copayment applicable
32 in the patient's health benefit plan.

33 (e) As used in this Section, "advertise" means solicitation

1 by the licensee or through another by means of handbills,
2 posters, circulars, motion pictures, radio, newspapers, or
3 television or in any other manner.

4 (Source: P.A. 91-310, eff. 1-1-00.)

5 (225 ILCS 90/17) (from Ch. 111, par. 4267)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 17. (1) The Department may refuse to issue or to
8 renew, or may revoke, suspend, place on probation, reprimand,
9 or take other disciplinary action as the Department deems
10 appropriate, including the issuance of fines not to exceed
11 \$5000, with regard to a license for any one or a combination of
12 the following:

13 A. Material misstatement in furnishing information to
14 the Department or otherwise making misleading, deceptive,
15 untrue, or fraudulent representations in violation of this
16 Act or otherwise in the practice of the profession;

17 B. Violations of this Act, or of the rules or
18 regulations promulgated hereunder;

19 C. Conviction of any crime under the laws of the United
20 States or any state or territory thereof which is a felony
21 or which is a misdemeanor, an essential element of which is
22 dishonesty, or of any crime which is directly related to
23 the practice of the profession; conviction, as used in this
24 paragraph, shall include a finding or verdict of guilty, an
25 admission of guilt or a plea of nolo contendere;

26 D. Making any misrepresentation for the purpose of
27 obtaining licenses, or violating any provision of this Act
28 or the rules promulgated thereunder pertaining to
29 advertising;

30 E. A pattern of practice or other behavior which
31 demonstrates incapacity or incompetency to practice under
32 this Act;

33 F. Aiding or assisting another person in violating any

1 provision of this Act or Rules;

2 G. Failing, within 60 days, to provide information in
3 response to a written request made by the Department;

4 H. Engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public. Unprofessional conduct shall
7 include any departure from or the failure to conform to the
8 minimal standards of acceptable and prevailing physical
9 therapy practice, in which proceeding actual injury to a
10 patient need not be established;

11 I. Unlawful distribution of any drug or narcotic, or
12 unlawful conversion of any drug or narcotic not belonging
13 to the person for such person's own use or benefit or for
14 other than medically accepted therapeutic purposes;

15 J. Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 which results in a physical therapist's or physical
18 therapist assistant's inability to practice with
19 reasonable judgment, skill or safety;

20 K. Revocation or suspension of a license to practice
21 physical therapy as a physical therapist or physical
22 therapist assistant or the taking of other disciplinary
23 action by the proper licensing authority of another state,
24 territory or country;

25 L. Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership or association
27 any fee, commission, rebate or other form of compensation
28 for any professional services not actually or personally
29 rendered. Nothing contained in this paragraph prohibits
30 persons holding valid and current licenses under this Act
31 from practicing physical therapy in partnership under a
32 partnership agreement, including a limited liability
33 partnership, a limited liability company, or a corporation
34 under the Professional Service Corporation Act or from

1 pooling, sharing, dividing, or apportioning the fees and
2 monies received by them or by the partnership, company, or
3 corporation in accordance with the partnership agreement
4 or the policies of the company or professional corporation;

5 M. A finding by the Committee that the licensee after
6 having his or her license placed on probationary status has
7 violated the terms of probation;

8 N. Abandonment of a patient;

9 O. Willfully failing to report an instance of suspected
10 child abuse or neglect as required by the Abused and
11 Neglected Child Reporting Act;

12 P. Willfully failing to report an instance of suspected
13 elder abuse or neglect as required by the Elder Abuse
14 Reporting Act;

15 Q. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice the
18 profession with reasonable judgement, skill or safety;

19 R. The use of any words (such as physical therapy,
20 physical therapist physiotherapy or physiotherapist),
21 abbreviations, figures or letters with the intention of
22 indicating practice as a licensed physical therapist
23 without a valid license as a physical therapist issued
24 under this Act;

25 S. The use of the term physical therapist assistant, or
26 abbreviations, figures, or letters with the intention of
27 indicating practice as a physical therapist assistant
28 without a valid license as a physical therapist assistant
29 issued under this Act;

30 T. Willfully violating or knowingly assisting in the
31 violation of any law of this State relating to the practice
32 of abortion;

33 U. Continued practice by a person knowingly having an
34 infectious, communicable or contagious disease;

1 V. Having treated ailments of human beings otherwise
2 than by the practice of physical therapy as defined in this
3 Act, or having treated ailments of human beings as a
4 licensed physical therapist independent of a documented
5 referral or a documented current and relevant diagnosis
6 from a physician, dentist, advanced practice nurse,
7 physician assistant, or podiatrist, or having failed to
8 notify the physician, dentist, advanced practice nurse,
9 physician assistant, or podiatrist who established a
10 documented current and relevant diagnosis that the patient
11 is receiving physical therapy pursuant to that diagnosis;

12 W. Being named as a perpetrator in an indicated report
13 by the Department of Children and Family Services pursuant
14 to the Abused and Neglected Child Reporting Act, and upon
15 proof by clear and convincing evidence that the licensee
16 has caused a child to be an abused child or neglected child
17 as defined in the Abused and Neglected Child Reporting Act;

18 X. Interpretation of referrals, performance of
19 evaluation procedures, planning or making major
20 modifications of patient programs by a physical therapist
21 assistant;

22 Y. Failure by a physical therapist assistant and
23 supervising physical therapist to maintain continued
24 contact, including periodic personal supervision and
25 instruction, to insure safety and welfare of patients;

26 Z. Violation of the Health Care Worker Self-Referral
27 Act.

28 (2) The determination by a circuit court that a licensee is
29 subject to involuntary admission or judicial admission as
30 provided in the Mental Health and Developmental Disabilities
31 Code operates as an automatic suspension. Such suspension will
32 end only upon a finding by a court that the patient is no
33 longer subject to involuntary admission or judicial admission
34 and the issuance of an order so finding and discharging the

1 patient; and upon the recommendation of the Committee to the
2 Director that the licensee be allowed to resume his practice.

3 (3) The Department may refuse to issue or may suspend the
4 license of any person who fails to file a return, or to pay the
5 tax, penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required by
7 any tax Act administered by the Illinois Department of Revenue,
8 until such time as the requirements of any such tax Act are
9 satisfied.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 90/31) (from Ch. 111, par. 4281)

12 (Section scheduled to be repealed on January 1, 2006)

13 Sec. 31. Violations.

14 (a) Any person who is found to have violated any provision
15 of this Act is guilty of a Class A misdemeanor for the first
16 offense and a Class 4 felony for the second and any subsequent
17 offense.

18 (b) Any person representing himself or herself or
19 advertising as a physical therapist or that the services he or
20 she renders are physical therapy ~~services~~, or who uses any
21 words, such as physical therapy, physical therapist,
22 physiotherapy, or physiotherapist, abbreviations, figures, or
23 letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA",
24 ~~with the intention of~~ indicating that he or she is engaged in
25 the practice of physical therapy as a licensed physical
26 ~~therapist,~~ when he or she does not possess a currently valid
27 license as defined herein, commits a Class A misdemeanor, for a
28 first offense, and a Class 4 felony for a second or subsequent
29 offense.

30 (c) Any person representing himself or herself or
31 advertising as a physical therapist assistant or that the
32 services he or she renders are physical therapy ~~services~~, or
33 who uses any words, such as physical therapy or physical

1 therapist assistant, ~~or uses~~ abbreviations, figures, or
2 letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA",
3 ~~with the intention of~~ indicating that he or she is engaged in
4 the practice of physical therapy ~~as a physical therapist~~
5 ~~assistant,~~ when he or she does not possess a currently valid
6 license as defined herein, commits a Class A misdemeanor for a
7 first offense, and a Class 4 felony for a second or subsequent
8 offense.

9 (Source: P.A. 85-342; 86-1396.)

10 (225 ILCS 90/32.2)

11 (Section scheduled to be repealed on January 1, 2006)

12 Sec. 32.2. Unlicensed practice; violation; civil penalty.

13 (a) Any person who practices, offers to practice, attempts
14 to practice, or holds oneself out to practice physical therapy
15 or as a physical therapist or a physical therapist assistant
16 without being licensed under this Act or who violates Section
17 16.5 or subsection (b) or (c) of Section 31 shall, in addition
18 to any other penalty provided by law, pay a civil penalty to
19 the Department in an amount not to exceed \$5,000 for each
20 offense as determined by the Department. The civil penalty
21 shall be assessed by the Department after a hearing is held in
22 accordance with the provisions set forth in this Act regarding
23 the provision of a hearing for the discipline of a licensee.

24 (b) The Department has the authority and power to
25 investigate any and all unlicensed activity.

26 (c) The civil penalty shall be paid within 60 days after
27 the effective date of the order imposing the civil penalty. The
28 order shall constitute a judgment and may be filed and
29 execution had thereon in the same manner as any judgment from
30 any court of record.

31 (Source: P.A. 89-387, eff. 1-1-96.)

32 Section 99. Effective date. This Act takes effect upon

1 becoming law.".