

SENATE FILE 0113

SENATE FILE 0113

Title

SF0113FT03

AN ACT to create W.S. 33-25-115; to amend W.S. 33-25-101 through 33-25-112, 33-25-113(a) and (b) and 33-25-114; and to repeal W.S. 33-25-113(c) relating to physical therapy; providing for the licensure of physical therapists and registration of physical therapy assistants; providing definitions; providing for the board of physical therapy and defining its duties; providing rulemaking authority; establishing appeal procedures; authorizing fees; and providing for an effective date.

Introduced by: *Marion H. Scott* *Margaret Brown*
John M. Miller *Shirley Ann Arnold* *John D. Baker*
Mary Kay Schwabe *Barbara Williams* *Shirley J. Humphrey*

DATE	ACTION	DATE	ACTION
1/16/85	INTRODUCED		Standing Com. Amendment SF113H51/AE
	READ FIRST TIME		ADOPTED
	REFERRED TO COM. NO. <u>4</u>		Com. of Whole Amendment SF113HW2/ACE
	DELIVERED TO LSO FOR PRINTING		ADOPTED
	RETURNED FROM LSO FOR PRINTED		RECOMMENDED DO.....PASS
	DELIVERED TO COM. NO. <u>4</u>	FEB 8 1985	READ SECOND TIME
1/17/85	STANDING COMM. REPORT		Amended as follows SF113H21/AE
	AMEND AND DO PASS		ADOPTED
1/18/85	CONSIDERED ON COM. OF WHOLE		Amended as follows SF113H22/AE
	STANDING COM. AMBT ADOPTED SF113SLA		ADOPTED
	AMENDED AS FOLLOWS SF113S01-A	FEB 21 1985	READ THIRD TIME
	DO PASS		PASSED Ayes 58, Noes 3, Excused 1, Absent 2.
1/17/85	READ SECOND TIME		Sent to Senate
1/18/85	READ THIRD TIME	2/11/85	Received, Amended
	PASSED		Senate did not concur on House Amendment.
	AYES 27, NOES 3, EXCUSED 0, ABSENT 1, 0		2 pages, 2 mo
	SENT TO HOUSE		Joint Conf. Comm. appointed Scott, Macion, Kricher
	ENGROSSED	2/11/85	House did not adopt Joint Conf. Comm.
			Ayes 41, Noes 3, Excused 0, Absent 0
FEB 2 1985	READ FIRST TIME		Senate did not adopt Joint Conf. Comm.
	REFERRED TO COM. NO. <u>10</u>		Ayes 22, Noes 7, Excused 1, Absent 0
	DELIVERED TO COM. NO. <u>10</u>		SF113JCI-AA
			Received
FEB 12 1985	RETURNED		Delivered to Enrolling Section
	Recommended Amend and Do Pass <i>7 pages / 4 pages</i>		2-23 SEA No. 91, Signed by President
			2-23 Signed by Speaker
FEB 19 1985	CONSIDERED IN COM. OF WHOLE		2-24 Approved by Governor
			Chapter No. 216, Session Laws of Wyoming

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL			✓	
EDDINS				✓
FANOS			✓	
FRISBY			✓	
GEIS				
HICKEY			✓	
HINCKLEY			✓	
KINNEY			✓	
KINNISON			✓	
LARSON			✓	
MADER			✓	
MOORE			✓	
NICHOLAS			✓	
NORRIS			✓	
PERRY			✓	
PREVEDEL			✓	
PUGH			✓	
SCHMIDT			✓	
SCOTT			✓	
STROOCK				✓
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT		AYES	27
		NOES	3
		EXCUSED	0
		ABSENT	0
		TOTAL	30

5E113

Date 2-21-85

DO NOT CONCURE

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL			✓	
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GEIS				
HICKEY			✓	✓
HINCKLEY			✓	
KINNEY			✓	
KINNISON			✓	
LARSON			✓	
MADER			✓	
MOORE			✓	
NICHOLAS			✓	
NORRIS			✓	✓
PERRY			✓	
PREVEDEL			✓	
PUGH			✓	
SCHMIDT			✓	
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
WIEDERSPAHN			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT _____

AYES 28

NOES 2

EXCUSED 0

ABSENT 0

TOTAL 30

SF 113

Date 2-22-82

ADOPT JCR 1

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL	✓			
DIXON			✓	
DUSL			✓	✓
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GEIS				
HICKEY			✓	
HINCKLEY			✓	
KINNEY			✓	
KINNISON			✓	
LARSON			✓	
MADER			✓	✓
MOORE			✓	
NICHOLAS			✓	✓
NORRIS			✓	
PERRY			✓	✓
PREVEDEL			✓	
PUGH			✓	
SCHMIDT			✓	
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	✓
TROWBRIDGE			✓	✓
TRUE			✓	
TURNER			✓	
VINICH			✓	
WIEDERSPAHN			✓	
ZIMMER			✓	
MR. PRESIDENT				✓

PRESENT _____	AYES _____	22
	NOES _____	7
	EXCUSED _____	1
	ABSENT _____	0
	TOTAL _____	30

29113

House Reading

Date

2/21/85

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				MURPHY	✓	✓		
BAKER	✓				ODDE	✓			
BARLOW	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL	✓				RATLIFF	✓			
BROWN	✓				ROBERTSON	✓			
BUDD <i>of</i>	✓	✓			RYCKMAN	✓			
BURNS	✓				SALISBURY	✓			
BURTON	✓				SANDERS	✓			
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN	✓				SHREVE	✓			
CROSS	✓				SON				
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN	✓	✓		
DOBOS	✓				STAUFFER	✓	✓		
GERINGER	✓				STRAND	✓			
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓			
HAGEMAN <i>of</i>	✓		✓		TIBBS	✓			
HANSEN	✓				TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST	✓				TYSDAL	✓			
HINES	✓				WAGGENER	✓			
HUMPHREY	✓				WALLIS	✓	✓		
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WOLFLEY	✓			
JONES	✓				ZIMMERMAN	✓			
KUNZ	✓				ZUMBRUNNEN	✓			
LAMB	✓				MR. SPEAKER	✓			
LUMMIS	✓								
MACMILLAN	✓								
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHELI	✓								

PRESENT _____

AYES 58

NOES 5

EXCUSED 1

ABSENT _____

TOTAL 64

LESS 6

19130 e1/10A 50 Wolton moved Date 2/28/83

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				MURPHY	✓			
BAKER	✓				ODDE	✓			
BARLOW	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL	✓				RATLIFF	✓			
BROWN	✓				ROBERTSON	✓			
BUDD	✓	✓			RYCKMAN	✓			
BURNS	✓				SALISBURY	✓			
BURTON	✓				SANDERS	✓			
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN	✓				SHREVE	✓			
CROSS	✓				SIMONS				
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN	✓			
DOBOS	✓				STAUFFER	✓			
GERINGER	✓				STRAND	✓			
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓			
HAGEMAN	✓				TIBBS	✓	✓		
HANSEN	✓				TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST	✓				TYSDAL	✓			
HINES	✓				WAGGENER	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓	✓		
JENSEN	✓				WOLFLEY	✓			
JONES	✓				ZIMMERMAN	✓			
KUNZ	✓				ZUMBRUNNEN	✓			
LAMB	✓				MR. SPEAKER	✓			
LUMMIS	✓								
MACMILLAN	✓								
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
					PRESENT				
						AYES	61		
						NOES	3		
						EXCUSED			
						ABSENT			
						TOTAL	64		
						LESS			

THE LEGISLATURE OF THE STATE OF WYOMING

JOINT CONFERENCE REPORT

Cheyenne, Wyoming

February 22, 1985

To the Honorable President of the Senate, and the Honorable Speaker of the House of Representatives:

We, your Joint Conference Committee appointed to confer on Senate File 0113, respectfully recommend as follows: SF0113JC1/*DA* TO ENGROSSED COPY:

Adopt the following House amendments:

SF0113HW2/ACE
SF0113H21/AE

Delete the following House amendments:

SF0113HS1/AE
SF0113H22/AE

Further amend as follows:

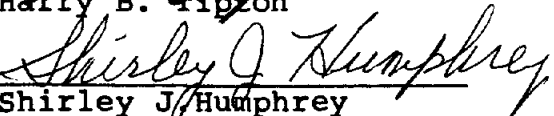
Page 5-line 10 After "PIST" insert "WHO IS IN COMPLIANCE WITH SUBSECTION (c) OF THIS SECTION".

Page 5-after line 22 Insert:

(c) NO PERSON SHALL INITIATE PHYSICAL THERAPY TREATMENT UNLESS UNDER THE AUTHORITY OR SUPERVISION OF A PHYSICIAN OR PURSUANT TO A PRESCRIPTION FROM A LICENSED PHYSICIAN, PODIATRIST OR DENTIST.



Harry B. Ripston



Shirley J. Humphrey

Dick Wallis

HOUSE



Charles K. Scott

Kelly F. Mader



Winifred Hickey

SENATE

SF113

SF0113SS1/A

- ✓✓ Page 2-line 11 Delete "DETECT₁ ASSESS₁".
- ✓✓ Page 2-line 19 Delete "DIAGNOSIS₁".
- ✓✓ Page 4-line 15 Reinsert stricken "himself"; delete "THEMSELVES" and insert "OR HERSELF".
- ✓✓ Page 18-line 21 Delete "REPEATED OCCASIONS OF". - CUNDALL

SF0113SW1/A

- ✓ Page 4-line 15 Strike "~~practice~~" and insert "PROVIDE PHYSICAL THERAPY SERVICES". -SCOTT

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

SF 0113 HSI / T&C

Cheyenne, February 11, 1985

Mr. Speaker:

Your Committee No. 10 on Labor, Health and Social Services to whom was referred Senate File No. 0113 ENGROSSED respectfully reports same back to the House with the recommendation that it DO PASS with the following amendments:

Page 5-line 10 After "PIST" insert "WHO IS IN COMPLIANCE WITH SUBSECTION (c) OF THIS SECTION."

Page 5-After line 22 Insert: "(c) NO PERSON SHALL PRACTICE PHYSICAL THERAPY UNLESS ACTING UNDER THE AUTHORITY AND SUPERVISION OF A PHYSICIAN, PODIATRIST OR DENTIST LICENSED TO PRACTICE."

AYES

Hines
Maldonado
Marton
Micheli
Schwope
Tipton
Sanders

NOES

Herbst
Murphy
Tibbs
Tysdal

EXCUSED

Grant L. Sanders
Grant L. Sanders, Chairman

[Handwritten signature]

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

1985

STATE OF WYOMING

85LSO-0438/eng

SENATE FILE NO. 0113

Physical Therapy Practice Act amendments.

ENGROSSED

Sponsored by: Senator(s) SCOTT and KINNEY and
Representative(s) ARNOLD, BROWN, BURTON, DOBOS,
HUMPHREY, MARTON and SCHWOPE

A BILL

for

1 AN ACT to create W.S. 33-25-115; and to amend W.S.
2 33-25-101 through 33-25-114 relating to physical therapy;
3 providing for the licensure of physical therapists and
4 registration of physical therapy assistants; providing
5 definitions; providing for the board of physical therapy
6 and defining its duties; providing rulemaking authority;
7 establishing appeal procedures; authorizing fees; and pro-
8 viding for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

1 Section 1. W.S. 33-25-115 is created to read:

2 33-25-115. Actions against board members; defense.

3 The state shall defend and hold harmless any member of the
4 board from any action at law resulting from any action
5 taken in good faith in the course of his official duties.

6 Section 2. W.S. 33-25-101 through 33-25-114 are
7 amended to read:

8 33-25-101. Definitions.

9 (a) As used in this act:

10 (i) "Physical therapy" ~~shall--mean~~ MEANS the
11 EVALUATION, INSTRUCTION OR treatment of a human being TO
12 PREVENT, CORRECT, ALLEVIATE OR LIMIT PHYSICAL DISABILITY
13 DUE TO INJURY, DISEASE OR ANY OTHER PHYSICAL OR MENTAL
14 CONDITION by the use UTILIZATION of PHYSICAL MEASURES SUCH
15 AS exercise, massage, heat, or cold, air, light, water,
16 electricity or sound, AND REHABILITATIVE PROCEDURES
17 INCLUDING TRAINING IN FUNCTIONAL ACTIVITIES AND THE PER-
18 FORMANCE AND INTERPRETATION OF TESTS AND MEASUREMENTS OF
19 BODILY FUNCTIONS AS AN AID IN THE EXAMINATION, EVALUATION
20 OR TREATMENT OF ANY HUMAN CONDITIONS for the purpose of
21 correcting or alleviating any A PERSON'S physical or men-
22 tal disability. ~~7--er--the--performance--of---tests---of~~

1 ~~neuromuscular--function--as--an--aid--to--the--diagnosis--or~~
2 ~~treatment--of--any--human--condition,--provided,--however,--the~~
3 PHYSICAL THERAPY ALSO INCLUDES THE SUPERVISION OF PHYSICAL
4 THERAPY ACTIVITIES, PHYSICAL THERAPY CONSULTATION AND THE
5 ESTABLISHMENT AND MODIFICATION OF PHYSICAL THERAPY
6 PROGRAMS, BUT physical therapy shall not include radiology
7 or electro-surgery, OR AUTHORIZE THE DIAGNOSIS OF DISEASE
8 and, ~~shall--always--be--practiced--under--the--prescription--and~~
9 ~~direction--as--provided--in--title--33,--chapter--23,--Wyoming~~
10 ~~Statutes,--1957~~ TREATMENT BY PHYSICAL THERAPY SHALL BE REN-
11 DERED SUBJECT TO W.S. 33-25-102;

12 (ii) "Physical therapist" means a person who
13 ~~practices~~ IS LICENSED TO PRACTICE physical therapy PURSU-
14 ANT TO THIS ACT;

15 (iii) "Board" means the Wyoming board of phys-
16 ical therapy as established under the provisions of this
17 act;

18 (iv) "Applicant" means any person who has
19 applied to the board ~~of--physical--therapy~~ for ~~registration~~
20 ~~to--practice--in--the--state--of--Wyoming,~~ LICENSURE AS A PHYSI-
21 CAL THERAPIST OR REGISTRATION AS A PHYSICAL THERAPIST
22 ASSISTANT and whose application is pending, awaiting deci-
23 sion by the board;

1 (v) ~~"The singular shall include the plural and~~
2 ~~the masculine the feminine for the purposes of this act.~~
3 "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO ASSISTS
4 A LICENSED PHYSICAL THERAPIST SUBJECT TO THE PROVISIONS OF
5 THIS ACT AND RULES AND REGULATIONS ADOPTED PURSUANT
6 THERETO, AND WHO HAS MET ALL THE REQUIREMENTS OF THIS ACT;

7 (vi) "PHYSICAL THERAPY SERVICES" MEANS SER-
8 VICES PROVIDED BY A PHYSICAL THERAPIST OR A PHYSICAL THER-
9 APIST ASSISTANT LICENSED PURSUANT TO THIS ACT;

10 (vii) "THIS ACT" MEANS W.S. 33-25-101 THROUGH
11 33-25-115.

12 33-25-102. Practice of physical therapy; license
13 required; exceptions; false representations.

14 (a) From and after January 1, 1962, no person shall
15 ~~practice~~ PROVIDE PHYSICAL THERAPY SERVICES nor hold him-
16 self OR HERSELF out as being able to practice physical
17 therapy in the state of Wyoming unless he OR SHE is
18 ~~registered~~ LICENSED in accordance with the provisions of
19 this act. AND SUCH LICENSE IS IN GOOD STANDING AND HAS NOT
20 BEEN SUSPENDED OR REVOKED, EXCEPT NOTHING IN THIS ACT
21 SHALL;

1 (i) ~~Provided, however, nothing in this act~~
2 shall Prohibit any person licensed in Wyoming under any
3 other act from engaging in the practice for which he is
4 licensed;

5 (ii) PROHIBIT STUDENTS WHO ARE ENROLLED IN
6 EDUCATIONAL COURSES OF PHYSICAL THERAPY AT SCHOOLS RECOG-
7 NIZED BY THE BOARD FROM PERFORMING ACTS OF PHYSICAL THER-
8 APY INCIDENTAL TO THEIR RESPECTIVE COURSES OF STUDY WHILE
9 UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERA-
10 PIST;

11 (iii) APPLY TO ANY PERSON EMPLOYED BY AN
12 AGENCY, BUREAU OR DIVISION OF THE FEDERAL GOVERNMENT WHILE
13 IN THE DISCHARGE OF OFFICIAL DUTIES.

14 (b) NO PERSON SHALL USE IN CONNECTION WITH HIS NAME
15 OR BUSINESS, THE WORDS PHYSICAL THERAPY, PHYSICAL THERA-
16 PIST, PHYSIOTHERAPY, PHYSIOTHERAPIST, REGISTERED PHYSICAL
17 THERAPIST, OR THE LETTERS P.T., L.P.T., R.P.T. OR ANY
18 OTHER WORDS, LETTERS, ABBREVIATIONS OR INSIGNIA INDICATING
19 OR IMPLYING DIRECTLY OR INDIRECTLY THAT PHYSICAL THERAPY
20 IS PROVIDED OR SUPPLIED IN ANY MANNER WHEN SUCH PERSON IS
21 NOT A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT
22 LICENSED TO PRACTICE IN ACCORDANCE WITH THIS ACT.

1 33-25-103. Board of physical therapy; established;
2 members; compensation.

3 (a) There is hereby established the Wyoming board of
4 physical therapy which shall consist of ~~two-(2)~~ THREE (3)
5 physical therapists LICENSED PURSUANT TO THIS ACT, ONE (1)
6 PUBLIC REPRESENTATIVE and one (1) medical doctor, ~~to-be~~
7 appointed as follows:

8 (i) The physical therapist members shall be
9 appointed by the governor from a list of five (5) quali-
10 fied physical therapists submitted by the Wyoming chapter
11 of American Physical Therapy Association. All shall be
12 residents of ~~the-state-of~~ Wyoming and ~~shall-be~~ practitio-
13 ners of physical therapy therein. They shall meet all
14 requirements established by the American Physical Therapy
15 Association for registry of members and shall have prac-
16 ticed a minimum of three (3) years in Wyoming;

17 (ii) A medical doctor shall be appointed to
18 the board by the governor from a list of five (5) medical
19 doctors, recommended on the basis of interest in physical
20 therapy, by the ~~state-board-of-health~~ WYOMING CHAPTER OF
21 THE AMERICAN PHYSICAL THERAPY ASSOCIATION. Those recom-
22 mended shall be practicing physicians who have practiced
23 in Wyoming for a period of at least five (5) years immedi-

1 ately preceding the appointment;=

2 (iii) THE PUBLIC MEMBER SHALL BE APPOINTED BY
3 THE GOVERNOR.

4 (b) Terms of office FOR BOARD MEMBERS shall be for
5 three (3) years with initial terms for THE PHYSICAL THERA-
6 PIST MEMBERS BEING STAGGERED SO THE TERM OF one (1),--~~two~~
7 ~~(2)~~,--~~and-three-(3)-years~~,--~~respectively~~ PHYSICAL THERAPIST
8 EXPIRES EACH YEAR.

9 (c) Members of the board shall each receive, from
10 the ~~hereinafter---described~~ PHYSICAL THERAPY account,
11 ~~thirty-five~~ FIFTY dollars ~~(~~\$35.00~~)~~ (\$50.00) for each day
12 actually spent in the performance of their board duties
13 along with per diem and mileage allowance as allowed to
14 state employees. Board members shall serve without compen-
15 sation where there are insufficient monies in the account
16 to pay such compensation.

17 (d) Vacancies on the board shall be filled in a like
18 manner as are the original appointments, to complete the
19 unexpired term left vacant.

20 (e) At the first meeting of the board, the members
21 shall by vote select a president and secretary who shall
22 each serve a one (1) year term of office from the date of

1 election.

2 (f) THE BOARD SHALL MEET AT LEAST TWICE ANNUALLY AND
3 AT SUCH OTHER TIMES AS THE BOARD DEEMS NECESSARY. ACTION
4 BY THE BOARD SHALL BE BY MAJORITY VOTE. THREE (3) MEMBERS
5 CONSTITUTE A QUORUM.

6 33-25-104. Board of physical therapy; powers and
7 duties generally.

8 (a) The board ~~in--the--performance--of--its--duties,~~
9 shall HAVE THE FOLLOWING POWERS AND DUTIES:

10 (i) Pass upon the qualifications of applicants
11 for ~~registry,~~ LICENSE AS A PHYSICAL THERAPIST AND REGIS-
12 TRATION AS A PHYSICAL THERAPIST ASSISTANT, conduct exami-
13 nations for applicants, issue LICENSE OR registration cer-
14 tificates to those who meet ~~both~~ the RESPECTIVE require-
15 ments established herein, and those promulgated by the
16 board THROUGH ITS RULES AND REGULATIONS;

17 (ii) Have authority to revoke, suspend, or
18 deny the license of any physical therapist or THE REGIS-
19 TRATION OF ANY PHYSICAL THERAPY ASSISTANT OR applicant
20 ~~where-there-is-good-cause~~ PURSUANT TO W.S. 33-25-111;

21 (iii) Maintain CURRENT records listing the

1 name of every living physical therapist AND PHYSICAL THER-
2 APIST ASSISTANT LICENSED OR registered ~~to practice~~ in this
3 state, his business and home address, and the date and the
4 number of his LICENSE OR registration- AND, IF KNOWN, HIS
5 AREA OR EXPERTISE, PROFESSIONAL INTEREST OR CREDENTIALS:

6 (A) This list shall be published and
7 revised each and every year. Copies ~~shall be mailed to~~
8 ~~each registered physical therapist--upon--renewal--of--his~~
9 ~~registration,--without--charge,--and--copies~~ shall be avail-
10 able ~~for the general public at--such--cost--as--the--board~~
11 ~~shall designate~~ TO ANY PERSON.

12 (iv) ADOPT RULES AND REGULATIONS TO IMPLEMENT
13 THIS ACT;

14 (v) SET AND FROM TIME TO TIME REVISE FEES
15 AUTHORIZED BY THIS ACT AS NECESSARY TO RECOVER THE
16 EXPENSES OF ADMINISTERING THIS ACT.

17 33-25-105. License and registration requirements;
18 foreign trained applicants.

19 (a) Application for LICENSURE OR registration shall
20 be made on forms prescribed by the board, - PRESENTING TO
21 THE SATISFACTION OF THE BOARD THE FOLLOWING:

1 **(b)** (i) Evidence ~~shall-be-presented~~ of the good
2 ~~merit--and--ethical~~ character of the applicant in the form
3 of written recommendations of two (2) persons who have
4 known the applicant for a period of two (2) years and who
5 are not related to him;~~;~~

6 **(c)** (ii) Evidence of successful completion of an A
7 BOARD approved program of physical therapy ~~shall--also--be~~
8 ~~submitted.~~ OR PHYSICAL THERAPY ASSISTANT AS SET FORTH IN
9 RULES AND REGULATIONS;

10 **(d)** (iii) A personal interview may be required if
11 the board deems it necessary.

12 (b) A PHYSICAL THERAPIST APPLICANT WHOSE APPLICATION
13 IS BASED ON A DIPLOMA ISSUED TO HIM BY A PHYSICAL THERAPY
14 SCHOOL OUTSIDE THE UNITED STATES SHALL FURNISH EVIDENCE
15 SATISFACTORY TO THE BOARD OF THE COMPLETION OF A PHYSICAL
16 THERAPY SCHOOL RESIDENT COURSE OF PROFESSIONAL INSTRUCTION
17 EQUIVALENT TO THAT REQUIRED IN PARAGRAPH (a)(ii) OF THIS
18 SECTION. FOREIGN APPLICANTS SHALL SATISFACTORILY COMPLETE
19 A PERIOD OF SERVICE NOT TO EXCEED ONE (1) YEAR UNDER THE
20 CONTINUOUS DIRECTION AND IMMEDIATE SUPERVISION OF A
21 LICENSED PHYSICAL THERAPIST IN A PHYSICAL THERAPY SETTING
22 OR IN AN INSTITUTION EITHER OF WHICH HAVE BEEN APPROVED BY
23 THE BOARD FOR PROVIDING SUCH A PERIOD OF SERVICE. THE

1 BOARD MAY WAIVE ALL OR ANY PORTION OF THE REQUIRED PERIOD
2 OF SERVICE BASED ON CRITERIA SET FORTH BY THE BOARD IN
3 RULES AND REGULATIONS. BEFORE A LICENSE MAY BE ISSUED,
4 EACH FOREIGN APPLICANT MUST ALSO PASS A WRITTEN EXAMINA-
5 TION PRIOR TO COMMENCING A PERIOD OF SERVICE AND MAY BE
6 REQUIRED TO PASS AN ORAL EXAMINATION AT THE COMPLETION OF
7 THE PERIOD OF SERVICE IF THE PERIOD OF SERVICE HAS NOT
8 BEEN COMPLETED TO THE SATISFACTION OF THE SUPERVISING
9 PHYSICAL THERAPIST.

10 33-25-106. Examinations.

11 (a) ALL ~~applicants not--eligible--for--registration~~
12 ~~without--examination;~~ shall, ~~upon--complying--with--the~~
13 ~~requirements--set--forth--in--section--5,--herein,~~ be required
14 to pass a-written AN examination ~~adepted--by--the--board~~
15 PRIOR TO THEIR BEING LICENSED OR REGISTERED AS PROVIDED
16 HEREIN UNLESS OTHERWISE EXEMPTED FROM EXAMINATION PURSUANT
17 TO W.S. 33-25-108. THE EXAMINATION SHALL BE APPROVED AND
18 ADMINISTERED BY THE BOARD AND SHALL INCLUDE A WRITTEN
19 EXAMINATION WHICH SHALL TEST EACH APPLICANT'S KNOWLEDGE OF
20 BASIC AND CLINICAL SCIENCES AS THEY RELATE TO PHYSICAL
21 THERAPY AND PHYSICAL THERAPY THEORY AND PHYSICAL THERAPY
22 PROCEDURES ALONG WITH SUCH OTHER SUBJECTS AS THE BOARD MAY
23 DEEM USEFUL TO TEST THE APPLICANT'S FITNESS TO PRACTICE

1 PHYSICAL THERAPY OR TO ACT AS AS PHYSICAL THERAPY
2 ASSISTANT. THE BOARD SHALL DEFINE PASSING AND FAILING
3 EXAMINATION GRADES.

4 ~~(b) -- The --- examination -- shall -- test -- the -- applicant's~~
5 ~~knowledge of anatomy, -- chemistry, -- kinesiology, -- pathology,~~
6 ~~physies, -- psychology, -- physical therapy as applied to medi-~~
7 ~~cine, -- surgery and psychiatry, -- physical therapy and -- proce-~~
8 ~~dures, -- medical -- ethics, -- and -- such -- other subjects as the~~
9 ~~board may deem useful to test the applicant's -- fitness -- to~~
10 ~~practice physical therapy.~~

11 ~~(e) (b)~~ Examinations shall be held ~~when necessary or~~
12 ~~upon request of an applicant,~~ at such times and places as
13 the board shall determine.

14 ~~(d) (c)~~ Examinations may ~~SHALL~~ be administered by
15 such persons as the board ~~shall~~ MAY appoint.

16 ~~(e) (d)~~ An applicant who fails his first examination
17 shall be permitted to take another at ~~any time three (3)~~
18 ~~months~~ THE NEXT EXAMINATION SCHEDULED after receiving
19 notification of failure. If the second OR A SUBSEQUENT
20 examination is failed, ~~an additional -- approved -- course -- in~~
21 ~~physical -- therapy -- must be taken,~~ and A MINIMUM OF six (6)
22 months must pass before a third OR SUBSEQUENT examination

1 is given. ~~No applicant who has failed the examination~~
2 ~~three (3) times shall be allowed to take another examina-~~
3 ~~tion nor shall he be permitted to practice physical ther-~~
4 ~~apy in the state of Wyoming~~ THE BOARD MAY ADOPT SPECIAL
5 REQUIREMENTS FOR APPLICANTS SEEKING EXAMINATION WHO HAVE
6 FAILED THREE (3) OR MORE EXAMINATIONS.

7 33-25-107. License; certificate of registration;
8 titles.

9 (a) The board shall issue a LICENSE OR certificate
10 of registration to each applicant who meets the require-
11 ments for LICENSURE OR registration without examination or
12 who passes the examination and meets the standards estab-
13 lished herein for LICENSURE OR registration.

14 (b) Each person registered LICENSED as a physical
15 therapist in this state shall be IS authorized to use the
16 letters "~~R.P.T.~~" "L.P.T." OR "P.T." after his name, and
17 may represent himself TO THE PUBLIC as a registered
18 LICENSED physical therapist.

19 (c) EACH PERSON REGISTERED AS A PHYSICAL THERAPIST
20 ASSISTANT SHALL BE ENTITLED TO USE THE LETTERS "R.P.T.A."
21 OR "P.T.A." AFTER HIS NAME, AND MAY REPRESENT HIMSELF TO
22 THE PUBLIC AS A REGISTERED PHYSICAL THERAPIST ASSISTANT.

1 33-25-108. Licensure or registration without exami-
2 nation.

3 (a) The board shall LICENSE OR register without
4 examination those applicants who meet the requirements set
5 forth in section--5, W.S. 33-25-108 and who:--(i) are
6 LICENSED OR registered ~~or otherwise licensed~~ as a physical
7 therapist OR LICENSED, REGISTERED OR CERTIFIED AS A PHYSI-
8 CAL THERAPIST ASSISTANT by another state or territory ~~if~~
9 ~~that state or territory will grant registration to--appli-~~
10 ~~cants--from--Wyoming with equivalent qualifications--or if~~
11 ~~the applicant has completed the--professional--examination~~
12 ~~service--examination--and passed with a standard deviation~~
13 ~~falling not more than--2.0--below--the--national--average,~~
14 ~~passed--the--examination given by the American Registry of~~
15 ~~Physical Therapists, or an equivalent qualifying--examina-~~
16 ~~tion--approved--by--the board. Provided, however, no reci-~~
17 ~~procity shall be given to any physical therapist--licensed~~
18 ~~under requirements which at the time of licensing were not~~
19 ~~substantially--similar--to--requirements set forth in this~~
20 ~~act or adopted by the state--board--of--physical--therapy,~~
21 ~~(ii)--Or have professionally practiced physical therapy in~~
22 ~~Wyoming for a period of one (1) year immediately prior--to~~
23 ~~the--effective--date of this act, and who make application~~

1 ~~within six (6) months therefrom.~~ OF THE UNITED STATES OR
2 THE DISTRICT OF COLUMBIA IF THE REQUIREMENTS FOR LICENSE,
3 REGISTRATION OR CERTIFICATION IN THE STATE, TERRITORY OR
4 DISTRICT WERE, AT THE DATE OF LICENSURE OR REGISTRATION
5 SUBSTANTIALLY EQUAL TO THE REQUIREMENTS FOR LICENSING OR
6 REGISTRATION SET FORTH IN THIS ACT. HOWEVER, IF THE APPLI-
7 CANT HAS NOT TAKEN A PHYSICAL THERAPY EXAMINATION GIVEN BY
8 THE PROFESSIONAL EXAMINATION SERVICE, OR HAS FAILED THE
9 EXAMINATION ONE (1) OR MORE TIMES, ISSUANCE OF A LICENSE
10 OR REGISTRATION UNDER THIS SECTION IS AT THE DISCRETION OF
11 THE BOARD.

12 33-25-109. Temporary license.

13 (a) Temporary ~~registration~~ LICENSE to practice phys-
14 ical therapy in Wyoming ~~shall~~ MAY be issued IN THE BOARD'S
15 DISCRETION to QUALIFIED persons ~~meeting-the-requirements~~
16 ~~set-forth-in-section-5,~~ WHO ARE LICENSED OR REGISTERED IN
17 ANOTHER STATE OR TERRITORY OF THE UNITED STATES OF AMERICA
18 OR THE DISTRICT OF COLUMBIA AND who are working in the
19 state WYOMING on a temporary basis to assist in a medical
20 emergency, or who are engaged in a special physical ther-
21 apy project ~~-(i)~~ OR EDUCATIONAL PROGRAM. Such ~~registration~~
22 A TEMPORARY LICENSE shall be limited to one (1) year and
23 ~~shall-be~~ IS nonrenewable.

1 (b) ~~An applicant for admission by examination, who~~
2 ~~meets the requirements set forth in section 5, herein,~~
3 ~~shall be issued a temporary registration which shall permit~~
4 ~~the practice of physical therapy under adequate supervi-~~
5 ~~sion, during the period prior to the administration of any~~
6 ~~examination at the discretion of the board. -- (i) Such reg-~~
7 ~~istration shall be limited to four (4) month period, and~~
8 ~~shall be nonrenewable. -- (ii) No temporary registration~~
9 ~~shall be issued to applicants awaiting second or third~~
10 ~~examinations.~~ THE BOARD SHALL ISSUE A TEMPORARY LICENSE TO
11 A PERSON WHO HAS APPLIED FOR A LICENSE UNDER THE PROVI-
12 SIONS OF W.S. 33-25-105 AND WHO IS, IN THE JUDGMENT OF
13 THE BOARD, ELIGIBLE TO TAKE THE EXAMINATION PROVIDED FOR
14 IN W.S. 33-25-106. THE TEMPORARY LICENSE SHALL BE AVAIL-
15 ABLE TO AN APPLICANT WITH RESPECT TO HIS APPLICATION FOR A
16 LICENSE UNDER W.S. 33-25-105 BUT THE APPLICANT MAY ONLY
17 USE THE TEMPORARY LICENSE WHILE UNDER THE DIRECT SUPERVI-
18 SION OF A LICENSED PHYSICAL THERAPIST. ANY TEMPORARY
19 LICENSE SHALL EXPIRE UPON THE FAILURE OF THE FIRST EXAMI-
20 NATION AND UPON EXPIRATION THE LICENSE MUST BE SURRENDERED
21 TO THE BOARD.

22 (c) A TEMPORARY LICENSE MAY BE ISSUED IN THE BOARD'S
23 DISCRETION TO AN APPLICANT WHO IS SEEKING LICENSURE WITH-

1 OUT EXAMINATION UNDER W.S. 33-25-108 BUT THE APPLICANT MAY
2 ONLY USE THE TEMPORARY LICENSE WHILE UNDER THE SUPERVISION
3 OF A LICENSED PHYSICAL THERAPIST. THE TEMPORARY LICENSE
4 SHALL EXPIRE UPON THE BOARD'S DETERMINATION OF THE APPLI-
5 CATION SUBMITTED BY THE APPLICANT UNDER W.S. 33-25-108.

6 33-25-110. License or registration expiration and
7 renewal. All permanent ~~registration~~ LICENSES AND CERTIFI-
8 CATES OF REGISTRATION ISSUED PURSUANT TO THIS ACT shall
9 expire on January 1 of the year next succeeding ~~the~~ THEIR
10 issuance. ~~thereof.~~ A LICENSE OR CERTIFICATE OF registra-
11 tion may be renewed by making application therefor and
12 upon payment of the required fee. A LICENSE OR CERTIFICATE
13 OF registration which has expired may be renewed within
14 five (5) years of its expiration by the payment of renewal
15 fees for each year or part thereof during which the
16 LICENSE OR registration was ineffective, and the payment
17 of the required restoration fee. ~~Renewal will be permit-~~
18 ~~ted, after expiration of registration for a period in~~
19 ~~excess of five (5) years, only after an examination has~~
20 ~~been taken and passed~~ NO RENEWAL SHALL BE PERMITTED OF A
21 LICENSE OR CERTIFICATE OF REGISTRATION WHICH HAS EXPIRED
22 AND HAS NOT BEEN RENEWED FOR FIVE (5) YEARS FROM ITS EXPI-
23 RATION DATE, WITHOUT FULL COMPLIANCE WITH ALL REQUIREMENTS
24 OF THIS ACT.

1 33-25-111. Denial, suspension or revocation of
2 license or registration.

3 ~~(a) After--notice-and-hearing-in-accordance-with-its~~
4 ~~rules-and-regulations;~~ The board shall MAY LIMIT THE SCOPE
5 OF PRACTICE ALLOWED BY THE LICENSE OR REGISTRATION, OR
6 CONDITION THE RETENTION OF A LICENSE OR REGISTRATION UPON
7 SUCCESSFUL COMPLETION OF ANY REASONABLE REQUIREMENT, OR
8 MAY refuse to LICENSE OR register any ~~person~~ APPLICANT OR
9 MAY REFUSE TO RENEW THE LICENSE OR REGISTRATION OF ANY
10 PERSON or ~~shall~~ MAY suspend or revoke the LICENSE OR reg-
11 istration of any person, who: has-

12 (i) ~~Practiced PRACTICES physical therapy other~~
13 ~~than-under-the-prescription-and-direction-and--supervision~~
14 ~~of--a--physician--licensed--to--practice--in--the-state-of~~
15 ~~Wyoming-as-provided-in-title-33,-chapter-23,-Wyoming-Stat-~~
16 ~~utes,-1957~~ OR ACTS AS A PHYSICAL THERAPIST ASSISTANT IN
17 VIOLATION OF THE PROVISIONS OF THIS ACT;

18 (ii) ~~Used--drugs-or-intoxicating-liquors-to-an~~
19 ~~extent-which-affects-his-professional-competency~~ ATTEMPTS
20 TO OR OBTAINS LICENSURE OR REGISTRATION BY FRAUD OR
21 MISREPRESENTATIONS;

22 (iii) ~~Been-convicted-of-a-felony--or--a--crime~~

1 ~~involving--moral--turpitude~~ COMMITS NEGLIGENCE OR INCOMPE-
2 TENCE IN THE PRACTICE OF PHYSICAL THERAPY;

3 (iv) ~~Obtained-or-attempted-to-obtain-registra-~~
4 ~~tion-as-a-physical-therapist-by-fraud--or--deception,~~ HAS
5 BEEN CONVICTED OF A FELONY IN THE COURTS OF THIS STATE OR
6 ANY OTHER STATE, TERRITORY OR COUNTRY, AS USED IN THIS
7 PARAGRAPH, CONVICTION INCLUDES A FINDING OR VERDICT OF
8 GUILT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE;

9 (v) ~~Been-grossly-negligent-in-the-practice--of~~
10 ~~physical-therapy~~ HABITUALLY INDULGES IN THE USE OF NARCOT-
11 ICS OR OTHER HABIT FORMING DRUGS, OR EXCESSIVELY INDULGES
12 IN THE USE OF ALCOHOLIC LIQUORS;

13 (vi) ~~Been-judged--mentally--incompetent--by--a~~
14 ~~court--of-competent-jurisdiction~~ HAS TREATED OR HAS UNDER-
15 TAKEN TO TREAT HUMAN AILMENTS OTHERWISE THAN BY PHYSICAL
16 THERAPY AS DEFINED IN THIS ACT;

17 (vii) ~~Been-guilty-of-conduct-unbecoming-a-per-~~
18 ~~son--registered--as-a-physical-therapist-or-detrimental-to~~
19 ~~best-interest-of-the-public.~~ HAS HAD HIS LICENSE TO PRAC-
20 TICE PHYSICAL THERAPY OR REGISTRATION TO ACT AS A PHYSICAL
21 THERAPIST ASSISTANT REFUSED, REVOKED OR SUSPENDED OR HAS
22 HAD OTHER DISCIPLINARY ACTION TAKEN BY THE PROPER AUTHORI-

1 TIES OF ANOTHER STATE, TERRITORY OR COUNTRY;

2 (viii) HAS NEGLIGENTLY FAILED TO REFER A
3 PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY
4 OF THE PHYSICAL THERAPIST TO ANOTHER PROFESSIONAL QUALI-
5 FIED TO DIAGNOSE OR CARE FOR THE CONDITION;

6 (ix) HAS BEEN GUILTY OF ANY CONDUCT OR PRAC-
7 TICE CONTRARY TO RECOGNIZED STANDARDS OF ETHICS OF THE
8 PHYSICAL THERAPY PROFESSION WHERE THE CONDUCT OR PRACTICE
9 MIGHT CONSTITUTE A DANGER TO THE HEALTH, SAFETY OR WELFARE
10 OF THE PATIENT OR THE PUBLIC;

11 (x) ENGAGES DIRECTLY OR INDIRECTLY IN THE
12 DIVISION, TRANSFERRING, ASSIGNING, REBATING, OR REFUNDING
13 OF FEES RECEIVED FOR PROFESSIONAL SERVICES OR PROFITS BY
14 MEANS OF A CREDIT OR OTHER VALUABLE CONSIDERATION AS AN
15 UNEARNED COMMISSION, DISCOUNT OR GRATUITY WITH ANY PERSON
16 WHO HAS REFERRED A PATIENT, OR WITH ANY RELATIVE OR BUSI-
17 NESS ASSOCIATE OF THE REFERRING PERSON. NOTHING IN THIS
18 PARAGRAPH SHALL BE CONSTRUED AS PROHIBITING THE MEMBERS OF
19 ANY REGULARLY AND PROPERLY ORGANIZED BUSINESS ENTITY COM-
20 PRISED OF OR INCLUDING PHYSICAL THERAPISTS FROM MAKING ANY
21 DIVISION OF THEIR TOTAL FEES AMONG THEMSELVES AS THEY
22 DETERMINE BY CONTRACT NECESSARY;

1 (xi) BEEN JUDGED MENTALLY INCOMPETENT BY A
2 COURT OF COMPETENT JURISDICTION.

3 33-25-112. Hearing and appeal procedures.

4 (a) The board shall notify any applicant ~~or~~
5 ~~practitioner~~ of an-adverse A decision TO DENY A LICENSE OR
6 REGISTRATION FOR THE APPLICANT'S FAILURE TO COMPLY WITH
7 THE REQUIREMENTS OF THIS ACT. THE BOARD SHALL NOTIFY ANY
8 LICENSED PHYSICAL THERAPIST OR REGISTERED PHYSICAL THERAPY
9 ASSISTANT OF ANY COMPLAINT AGAINST HIM OR OF ANY REVOCATION
10 TION OR SUSPENSION DECISION BEING CONSIDERED BY THE BOARD
11 by registered mail sent to his last known address OR BY
12 PERSONAL SERVICE OF THE NOTICE. WITHIN SIXTY (60) DAYS OF
13 THE MAILING OR DELIVERY BY PERSONAL SERVICE OF THE NOTICE,
14 THE PERSON MAY DEMAND A HEARING BEFORE THE BOARD. THE
15 BOARD SHALL GRANT SUCH DEMANDS. THE HEARING SHALL BE CONDUCTED
16 IN ACCORDANCE WITH THE PROVISIONS OF THE WYOMING
17 ADMINISTRATIVE PROCEDURE ACT.

18 ~~(b) The aggrieved party shall have thirty (30) days~~
19 ~~from receipt of notification to demand a hearing. -- (i) -- If~~
20 ~~hearing is not demanded within the required thirty (30)~~
21 ~~days, it will be presumed waived, and the board's decision~~
22 ~~shall be final.~~ ALL BOARD DECISIONS CONCERNING REVOCATION
23 OR SUSPENSION OF A LICENSE OR REGISTRATION SHALL REQUIRE

1 AN AFFIRMATIVE VOTE OF THREE (3) BOARD MEMBERS.

2 ~~(e) -- The board shall conduct a hearing when demanded.~~
3 ~~Proceedings shall be informal, although the aggrieved~~
4 ~~party may have the services of any attorney and witnesses~~
5 ~~may testify and evidence may be presented. All members of~~
6 ~~the board and the aggrieved party and his counsel are~~
7 ~~hereby given the right to question all witnesses. (i)~~
8 ~~Upon conclusion of the proceedings, the board shall vote~~
9 ~~and decide on the issue by a majority vote. (d) In the~~
10 ~~event of an adverse decision, the aggrieved party shall~~
11 ~~have the right to appeal the decision to the district~~
12 ~~court in the county where the board is sitting. (i) Such~~
13 ~~appeal shall be filed with a written statement of error~~
14 ~~within thirty (30) days from the day the decision is~~
15 ~~announced. Twenty (20) days later the board, represented~~
16 ~~by the attorney general of Wyoming, shall answer.~~

17 ~~(ii)(c) The appeal shall be by trial de nove in the~~
18 ~~district court IN ANY APPEAL PROCEDURE THE BOARD SHALL BE~~
19 ~~REPRESENTED BY AN ATTORNEY FROM THE STAFF OF THE ATTORNEY~~
20 ~~GENERAL.~~

21 33-25-113. Hearing and appeal procedures; fees and
22 expenses; disposition of monies collected.

1 (a) Fees shall be determined and adopted by the
2 board but shall not exceed the maximum amounts as follows:

3 (i) The examination fee shall be the fee
4 charged by the professional examination service for the
5 purchase of the examination plus a reasonable administra-
6 tion fee as determined annually by the board;

7 (ii) LICENSURE OR registration without exami-
8 nation, not to exceed\$50.00

9 (iii) Temporary LICENSURE OR registration, not
10 to exceed\$50.00

11 (iv) Renewal fee, not to exceed\$50.00

12 (v) Restoration fee, not to exceed
13~~\$25.00~~\$50.00

14 (b) All money shall be received and collected as
15 provided by law. The state treasurer shall credit the
16 money to an account within the earmarked revenue fund
17 which is subject at all times to the warrant of the state
18 auditor, drawn upon written requisition of the president,
19 and attested by the secretary of the board of physical
20 therapy, with seal attached, for the payment of any
21 expenses made by said board.

House of Intro
 To Com. No. _____
 Stand Report Do Amd Not
 Com Whole Do Amd Not
 2nd Reading Amd
 3rd Reading Amd Pass Fail

Second House
 To Com No. _____
 Stand Report Do Amd Not
 Com Whole Do Amd Not
 2nd Reading Amd
 3rd Reading Amd Pass Fail

INTRODUCED

1985

STATE OF WYOMING

85LSO-0438.01

SENATE FILE NO. 0113

Physical Therapy Practice Act amendments.

Sponsored by:

Senator(s) SCOTT and KINNEY and
 Representative(s) ARNOLD, BROWN, BURTON, DOBOS,
 HUMPHREY, MARTON and SCHWOPE

John Demme

Charles H. Scott S. Arnold

Margaret Brown

Shirley J. for Humphrey
Mary Kay Schwoppe

A BILL

1 AN ACT to create W.S. 33-25-115; and to amend W.S.
 2 33-25-101 through 33-25-114 relating to physical therapy;
 3 providing for the licensure of physical therapists and
 4 registration of physical therapy assistants; providing
 5 definitions; providing for the board of physical therapy
 6 and defining its duties; providing rulemaking authority;
 7 establishing appeal procedures; authorizing fees; and pro-
 8 viding for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 33-25-115 is created to read:

NO SIGNIFICANT FISCAL IMPACT

SF 113

1 33-25-115. Actions against board members; defense.

2 The state shall defend and hold harmless any member of the
3 board from any action at law resulting from any action
4 taken in good faith in the course of his official duties.

5 Section 2. W.S. 33-25-101 through 33-25-114 are
6 amended to read:

7 33-25-101. Definitions.

8 (a) As used in this act:

9 (i) "Physical therapy" ~~shall--mean~~ MEANS the
10 EVALUATION, INSTRUCTION OR treatment of a human being TO
11 DETECT, ASSESS, PREVENT, CORRECT, ALLEVIATE OR LIMIT PHYSI-
12 ICAL DISABILITY DUE TO INJURY, DISEASE OR ANY OTHER PHYSI-
13 CAL OR MENTAL CONDITION by the use UTILIZATION of PHYSICAL
14 MEASURES SUCH AS exercise, massage, heat, ~~or~~ cold, air,
15 light, water, electricity or sound, AND REHABILITATIVE
16 PROCEDURES INCLUDING TRAINING IN FUNCTIONAL ACTIVITIES AND
17 THE PERFORMANCE AND INTERPRETATION OF TESTS AND MEASURE-
18 MENTS OF BODILY FUNCTIONS AS AN AID IN THE EXAMINATION,
19 DIAGNOSIS, EVALUATION OR TREATMENT OF ANY HUMAN CONDITIONS
20 for the purpose of correcting or alleviating any A
21 PERSON'S physical or mental disability. ~~7--or--the--perfer-~~
22 ~~mance--of-tests-of-neuremuscular-functien-as-an-aid-to-the~~

1 ~~diagnosis-or-treatment-of-any-human--condition,--provided,~~
2 ~~however,--the~~ PHYSICAL THERAPY ALSO INCLUDES THE SUPERVI-
3 SION OF PHYSICAL THERAPY ACTIVITIES, PHYSICAL THERAPY CON-
4 SULTATION AND THE ESTABLISHMENT AND MODIFICATION OF PHYSI-
5 CAL THERAPY PROGRAMS, BUT physical therapy shall not
6 include radiology or electro-surgery, OR AUTHORIZE THE
7 DIAGNOSIS OF DISEASE and, ~~shall-always-be-practiced--under~~
8 ~~the--prescription--and--direction-as-provided-in-title-33,~~
9 ~~chapter-23,-Wyoming-Statutes,-1957~~ TREATMENT BY PHYSICAL
10 THERAPY SHALL BE RENDERED SUBJECT TO W.S. 33-25-102;

11 (ii) "Physical therapist" means a person who
12 ~~practices~~ IS LICENSED TO PRACTICE physical therapy PURSU-
13 ANT TO THIS ACT;

14 (iii) "Board" means the Wyoming board of phys-
15 ical therapy as established under the provisions of this
16 act;

17 (iv) "Applicant" means any person who has
18 applied to the board ~~of-physical-therapy~~ for ~~registration~~
19 ~~to-practice-in-the-state-of-Wyoming,~~ LICENSURE AS A PHYSI-
20 CAL THERAPIST OR REGISTRATION AS A PHYSICAL THERAPIST
21 ASSISTANT and whose application is pending, awaiting deci-
22 sion by the board;

1 (v) ~~"The singular shall include the plural and~~
2 ~~the masculine the feminine for the purposes of this act.~~
3 "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO ASSISTS
4 A LICENSED PHYSICAL THERAPIST SUBJECT TO THE PROVISIONS OF
5 THIS ACT AND RULES AND REGULATIONS ADOPTED PURSUANT
6 THERETO, AND WHO HAS MET ALL THE REQUIREMENTS OF THIS ACT;

7 (vi) "PHYSICAL THERAPY SERVICES" MEANS SER-
8 VICES PROVIDED BY A PHYSICAL THERAPIST OR A PHYSICAL THER-
9 APIST ASSISTANT LICENSED PURSUANT TO THIS ACT;

10 (vii) "THIS ACT" MEANS W.S. 33-25-101 THROUGH
11 33-25-115.

12 33-25-102. Practice of physical therapy; license
13 required; exceptions; false representations.

14 (a) From and after January 1, 1962, no person shall
15 practice nor hold himself THEMSELVES out as being able to
16 practice physical therapy in the state of Wyoming unless
17 he OR SHE is ~~registered~~ LICENSED in accordance with the
18 provisions of this act, AND SUCH LICENSE IS IN GOOD STAND-
19 ING AND HAS NOT BEEN SUSPENDED OR REVOKED, EXCEPT NOTHING
20 IN THIS ACT SHALL;

21 (i) ~~Provided, however, nothing in this act~~
22 shall Prohibit any person licensed in Wyoming under any

1 other act from engaging in the practice for which he is
2 licensed;:-

3 (ii) PROHIBIT STUDENTS WHO ARE ENROLLED IN
4 EDUCATIONAL COURSES OF PHYSICAL THERAPY AT SCHOOLS RECOG-
5 NIZED BY THE BOARD FROM PERFORMING ACTS OF PHYSICAL THER-
6 APY INCIDENTAL TO THEIR RESPECTIVE COURSES OF STUDY WHILE
7 UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICAL THERA-
8 PIST;

9 (iii) APPLY TO ANY PERSON EMPLOYED BY AN
10 AGENCY, BUREAU OR DIVISION OF THE FEDERAL GOVERNMENT WHILE
11 IN THE DISCHARGE OF OFFICIAL DUTIES.

12 (b) NO PERSON SHALL USE IN CONNECTION WITH HIS NAME
13 OR BUSINESS, THE WORDS PHYSICAL THERAPY, PHYSICAL THERA-
14 PIST, PHYSIOTHERAPY, PHYSIOTHERAPIST, REGISTERED PHYSICAL
15 THERAPIST, OR THE LETTERS P.T., L.P.T., R.P.T. OR ANY
16 OTHER WORDS, LETTERS, ABBREVIATIONS OR INSIGNIA INDICATING
17 OR IMPLYING DIRECTLY OR INDIRECTLY THAT PHYSICAL THERAPY
18 IS PROVIDED OR SUPPLIED IN ANY MANNER WHEN SUCH PERSON IS
19 NOT A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT
20 LICENSED TO PRACTICE IN ACCORDANCE WITH THIS ACT.

21 33-25-103. Board of physical therapy; established;
22 members; compensation.

1 (a) There is hereby established the Wyoming board of
2 physical therapy which shall consist of ~~two-(2)~~ THREE (3)
3 physical therapists LICENSED PURSUANT TO THIS ACT, ONE (1)
4 PUBLIC REPRESENTATIVE and one (1) medical doctor, ~~to-be~~
5 appointed as follows:

6 (i) The physical therapist members shall be
7 appointed by the governor from a list of five (5) quali-
8 fied physical therapists submitted by the Wyoming chapter
9 of American Physical Therapy Association. All shall be
10 residents of ~~the-state-of~~ Wyoming and ~~shall-be~~ practitio-
11 ners of physical therapy therein. They shall meet all
12 requirements established by the American Physical Therapy
13 Association for registry of members and shall have prac-
14 ticed a minimum of three (3) years in Wyoming;

15 (ii) A medical doctor shall be appointed to
16 the board by the governor from a list of five (5) medical
17 doctors, recommended on the basis of interest in physical
18 therapy, by the ~~state-board-of-health~~ WYOMING CHAPTER OF
19 THE AMERICAN PHYSICAL THERAPY ASSOCIATION. Those recom-
20 mended shall be practicing physicians who have practiced
21 in Wyoming for a period of at least five (5) years immedi-
22 ately preceding the appointment;

1 (iii) THE PUBLIC MEMBER SHALL BE APPOINTED BY
2 THE GOVERNOR.

3 (b) Terms of office FOR BOARD MEMBERS shall be for
4 three (3) years with initial terms for THE PHYSICAL THERA-
5 PIST MEMBERS BEING STAGGERED SO THE TERM OF one (1), ~~two~~
6 ~~(2)~~, ~~and three (3) years, respectively~~ PHYSICAL THERAPIST
7 EXPIRES EACH YEAR.

8 (c) Members of the board shall each receive, from
9 the ~~hereinafter---described~~ PHYSICAL THERAPY account,
10 ~~thirty-five~~ FIFTY dollars ~~(\$35.00)~~ (\$50.00) for each day
11 actually spent in the performance of their board duties
12 along with per diem and mileage allowance as allowed to
13 state employees. Board members shall serve without compen-
14 sation where there are insufficient monies in the account
15 to pay such compensation.

16 (d) Vacancies on the board shall be filled in a like
17 manner as are the original appointments, to complete the
18 unexpired term left vacant.

19 (e) At the first meeting of the board, the members
20 shall by vote select a president and secretary who shall
21 each serve a one (1) year term of office from the date of
22 election.

1 (f) THE BOARD SHALL MEET AT LEAST TWICE ANNUALLY AND
2 AT SUCH OTHER TIMES AS THE BOARD DEEMS NECESSARY. ACTION
3 BY THE BOARD SHALL BE BY MAJORITY VOTE. THREE (3) MEMBERS
4 CONSTITUTE A QUORUM.

5 33-25-104. Board of physical therapy; powers and
6 duties generally.

7 (a) The board ~~in--the--performance--of--its--duties,~~
8 shall HAVE THE FOLLOWING POWERS AND DUTIES:

9 (i) Pass upon the qualifications of applicants
10 for ~~registry,~~ LICENSE AS A PHYSICAL THERAPIST AND REGIS-
11 TRATION AS A PHYSICAL THERAPIST ASSISTANT, conduct exami-
12 nations for applicants, issue LICENSE OR registration cer-
13 tificates to those who meet ~~both~~ the RESPECTIVE require-
14 ments established herein, and those promulgated by the
15 board THROUGH ITS RULES AND REGULATIONS;

16 (ii) Have authority to revoke, suspend, or
17 deny the license of any physical therapist or THE REGIS-
18 TRATION OF ANY PHYSICAL THERAPY ASSISTANT OR applicant
19 ~~where-there-is-good-cause~~ PURSUANT TO W.S. 33-25-111;

20 (iii) Maintain CURRENT records listing the
21 name of every living physical therapist AND PHYSICAL THER-

1 APIST ASSISTANT LICENSED OR registered ~~to practice~~ in this
2 state, his business and home address, and the date and the
3 number of his LICENSE OR registration- AND, IF KNOWN, HIS
4 AREA OR EXPERTISE, PROFESSIONAL INTEREST OR CREDENTIALS:

5 (A) This list shall be published and
6 revised each and every year. Copies ~~shall be mailed to~~
7 ~~each registered physical therapist upon renewal of his~~
8 ~~registration, without charge, and copies~~ shall be avail-
9 able ~~for the general public at such cost as the board~~
10 ~~shall designate~~ TO ANY PERSON.

11 (iv) ADOPT RULES AND REGULATIONS TO IMPLEMENT
12 THIS ACT;

13 (v) SET AND FROM TIME TO TIME REVISE FEES
14 AUTHORIZED BY THIS ACT AS NECESSARY TO RECOVER THE
15 EXPENSES OF ADMINISTERING THIS ACT.

16 33-25-105. License and registration requirements;
17 foreign trained applicants.

18 (a) Application for LICENSURE OR registration shall
19 be made on forms prescribed by the board, - PRESENTING TO
20 THE SATISFACTION OF THE BOARD THE FOLLOWING:

21 (b) (i) Evidence ~~shall be presented~~ of the good

1 ~~meral--and--ethical~~ character of the applicant in the form
2 of written recommendations of two (2) persons who have
3 known the applicant for a period of two (2) years and who
4 are not related to him;

5 (e) (ii) Evidence of successful completion of an A
6 BOARD approved program of physical therapy ~~shall--also--be~~
7 ~~submitted.~~ OR PHYSICAL THERAPY ASSISTANT AS SET FORTH IN
8 RULES AND REGULATIONS;

9 (d) (iii) A personal interview may be required if
10 the board deems it necessary.

11 (b) A PHYSICAL THERAPIST APPLICANT WHOSE APPLICATION
12 IS BASED ON A DIPLOMA ISSUED TO HIM BY A PHYSICAL THERAPY
13 SCHOOL OUTSIDE THE UNITED STATES SHALL FURNISH EVIDENCE
14 SATISFACTORY TO THE BOARD OF THE COMPLETION OF A PHYSICAL
15 THERAPY SCHOOL RESIDENT COURSE OF PROFESSIONAL INSTRUCTION
16 EQUIVALENT TO THAT REQUIRED IN PARAGRAPH (a)(ii) OF THIS
17 SECTION. FOREIGN APPLICANTS SHALL SATISFACTORILY COMPLETE
18 A PERIOD OF SERVICE NOT TO EXCEED ONE (1) YEAR UNDER THE
19 CONTINUOUS DIRECTION AND IMMEDIATE SUPERVISION OF A
20 LICENSED PHYSICAL THERAPIST IN A PHYSICAL THERAPY SETTING
21 OR IN AN INSTITUTION EITHER OF WHICH HAVE BEEN APPROVED BY
22 THE BOARD FOR PROVIDING SUCH A PERIOD OF SERVICE. THE
23 BOARD MAY WAIVE ALL OR ANY PORTION OF THE REQUIRED PERIOD

1 OF SERVICE BASED ON CRITERIA SET FORTH BY THE BOARD IN
2 RULES AND REGULATIONS. BEFORE A LICENSE MAY BE ISSUED,
3 EACH FOREIGN APPLICANT MUST ALSO PASS A WRITTEN EXAMINA-
4 TION PRIOR TO COMMENCING A PERIOD OF SERVICE AND MAY BE
5 REQUIRED TO PASS AN ORAL EXAMINATION AT THE COMPLETION OF
6 THE PERIOD OF SERVICE IF THE PERIOD OF SERVICE HAS NOT
7 BEEN COMPLETED TO THE SATISFACTION OF THE SUPERVISING
8 PHYSICAL THERAPIST.

9 33-25-106. Examinations.

10 (a) ALL ~~applicants not--eligible--for--registration~~
11 ~~without--examination;~~ shall ~~upon--complying--with--the~~
12 ~~requirements--set--forth--in--section--5--herein;~~ be required
13 to pass a ~~written~~ AN examination ~~adopted--by--the--board~~
14 PRIOR TO THEIR BEING LICENSED OR REGISTERED AS PROVIDED
15 HEREIN UNLESS OTHERWISE EXEMPTED FROM EXAMINATION PURSUANT
16 TO W.S. 33-25-108. THE EXAMINATION SHALL BE APPROVED AND
17 ADMINISTERED BY THE BOARD AND SHALL INCLUDE A WRITTEN
18 EXAMINATION WHICH SHALL TEST EACH APPLICANT'S KNOWLEDGE OF
19 BASIC AND CLINICAL SCIENCES AS THEY RELATE TO PHYSICAL
20 THERAPY AND PHYSICAL THERAPY THEORY AND PHYSICAL THERAPY
21 PROCEDURES ALONG WITH SUCH OTHER SUBJECTS AS THE BOARD MAY
22 DEEM USEFUL TO TEST THE APPLICANT'S FITNESS TO PRACTICE
23 PHYSICAL THERAPY OR TO ACT AS AS PHYSICAL THERAPY

1 ASSISTANT. THE BOARD SHALL DEFINE PASSING AND FAILING
2 EXAMINATION GRADES.

3 ~~(b) -- The --- examination -- shall -- test -- the -- applicant's~~
4 ~~knowledge of anatomy, -- chemistry, -- kinesiology, -- pathology,~~
5 ~~physics, -- psychology, -- physical therapy as applied to medi-~~
6 ~~cine, -- surgery and psychiatry, -- physical therapy and -- proce-~~
7 ~~dures, -- medical -- ethics, -- and -- such -- other subjects as the~~
8 ~~board may deem useful to test the applicant's -- fitness -- to~~
9 ~~practice physical therapy.~~

10 ~~(e)(b)~~ Examinations shall be held when necessary or
11 upon request of an applicant, at such times and places as
12 the board shall determine.

13 ~~(d)(c)~~ Examinations may SHALL be administered by
14 such persons as the board shall MAY appoint.

15 ~~(e)(d)~~ An applicant who fails his first examination
16 shall be permitted to take another at any time three ~~(3)~~
17 months THE NEXT EXAMINATION SCHEDULED after receiving
18 notification of failure. If the second OR A SUBSEQUENT
19 examination is failed, an additional -- approved -- course -- in
20 physical -- therapy -- must be taken, -- and A MINIMUM OF six (6)
21 months must pass before a third OR SUBSEQUENT examination
22 is given. No -- applicant -- who has failed the examination

1 ~~three-(3)-times-shall-be-allowed-to-take-another--examina-~~
 2 ~~tion--nor-shall-he-be-permitted-to-practice-physical-ther-~~
 3 ~~apy-in-the-state-of-Wyoming~~ THE BOARD MAY ADOPT SPECIAL
 4 REQUIREMENTS FOR APPLICANTS SEEKING EXAMINATION WHO HAVE
 5 FAILED THREE (3) OR MORE EXAMINATIONS.

6 33-25-107. License; certificate of registration;
 7 titles.

8 (a) The board shall issue a LICENSE OR certificate
 9 of registration to each applicant who meets the require-
 10 ments for LICENSURE OR registration without examination or
 11 who passes the examination and meets the standards estab-
 12 lished herein for LICENSURE OR registration.

13 (b) Each person ~~registered~~ LICENSED as a physical
 14 therapist in this state ~~shall-be~~ IS authorized to use the
 15 letters "~~R.P.T.~~" "L.P.T." OR "P.T." after his name, and
 16 may represent himself TO THE PUBLIC as a ~~registered~~
 17 LICENSED physical therapist.

18 (c) EACH PERSON REGISTERED AS A PHYSICAL THERAPIST
 19 ASSISTANT SHALL BE ENTITLED TO USE THE LETTERS "R.P.T.A."
 20 OR "P.T.A." AFTER HIS NAME, AND MAY REPRESENT HIMSELF TO
 21 THE PUBLIC AS A REGISTERED PHYSICAL THERAPIST ASSISTANT.

22 33-25-108. Licensure or registration without exami-

1 nation.

2 (a) The board shall LICENSE OR register without
3 examination those applicants who meet the requirements set
4 forth in section--5, W.S. 33-25-108 and who---(i) are
5 LICENSED OR registered ~~or-otherwise-licensed~~ as a physical
6 therapist OR LICENSED, REGISTERED OR CERTIFIED AS A PHYSI-
7 CAL THERAPIST ASSISTANT by another state or territory ~~if~~
8 ~~that-state-or-territory-will-grant-registration-to--appli-~~
9 ~~cants--from--Wyoming-with-equivalent-qualifications,-or-if~~
10 ~~the-applicant-has-completed-the--professional--examination~~
11 ~~service--examination--and-passed-with-a-standard-deviation~~
12 ~~falling-not-more-than--2.0--below--the--national--average,~~
13 ~~passed--the--examination-given-by-the-American-Registry-of~~
14 ~~Physical-Therapists,-or-an-equivalent-qualifying--examina-~~
15 ~~tion--approved--by--the-board.-Provided,-however,-no-reci-~~
16 ~~procity-shall-be-given-to-any-physical-therapist--licensed~~
17 ~~under-requirements-which-at-the-time-of-licensing-were-not~~
18 ~~substantially--similar--to--requirements-set-forth-in-this~~
19 ~~act-or-adopted-by-the-state--board--of--physical--therapy,~~
20 ~~(ii)--Or-have-professionally-practiced-physical-therapy-in~~
21 ~~Wyoming-for-a-period-of-one-(1)-year-immediately-prior--to~~
22 ~~the--effective--date-of-this-act,-and-who-make-application~~
23 ~~within-six-(6)-months-therefrom.~~ OF THE UNITED STATES OR
24 THE DISTRICT OF COLUMBIA IF THE REQUIREMENTS FOR LICENSE,

1 REGISTRATION OR CERTIFICATION IN THE STATE, TERRITORY OR
2 DISTRICT WERE, AT THE DATE OF LICENSURE OR REGISTRATION
3 SUBSTANTIALLY EQUAL TO THE REQUIREMENTS FOR LICENSING OR
4 REGISTRATION SET FORTH IN THIS ACT. HOWEVER, IF THE APPLI-
5 CANT HAS NOT TAKEN A PHYSICAL THERAPY EXAMINATION GIVEN BY
6 THE PROFESSIONAL EXAMINATION SERVICE, OR HAS FAILED THE
7 EXAMINATION ONE (1) OR MORE TIMES, ISSUANCE OF A LICENSE
8 OR REGISTRATION UNDER THIS SECTION IS AT THE DISCRETION OF
9 THE BOARD.

10 33-25-109. Temporary license.

11 (a) Temporary ~~registration~~ LICENSE to practice phys-
12 ical therapy in Wyoming ~~shall~~ MAY be issued IN THE BOARD'S
13 DISCRETION to QUALIFIED persons ~~meeting-the-requirements~~
14 ~~set-ferth-in-section-5,~~ WHO ARE LICENSED OR REGISTERED IN
15 ANOTHER STATE OR TERRITORY OF THE UNITED STATES OF AMERICA
16 OR THE DISTRICT OF COLUMBIA AND who are working in ~~the~~
17 ~~state~~ WYOMING on a temporary basis to assist in a medical
18 emergency, or who are engaged in a special physical ther-
19 apy project ~~-(i)~~ OR EDUCATIONAL PROGRAM. Such ~~registration~~
20 A TEMPORARY LICENSE shall be limited to one (1) year and
21 ~~shall-be~~ IS nonrenewable.

22 (b) ~~An--applicant--fer-admission-by-examination, who~~
23 ~~meets-the-requirements-set-ferth--in--section--5,--herein,~~

1 shall-be-issued-a-temporary-registration-which-shall-permit
2 the--practice--of-physical-therapy-under-adequate-supervi-
3 sion,-during-the-period-prior-to-the-administration-of-any
4 examination-at-the-discretion-of-the-board.--(i)-Such-reg-
5 istration-shall-be-limited-to-four-(4)-month--period,--and
6 shall--be--nonrenewable:---(ii)--No-temporary-registration
7 shall-be-issued-to-applicants--awaiting--second--or--third
8 examinations. THE BOARD SHALL ISSUE A TEMPORARY LICENSE TO
9 A PERSON WHO HAS APPLIED FOR A LICENSE UNDER THE PROVI-
10 SIONS OF W.S. 33-25-105 AND WHO IS IN THE JUDGMENT OF
11 THE BOARD, ELIGIBLE TO TAKE THE EXAMINATION PROVIDED FOR
12 IN W.S. 33-25-106. THE TEMPORARY LICENSE SHALL BE AVAIL-
13 ABLE TO AN APPLICANT WITH RESPECT TO HIS APPLICATION FOR A
14 LICENSE UNDER W.S. 33-25-105 BUT THE APPLICANT MAY ONLY
15 USE THE TEMPORARY LICENSE WHILE UNDER THE DIRECT SUPERVI-
16 SION OF A LICENSED PHYSICAL THERAPIST. ANY TEMPORARY
17 LICENSE SHALL EXPIRE UPON THE FAILURE OF THE FIRST EXAMI-
18 NATION AND UPON EXPIRATION THE LICENSE MUST BE SURRENDERED
19 TO THE BOARD.

20 (c) A TEMPORARY LICENSE MAY BE ISSUED IN THE BOARD'S
21 DISCRETION TO AN APPLICANT WHO IS SEEKING LICENSURE WITH-
22 OUT EXAMINATION UNDER W.S. 33-25-108 BUT THE APPLICANT MAY
23 ONLY USE THE TEMPORARY LICENSE WHILE UNDER THE SUPERVISION
24 OF A LICENSED PHYSICAL THERAPIST. THE TEMPORARY LICENSE

1 SHALL EXPIRE UPON THE BOARD'S DETERMINATION OF THE APPLI-
2 CATION SUBMITTED BY THE APPLICANT UNDER W.S. 33-25-108.

3 33-25-110. License or registration expiration and
4 renewal. All permanent ~~registration~~ LICENSES AND CERTIFI-
5 CATES OF REGISTRATION ISSUED PURSUANT TO THIS ACT shall
6 expire on January 1 of the year next succeeding ~~the~~ THEIR
7 issuance. ~~thereof.~~ A LICENSE OR CERTIFICATE OF registra-
8 tion may be renewed by making application therefor and
9 upon payment of the required fee. A LICENSE OR CERTIFICATE
10 OF registration which has expired may be renewed within
11 five (5) years of its expiration by the payment of renewal
12 fees for each year or part thereof during which the
13 LICENSE OR registration was ineffective, and the payment
14 of the required restoration fee. ~~Renewal will be permit-~~
15 ~~ted, after expiration of registration for a period in~~
16 ~~excess of five (5) years, only after an examination has~~
17 ~~been taken and passed~~ NO RENEWAL SHALL BE PERMITTED OF A
18 LICENSE OR CERTIFICATE OF REGISTRATION WHICH HAS EXPIRED
19 AND HAS NOT BEEN RENEWED FOR FIVE (5) YEARS FROM ITS EXPI-
20 RATION DATE, WITHOUT FULL COMPLIANCE WITH ALL REQUIREMENTS
21 OF THIS ACT.

22 33-25-111. Denial, suspension or revocation of
23 license or registration.

1 (a) ~~After--notice-and-hearing-in-accordance-with-its~~
2 ~~rules-and-regulations,~~ The board shall MAY LIMIT THE SCOPE
3 OF PRACTICE ALLOWED BY THE LICENSE OR REGISTRATION, OR
4 CONDITION THE RETENTION OF A LICENSE OR REGISTRATION UPON
5 SUCCESSFUL COMPLETION OF ANY REASONABLE REQUIREMENT, OR
6 MAY refuse to LICENSE OR register any ~~person~~ APPLICANT OR
7 MAY REFUSE TO RENEW THE LICENSE OR REGISTRATION OF ANY
8 PERSON or ~~shall~~ MAY suspend or revoke the LICENSE OR reg-
9 istration of any person, who: has:

10 (i) ~~Practiced~~ PRACTICES physical therapy ~~other~~
11 ~~than-under-the-prescription-and-direction-and--supervision~~
12 ~~of--a--physician--licensed--to--practice--in--the-state-of~~
13 ~~Wyoming-as-provided-in-title-33,-chapter-23,-Wyoming-Stat-~~
14 ~~utes,-1957~~ OR ACTS AS A PHYSICAL THERAPIST ASSISTANT IN
15 VIOLATION OF THE PROVISIONS OF THIS ACT;

16 (ii) ~~Used--drugs-or-intoxicating-liquors-to-an~~
17 ~~extent-which-affects-his-professional-competency~~ ATTEMPTS
18 TO OR OBTAINS LICENSURE OR REGISTRATION BY FRAUD OR
19 MISREPRESENTATIONS;

20 (iii) ~~Been-convicted-of-a-felony--or--a--crime~~
21 ~~involving--moral--turpitude~~ COMMITS REPEATED OCCASIONS OF
22 NEGLIGENCE OR INCOMPETENCE IN THE PRACTICE OF PHYSICAL
23 THERAPY;

1 (iv) ~~Obtained-or-attempted-to-obtain-registra-~~
2 ~~tion--as--a--physical-therapist-by-fraud-or-deception;~~ HAS
3 BEEN CONVICTED OF A FELONY IN THE COURTS OF THIS STATE OR
4 ANY OTHER STATE, TERRITORY OR COUNTRY, AS USED IN THIS
5 PARAGRAPH, CONVICTION INCLUDES A FINDING OR VERDICT OF
6 GUILT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE;

7 (v) ~~Been--grossly-negligent-in-the-practice-of~~
8 ~~physical-therapy~~ HABITUALLY INDULGES IN THE USE OF NARCOT-
9 ICS OR OTHER HABIT FORMING DRUGS, OR EXCESSIVELY INDULGES
10 IN THE USE OF ALCOHOLIC LIQUORS;

11 (vi) ~~Been--judged--mentally--incompetent--by-a~~
12 ~~court-of-competent-jurisdiction~~ HAS TREATED OR HAS UNDER-
13 TAKEN TO TREAT HUMAN AILMENTS OTHERWISE THAN BY PHYSICAL
14 THERAPY AS DEFINED IN THIS ACT;

15 (vii) ~~Been-guilty-of-conduct-unbecoming-a-per-~~
16 ~~son-registered-as-a-physical-therapist-or--detrimental--to~~
17 ~~best--interest-of-the-public.~~ HAS HAD HIS LICENSE TO PRAC-
18 TICE PHYSICAL THERAPY OR REGISTRATION TO ACT AS A PHYSICAL
19 THERAPIST ASSISTANT REFUSED, REVOKED OR SUSPENDED OR HAS
20 HAD OTHER DISCIPLINARY ACTION TAKEN BY THE PROPER AUTHORI-
21 TIES OF ANOTHER STATE, TERRITORY OR COUNTRY;

22 (viii) HAS NEGLIGENTLY FAILED TO REFER A

1 PATIENT WHOSE CONDITION IS BEYOND THE TRAINING OR ABILITY
2 OF THE PHYSICAL THERAPIST TO ANOTHER PROFESSIONAL QUALI-
3 FIED TO DIAGNOSE OR CARE FOR THE CONDITION;

4 (ix) HAS BEEN GUILTY OF ANY CONDUCT OR PRAC-
5 TICE CONTRARY TO RECOGNIZED STANDARDS OF ETHICS OF THE
6 PHYSICAL THERAPY PROFESSION WHERE THE CONDUCT OR PRACTICE
7 MIGHT CONSTITUTE A DANGER TO THE HEALTH, SAFETY OR WELFARE
8 OF THE PATIENT OR THE PUBLIC;

9 (x) ENGAGES DIRECTLY OR INDIRECTLY IN THE
10 DIVISION, TRANSFERRING, ASSIGNING, REBATING, OR REFUNDING
11 OF FEES RECEIVED FOR PROFESSIONAL SERVICES OR PROFITS BY
12 MEANS OF A CREDIT OR OTHER VALUABLE CONSIDERATION AS AN
13 UNEARNED COMMISSION, DISCOUNT OR GRATUITY WITH ANY PERSON
14 WHO HAS REFERRED A PATIENT, OR WITH ANY RELATIVE OR BUSI-
15 NESS ASSOCIATE OF THE REFERRING PERSON. NOTHING IN THIS
16 PARAGRAPH SHALL BE CONSTRUED AS PROHIBITING THE MEMBERS OF
17 ANY REGULARLY AND PROPERLY ORGANIZED BUSINESS ENTITY COM-
18 PRISED OF OR INCLUDING PHYSICAL THERAPISTS FROM MAKING ANY
19 DIVISION OF THEIR TOTAL FEES AMONG THEMSELVES AS THEY
20 DETERMINE BY CONTRACT NECESSARY;

21 (xi) BEEN JUDGED MENTALLY INCOMPETENT BY A
22 COURT OF COMPETENT JURISDICTION.

1 33-25-112. Hearing and appeal procedures.

2 (a) The board shall notify any applicant ~~or~~
3 ~~practitioner of an-adverse~~ A decision TO DENY A LICENSE OR
4 REGISTRATION FOR THE APPLICANT'S FAILURE TO COMPLY WITH
5 THE REQUIREMENTS OF THIS ACT. THE BOARD SHALL NOTIFY ANY
6 LICENSED PHYSICAL THERAPIST OR REGISTERED PHYSICAL THERAPY
7 ASSISTANT OF ANY COMPLAINT AGAINST HIM OR OF ANY REVOCA-
8 TION OR SUSPENSION DECISION BEING CONSIDERED BY THE BOARD
9 by registered mail sent to his last known address OR BY
10 PERSONAL SERVICE OF THE NOTICE. WITHIN SIXTY (60) DAYS OF
11 THE MAILING OR DELIVERY BY PERSONAL SERVICE OF THE NOTICE,
12 THE PERSON MAY DEMAND A HEARING BEFORE THE BOARD. THE
13 BOARD SHALL GRANT SUCH DEMANDS. THE HEARING SHALL BE CON-
14 DUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE WYOMING
15 ADMINISTRATIVE PROCEDURE ACT.

16 ~~(b) The--aggrieved-party-shall-have-thirty-(30)-days~~
17 ~~from-receipt-of-notification-to-demand-a-hearing.--(i)--if~~
18 ~~hearing--is--not--demanded-within-the-required-thirty-(30)~~
19 ~~days,-it-will-be-presumed-waived,-and-the-board's-decision~~
20 ~~shall-be-final.~~ ALL BOARD DECISIONS CONCERNING REVOCATION
21 OR SUSPENSION OF A LICENSE OR REGISTRATION SHALL REQUIRE
22 AN AFFIRMATIVE VOTE OF THREE (3) BOARD MEMBERS.

23 ~~(c)--The-board-shall-conduct-a-hearing-when-demanded-~~

1 Proceedings shall be informal, although the aggrieved
 2 party may have the services of any attorney and witnesses
 3 may testify and evidence may be presented. All members of
 4 the board and the aggrieved party and his counsel are
 5 hereby given the right to question all witnesses. --- (i)
 6 Upon conclusion of the proceedings, the board shall vote
 7 and decide on the issue by a majority vote. --- (d) In the
 8 event of an adverse decision, the aggrieved party shall
 9 have the right to appeal the decision to the district
 10 court in the county where the board is sitting. --- (i) Such
 11 appeal shall be filed with a written statement of error
 12 within thirty (30) days from the day the decision is
 13 announced. Twenty (20) days later the board, represented
 14 by the attorney general of Wyoming, shall answer.

15 (ii)(c) The appeal shall be by trial de nove in the
 16 district court IN ANY APPEAL PROCEDURE THE BOARD SHALL BE
 17 REPRESENTED BY AN ATTORNEY FROM THE STAFF OF THE ATTORNEY
 18 GENERAL.

19 33-25-113. Hearing and appeal procedures; fees and
 20 expenses; disposition of monies collected.

21 (a) Fees shall be determined and adopted by the
 22 board but shall not exceed the maximum amounts as follows:

1 (i) The examination fee shall be the fee
 2 charged by the professional examination service for the
 3 purchase of the examination plus a reasonable administra-
 4 tion fee as determined annually by the board;

5 (ii) LICENSURE OR registration without exami-
 6 nation, not to exceed\$50.00

7 (iii) Temporary LICENSURE OR registration, not
 8 to exceed\$50.00

9 (iv) Renewal fee, not to exceed\$50.00

10 (v) Restoration fee, not to exceed
 11~~\$25.00~~\$50.00

12 (b) All money shall be received and collected as
 13 provided by law. The state treasurer shall credit the
 14 money to an account within the earmarked revenue fund
 15 which is subject at all times to the warrant of the state
 16 auditor, drawn upon written requisition of the president,
 17 and attested by the secretary of the board of physical
 18 therapy, with seal attached, for the payment of any
 19 expenses made by said board.

20 (c) Where the balance in the account is insufficient
 21 to meet travel and other expenses of the board and board

1 members incurred in performance of their duties, monies
2 shall be advanced from the general fund IF PROPERLY APPRO-
3 PRIATED BY THE LEGISLATURE for payment of such expenses.
4 Such advances will be repaid from account receipts.

5 33-25-114. Penalties. ~~(a)~~ Each violation of ~~section~~
6 ~~2--of~~ this act shall be IS punishable by fine of not more
7 than ~~one-hundred~~ SEVEN HUNDRED FIFTY dollars ~~(\$100.00)~~
8 (\$750.00) or by imprisonment for not ~~less-than-thirty-(30)~~
9 ~~days--nor~~ more than ~~ninety-(90)-days~~ SIX (6) MONTHS, or
10 both.

11 ~~(b)--Any-person-who--shall--knowingly--make--a--false~~
12 ~~statement-in-his-application-for-license-under-this-act-or~~
13 ~~in--response--to--any-inquiry-by-the-board,--shall-be-fined~~
14 ~~not-more-than-fifty-dollars-(50.00)-or-imprisoned-for-not~~
15 ~~less-than-ten-(10)-days-nor-more-than-thirty-(30)-days,-or~~
16 ~~both.~~

17 Section 3. This act is effective May 23, 1985.

18 (END)

SP0113J1/A TO ENCLOSED COPY

Adopt the following House amendments:

SP0113HW2/AGE
SP0113H21/AE

Delete the following House amendments:

SP0113HS1/AE
SP0113H22/AE

Further amend as follows:

Page 5-line 10 After "PST" insert "WHO IS IN COMPLIANCE WITH SUBSECTION (c) OF THIS SECTION".

Page 5-after line 22 Insert:

(c) NO PERSON SHALL INITIATE PHYSICAL THERAPY TREATMENT UNLESS UNDER THE AUTHORITY OR SUPERVISION OF A PHYSICIAN OR PURSUANT TO A PRESCRIPTION FROM A LICENSED PHYSICIAN, PODIATRIST OR DENTIST.

SCOTT, MADER, HICKEY, TIPTON, HUMPHREY

Revised by SF0113JCI/AA

- 1 ✓ SF0113HS1/AK (TO ENGROSSED COPY)
- 2 Page 5-line 10 After "PIST" insert "WHO IS IN COMPLIANCE
- 3 WITH SUBSECTION (c) OF THIS SECTION".
- 4 Page 5-After line 22 Insert:
- 5 "(c) NO PERSON SHALL PRACTICE PHYSICAL THERAPY UNLESS
- 6 ACTING UNDER THE AUTHORITY AND SUPERVISION OF A PHYSICIAN,
- 7 PODIATRIST OR DENTIST LICENSED TO PRACTICE." -SANDERS,
- 8 CHAIRMAN

ADOPTED *Ø*

- ✓ 1 ✓ SF0113HW2/ACE (TO ENGROSSED COPY) (CORRECTED COPY)
- ✓ 2 Page 10-line 1 After "evidence" strike balance of line.
- ✓ 3 Page 10-lines 2 through 5 Strike and delete entirely and
- 4 insert "THROUGH THE APPLICATION OR
- 5 OTHERWISE, AS THE BOARD DEEMS DESIRABLE
- 6 WITH DUE REGARD TO THE PARAMOUNT INTERESTS
- 7 OF THE PUBLIC, AS TO THE HONESTY,
- 8 TRUTHFULNESS, INTEGRITY AND COMPETENCY OF
- 9 THE APPLICANT;". -HANSEN

mi ADOPTED
(Cmt -)

- 1 ✓ SF0113H21/AE (TO ENGROSSED COPY)
- 2 ✓ Page 1-line 1 Delete "and".
- 3 ✓ Page 1-line 2 After "through" insert "33-25-112,
4 33-25-113(a) and (b) and"; after
5 "33-25-114" insert "; and to repeal W.S.
6 33-25-113(c)".
- 7 ✓ Page 2-line 6 After "through" insert "33-25-112,
8 33-25-113(a) and (b) and".
- 9 ✓ Page 2-line 21 Delete "A PERSON'S" insert "AN
10 INDIVIDUAL'S".
- 11 ✓ Page 3-line 7 After "DISEASE" insert ".".
- 12 ✓ Page 3-line 8 Strike "and".
- 13 ✓ Page 3-line 18 Strike "person" insert "INDIVIDUAL".
- 14 ✓ Page 4-line 3 Delete "A PERSON" insert "AN INDIVIDUAL".
- 15 ✓ Page 4-line 14 Strike "person" insert "INDIVIDUAL".
- 16 ✓ Page 4-line 16 Delete "OR HERSELF".
- 17 ✓ Page 4-line 17 Delete "OR SHE".
- 18 ✓ Page 5-line 2 Strike "person" insert "INDIVIDUAL".
- 19 ✓ Page 5-line 11 Delete "PERSON" insert "INDIVIDUAL".
- 20 ✓ Page 5-line 20 Delete "SUCH" insert "THE".
- 21 ✓ Page 6-line 13 Strike "therein".
- 22 ✓ Page 7-line 16 Strike "such" insert "THE".
- 23 ✓ Page 7-line 20 Strike the line through "7".
- 24 ✓ Page 7-line 21 Strike "by-vote" insert "ANNUALLY".
- 25 ✓ Page 8-line 14 Delete "RESPECTIVE".
- 26 ✓ Page 8-line 15 Strike "~~herein, and these promulgated~~".
- 27 ✓ Page 8-line 16 Delete "THROUGH ITS RULES AND REGULATIONS".
- 28 ✓ Page 9-line 1 Strike "living".
- 29 ✓ Page 9-line 7 Strike "and-every".
- 30 ✓ Page 9-line 14 After "(v)" insert "WITHIN THE LIMITATIONS
31 PROVIDED IN W.S. 33-25-113(a),".
- 32 ✓ Page 9-line 15 Delete "AUTHORIZED BY THIS ACT".
- 33 ✓ Page 11-line 4 Delete "MUST ALSO" insert "SHALL".

ADOPT-

- 1 ✓ Page 12-line 14 After "(c)" strike and delete balance of
- 2 line.
- 3 ✓ Page 12-line 15 Strike the line through "beard"; after
- 4 stricken "shall" insert "THE BOARD"; after
- 5 "appoint" insert "PERSONS TO CONDUCT THE
- 6 EXAMINATIONS".
- 7 ✓ Page 12-line 22 Strike "must" insert "SHALL".
- 8 ✓ Page 13-line 14 Strike "person" insert "INDIVIDUAL".
- 9 ✓ Page 13-line 19 Delete "PERSON" insert "INDIVIDUAL".
- 10 ✓ Page 15-line 21 Strike "Such".
- 11 ✓ Page 16-line 11 Delete "A PERSON" insert "AN INDIVIDUAL".
- 12 ✓ Page 16-line 20 Delete "MUST" insert "SHALL".
- 13 ✓ Page 17-line 11 Strike "therefor".
- 14 ✓ Page 18-line 11 Strike "person" insert "INDIVIDUAL".
- 15 ✓ Page 19-line 10 Delete "NARCOT-".
- 16 ✓ Page 19-line 11 Delete the line through "DRUGS" insert
- 17 "CONTROLLED SUBSTANCES".
- 18 ✓ Page 19-line 12 Before ";" insert "OR MALT BEVERAGES".
- 19 ✓ Page 23-line 21 Strike "said" insert "THE".
- 20 ✓ Page 24-lines 1 through 6 Delete entirely.
- 21 ✓ Page 24-Before line 19 Insert:
- 22 "Section 3. W.S. 33-25-113(c) is repealed."
- 23 ✓ Page 24-line 19 After "Section" delete "3." insert "4."
- 24 -HANSEN *SW*

ADOPTED

Adopted by

SF0113H22 JCI/AA
SF0113H22/AE (TO ENGROSSED COPY)

2 Page 5-After line 22 In subsection (c) created by the
3 standing committee amendment
4 (SF0113HS1/AE), in the first line of the
5 subsection, after "NO PERSON SHALL" delete
6 "PRACTICE" insert "INITIATE"; after "PHYSI-
7 CAL THERAPY" insert "TREATMENT". -BURTON

SW
ADOPTED