

2017 Regular Session

HOUSE BILL NO. 305

BY REPRESENTATIVE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHYSICAL THERAPISTS: Provides for the regulation of the practice of physical therapy

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AN ACT

To amend and reenact R.S. 37:2410 and to enact R.S. 37:2402(C), 2411.1, 2411.2, and 2424(C)(7), relative to the practice of physical therapy; to provide for active state oversight and supervision of the Louisiana Physical Therapy Board; to provide for the licensure of foreign graduates; to provide for the licensure of applicants with military training; to establish a continuing education review fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2410 is hereby amended and reenacted and R.S. 37:2402(C), 2411.1, 2411.2, and 2424(C)(7) are hereby enacted to read as follows:

§2402. Purpose and intent

* * *

C.(1) The legislature hereby declares that if the enforcement of any provision of this Chapter results in displacing competition by restricting licensure to practice physical therapy, as such practice is defined and interpreted by the Louisiana Physical Therapy Board in accordance with the provisions of this Chapter, to applicants determined by the board to be qualified to practice physical therapy pursuant to this Chapter, any restriction on competition is outweighed by the state's broader interest in the protection of the public health, safety, and welfare.

1 (2) The legislature recognizes the need for professional expertise which can
2 only be provided by practitioners serving the public interest. Accordingly, this
3 Chapter requires licensees and public members to serve on the Louisiana Physical
4 Therapy Board. It is therefore the intent of the legislature that active state oversight
5 and supervision of the board shall be conducted through all of the following means:

- 6 (1) Legislative enactment of the Louisiana Physical Therapy Practice Act.
- 7 (2) Appointment and removal of board members by the governor.
- 8 (3) Application of the Code of Governmental Ethics, R.S. 42:1101 et seq.
- 9 (4) Adoption of rules pursuant to the Administrative Procedure Act, R.S.
10 49:950 et seq.
- 11 (5) Mandatory board member training.
- 12 (6) Judicial review where applicable.

13 * * *

14 §2410. Qualifications for license; foreign graduates

15 A graduate of a school of physical therapy outside of the United States may
16 qualify for a license as a physical therapist upon compliance with the provisions of
17 R.S. 37:2409(1), (2), (3), ~~and (4)~~, and (6) as well as with all of the following
18 provisions:

19 (1)(a) Presents in person his original diploma or facsimile, with English
20 translation, from the physical therapy school from which he was graduated, together
21 with a letter of recommendation from the dean or any other senior administrator of
22 that school. Provides satisfactory evidence of successful completion of a foreign
23 physical therapy education curriculum that is substantially equivalent to the
24 requirements for physical therapists educated in accredited physical therapy schools
25 located within the United States.

26 (b) A graduate of a foreign physical therapy education curriculum shall
27 establish substantial equivalence by presenting documentation satisfactory to the
28 board of the successful completion of all of the following:

1 (i) A foreign physical therapy education curriculum accredited by a
2 board-approved accrediting agency containing courses which prepared the applicant
3 to work as a physical therapist and that is recognized by the educational regulatory
4 authority where the school is located.

5 (ii) A credential evaluation as directed by the board that determines that the
6 candidate has met uniform criteria for educational requirements as further
7 established by board rule.

8 (iii) Any additional education as required by the board.

9 (2) Provides indisputable proof of identity as specified by the board, ~~and a~~
10 ~~valid social security number.~~

11 (3) ~~Presents proof of certification or licensing as a physical therapist in the~~
12 ~~country where he completed his education.~~ Provides documentation satisfactory to
13 the board of verification of any and all professional or trade licenses, certifications,
14 and permits, past or present, held in any country, province, or state, including the
15 United States, as required by the board.

16 (4) ~~Demonstrates in a personal interview his ability to read, write, speak, and~~
17 ~~understand English fluently.~~ Achieves a passing score on a board-approved English
18 proficiency examination if the applicant's native language is not English.

19 (5) ~~Obtains from the board a provisional license to engage in supervised~~
20 ~~clinical practice under the direction and supervision of a physical therapist licensed~~
21 ~~under this Chapter. The period of supervised clinical practice shall be for at least six~~
22 ~~months but not more than eighteen months, based on full-time employment, except~~
23 ~~that the board, in its discretion, may accept part-time employment during the periods~~
24 ~~of time set forth above as compliance with the requirements for supervised clinical~~
25 ~~practice.~~ Completes supervised clinical practice requirements as defined by board
26 rule.

27 (6) ~~Presents written evidence satisfactory to the board that he has completed~~
28 ~~the required period of supervised clinical practice, that he is competent to practice~~

1 ~~physical therapy, and that he has passed the examination as provided for in R.S.~~
2 ~~37:2414. Meets all additional requirements established by board rule.~~

3 * * *

4 §2411.1. Physical therapist assistant; foreign graduates

5 A graduate of a school of physical therapy assisting outside of the United
6 States may qualify for a license as a physical therapy assistant upon compliance with
7 the provisions of R.S. 37:2411(1), (2), (3), and (5), as well as with all of the
8 following provisions:

9 (1)(a) Provides satisfactory evidence of successful completion of a foreign
10 physical therapy assistant education curriculum that is substantially equivalent to the
11 requirements for physical therapy assistants educated in accredited physical therapy
12 schools located within the United States.

13 (b) A graduate of a foreign physical therapy assistant education curriculum
14 shall establish substantial equivalence by presenting documentation satisfactory to
15 the board of the successful completion of all of the following:

16 (i) A foreign physical therapy assistant education curriculum accredited by
17 a board-approved accrediting agency containing courses which prepared the
18 applicant to work as a physical therapist assistant and that is recognized by the
19 educational regulatory authority where the school is located.

20 (ii) A credentials evaluation as directed by the board that determines that the
21 candidate has met uniform criteria for educational requirements as further
22 established by board rule.

23 (iii) Any additional education as required by the board.

24 (2) Provides indisputable proof of identity as specified by the board.

25 (3) Provides documentation satisfactory to the board of verification of all
26 professional or trade licenses, certifications, and permits, past or present, held in any
27 country, province, or state, including the United States, as required by the board.

28 (4) Achieves a passing score on board-approved English proficiency
29 examinations if the applicant's native language is not English.

1 (5) Completes supervised clinical practice requirements as defined by board
2 rule.

3 (6) Meets all additional requirements established by board rule.

4 §2411.2. Physical therapist assistant; military training

5 An applicant who has completed a United States armed services program of
6 training not accredited by a national accreditation agency approved by the board may
7 qualify for a license as a physical therapist assistant upon compliance with the
8 provisions of R.S. 37:2411(1), (2), (3), and (5), as well as with both of the following
9 provisions:

10 (1)(a) Provides satisfactory evidence of successful completion of a United
11 States armed services program of training that is substantially equivalent to the
12 requirements for physical therapist assistants educated in an accredited entry-level
13 program as determined by the board.

14 (b) A physical therapist assistant trained in the United States armed services
15 shall establish substantial equivalence by presenting documentation satisfactory to
16 the board of the successful completion of all of the following:

17 (i) A United States armed services program of training accredited by a
18 board-approved accrediting agency containing courses which prepared the applicant
19 to work as a physical therapist assistant.

20 (ii) A credentials evaluation as directed by the board that determines that the
21 candidate has met uniform criteria for educational requirements as further
22 established by board rule.

23 (iii) Any additional education as required by the board.

24 (2) Meets all additional requirements established by board rule.

25 * * *

26 §2424. Fees; receipts and disbursements

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1 C. Fees assessed by the board shall not exceed the following amounts:

2 * * *

3 (7) Continuing education annual review fee \$ 250.00

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 305 Engrossed

2017 Regular Session

Johnson

Abstract: Authorizes the La. Physical Therapy Board to license foreign graduates and military-trained applicants and charge a fee for reviewing continuing education programs.

Proposed law provides that any result of displacing competition by restricting licensure to practice physical therapy, as such practice is defined and interpreted by the La. Physical Therapy Board (board), to applicants determined by the board to be qualified to practice physical therapy is outweighed by the state's broader interest in the protection of the public health, safety, and welfare.

Proposed law requires active state oversight and supervision of the board to be conducted through all of the following means:

- (1) Legislative enactment of the La. Physical Therapy Practice Act.
- (2) Appointment and removal of board members by the governor.
- (3) Application of the Code of Governmental Ethics.
- (4) Adoption of rules pursuant to the APA.
- (5) Mandatory board member training.
- (6) Judicial review where applicable.

Present law authorizes a graduate of a foreign school of physical therapy to qualify for a license as a physical therapist upon meeting the requirements for licensure as a physical therapist as well as complying with additional provisions.

Proposed law retains present law but changes the additional requirements to all of the following:

- (1) Provides satisfactory evidence of successful completion of a foreign physical therapy education curriculum that is substantially equivalent to the requirements for physical therapists educated in accredited physical therapy schools located within the U.S.
- (2) Provides indisputable proof of identity as specified by the board.
- (3) Provides documentation satisfactory to the board of verification of all professional or trade licenses, certifications, and permits, past or present, held in any country, province, or state, including the U.S., as required by the board.

- (4) Achieves a passing score on a board-approved English proficiency examination if the applicant's native language is not English.
- (5) Completes supervised clinical practice requirements as defined by board rule.
- (6) Meets all additional requirements established by board rule.

Proposed law authorizes a graduate of a foreign school of physical therapy assisting to qualify for a license as a physical therapy assistant upon meeting the requirements for licensure as a physical therapist assistant as well as complying with all of the following provisions:

- (1) Provides satisfactory evidence of successful completion of a foreign physical therapy assistant education curriculum that is substantially equivalent to the requirements for physical therapy assistants educated in accredited physical therapy schools located within the U.S.
- (2) Provides indisputable proof of identity as specified by the board.
- (3) Provides documentation satisfactory to the board of verification of all professional or trade licenses, certifications, and permits, past or present, held in any country, province, or state, including the U.S., as required by the board.
- (4) Achieves a passing score on board-approved English proficiency examinations if the applicant's native language is not English.
- (5) Completes supervised clinical practice requirements as defined by board rule.
- (6) Meets all additional requirements established by board rule.

Proposed law authorizes an applicant who has completed a U.S. armed services program of training not accredited by a national accreditation agency approved by the board to qualify for a license as a physical therapy assistant upon meeting the requirements for licensure as a physical therapist assistant as well as complying with both of the following provisions:

- (1) Provides satisfactory evidence of successful completion of a U.S. armed services program of training that is substantially equivalent to the requirements for physical therapist assistants educated in an accredited entry-level program as determined by the board.
- (2) Meets all additional requirements established by board rule.

Present law authorizes the board to charge certain fees and sets a maximum amount for each fee.

Proposed law retains present law and further authorizes an annual continuing education review fee not to exceed \$250.

(Amends R.S. 37:2410; Adds R.S. 37:2402(C), 2411.1, 2411.2, and 2424(C)(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Clarify that the continuing education review fee is an annual fee.
2. Delete the proposed course sponsor fee.