



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 305

**Senate
Amendment 1**

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Current Law

Current law prohibits persons from practicing physical therapy or designating themselves as a physical therapist or using certain titles or initials unless they are licensed as physical therapists. There are a number of exceptions to this prohibition, including physical therapist assistants who are assisting a physical therapist in practice under the general supervision of the physical therapist. Current law defines “physical therapist assistant” as a person who has graduated from a physical therapist assistant associate degree program approved by the American Physical Therapy Association.

Current law defines “physical therapy” as follows:

448.50 (4) “Physical therapy” means that branch or system of treating the sick which is limited to therapeutic exercises with or without assistive devices, and physical measures including heat and cold, air, water, light, sound, electricity and massage; and physical testing and evaluation. The use of roentgen rays and radium for any purpose, and the use of electricity for surgical purposes including cauterization, are not part of physical therapy.

Senate Bill 305

Senate Bill 305 makes a number of changes in the statutes regulating physical therapists. The bill changes the definition of “physical therapy” to read as follows:

448.50 (4) “Physical therapy” means any of the following:

(a) Examining, evaluating, or testing individuals with mechanical, physiological, or developmental impairments, functional limitations

related to physical movement and mobility, disabilities, or other movement-related health conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic intervention or to assess the ongoing effects of intervention. In this paragraph, “testing” means using standardized methods or techniques for gathering data about a patient.

(b) Alleviating impairments or functional limitations by instructing patients or designing, implementing, or modifying therapeutic interventions.

(c) Reducing the risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.

(d) Engaging in administration, consultation, or research that is related to any activity specified in pars. (a) to (c).

For purposes of the above definition, the bill defines “diagnosis” as “. . . the result of an evaluation of a condition or impairment by neuromusculoskeletal examination or study of its symptoms for the purpose of a therapeutic intervention.”

The bill also provides for licensure of physical therapist assistants. Under the bill, a physical therapist assistant may assist in the practice of physical therapy only under the direct or general supervision of a physical therapist.

The bill makes a number of other changes relating to the practice of physical therapy, including the following: (1) a requirement that the Physical Therapists Affiliated Credentialing Board promulgate rules establishing a code of ethics for physical therapists and physical therapist assistants; (2) creation of a duty of a physical therapist to refer a patient to an appropriate health care practitioner if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of practice of physical therapy; (3) creation of a statute that provides for discipline of a physical therapist who engages in sexual misconduct with a patient; and (4) a requirement that the board promulgate rules that require an applicant for renewal of a license to demonstrate continued competence as a physical therapist or physical therapist assistant.

Senate Amendment 1

Senate Amendment 1 makes the following changes to the bill:

1. The amendment modifies the definition of “diagnosis” that is created in the bill. Under the amendment, “diagnosis” is defined as “. . . a judgment that is made after examining the neuromusculoskeletal system or evaluating or studying its symptoms and that utilizes the techniques and science of physical therapy for the purpose of establishing a plan of therapeutic intervention, but does not include a chiropractic or medical diagnosis.”

2. The amendment modifies the definition of “physical therapy” that is established in the bill by stating that physical therapy does not include “. . . using roentgen rays or radium for any purpose, using electricity for surgical purposes, including cauterization, or prescribing drugs or devices.”

3. The amendment deletes the provision of the bill that requires a physical therapist assistant to assist in the practice of physical therapy only under the direct or general supervision of a physical therapist.

4. The amendment repeals the provisions in current law under which a chiropractor may advertise and “claim to render” physical therapy services. The amendment provides, instead, that a physical therapy license is not required for a chiropractor to: (a) claim to render physical therapy, if the physical therapy is provided by a physical therapist employed by the chiropractor; or (b) a licensed chiropractor claims to render “modality based physical therapy services.”

5. The amendment repeals provisions in current law regarding when a chiropractor can advertise and claim to render physical therapy.

6. The amendment repeals the requirement in current law that the Chiropractic Examining Board and the Physical Therapists Affiliated Credentialing Board jointly promulgate rules that establish circumstances under which a chiropractor may claim to render physical therapy within the scope of chiropractic.

7. The amendment provides that a physical therapist may not claim that any manipulation service the physical therapist provides is a chiropractic adjustment to correct a chiropractic spinal subluxation.

Legislative History

On March 6, 2002, the Senate Committee on Health, Utilities, Veterans and Military Affairs recommended adoption of Senate Amendment 1 on a vote of Ayes, 9; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 9; Noes, 0.

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