

1 AN ACT concerning professional regulation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Physical Therapy Act is amended
5 by changing Sections 1, 2, 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7 (Section scheduled to be repealed on January 1, 2006)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 examining, evaluating, and
10 testing persons who have mechanical, physiological, or
11 developmental impairments, functional limitations or
12 disabilities, or other health or movement-related conditions
13 in order to determine a diagnosis, prognosis, and plan of
14 therapeutic intervention, and providing therapeutic
15 interventions and assessing the ongoing effects of
16 interventions. Physical therapy may include, but is not
17 limited to, (a) the-evaluation-or-treatment-of--a--person--by
18 the use of the effective properties of physical measures and
19 heat, cold, light, water, radiant energy, electricity, sound,
20 and air; and the use of therapeutic massage, therapeutic
21 exercise, mobilization, and the rehabilitative procedures
22 with or without assistive devices for the purposes of
23 preventing, correcting, or alleviating a physical or mental
24 dysfunction or disability, or promoting physical fitness and
25 well-being, ~~(b) ---Physical--therapy--includes,--but--is--not~~
26 ~~limited---to:---(a)~~ performance of specialized tests and
27 measurements, ~~(c)~~ ~~(b)~~ administration of specialized treatment
28 procedures, ~~(d)~~ ~~(e)~~ interpretation of referrals from
29 physicians, dentists and podiatrists, ~~(e)~~ ~~(d)~~ establishment,
30 and modification of physical therapy treatment programs, ~~(f)~~
31 ~~(e)~~ administration of topical medication used in generally

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

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

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

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

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

30 (6) (Blank) "Referral"-for-the-purpose-of-this-Act-means
 31 the-following--of--guidance--or--direction--to--the--physical
 32 therapist--given-by-the-physician,-dentist,-or-podiatrist-who
 33 shall-maintain-supervision-of-the-patient.

34 (7) (Blank) "Documented-current-and-relevant--diagnosis"

1 for--the-purpose-of-this-Act-means-a-diagnosis,substantiated
 2 by-signature-or-oral-verification-of-a-physician,dentist,or
 3 pediatricist,that-a-patient's-condition-is-such-that-it-may-be
 4 treated-by-physical-therapy-as-defined--in--this--Act,--which
 5 diagnosis--shall--remain--in--effect--until--changed--by--the
 6 physician,dentist-or-pediatricist.

- 7 (8) "State" includes:
 8 (a) the states of the United States of America;
 9 (b) the District of Columbia; and
 10 (c) the Commonwealth of Puerto Rico.

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

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

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

26 (225 ILCS 90/2) (from Ch. 111, par. 4252)

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

28 Sec. 2. Licensure requirement; exempt activities.
 29 Practice without a license forbidden - exception. No person
 30 shall after the date of August 31, 1965 begin to practice
 31 physical therapy in this State or hold himself out as being
 32 able to practice this profession, unless he is licensed as
 33 such in accordance with the provisions of this Act. After the

1 effective date of this amendatory Act of 1990, no person
2 shall practice or hold himself out as a physical therapist
3 assistant unless he is licensed as such under this Act. A
4 physical therapist shall use the initials "PT" in connection
5 with his or her name to denote licensure under this Act. A
6 physical therapy assistant shall use the initials "PTA" in
7 connection with his or her name to denote licensure under
8 this Act.

9 This Act does not prohibit:

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

13 (2) The practice of physical therapy by those
14 persons, practicing under the supervision of a licensed
15 physical therapist and who have met all of the
16 qualifications as provided in Sections 7, 8.1, and 9 of
17 this Act, until the next examination is given for
18 physical therapists or physical therapist assistants and
19 the results have been received by the Department and the
20 Department has determined the applicant's eligibility for
21 a license. Anyone failing to pass said examination shall
22 not again practice physical therapy until such time as an
23 examination has been successfully passed by such person.

24 (3) The practice of physical therapy for a period
25 not exceeding 6 months by a person who is in this State
26 on a temporary basis to assist in a case of medical
27 emergency or to engage in a special physical therapy
28 project, and who meets the qualifications for a physical
29 therapist as set forth in Sections 7 and 8 of this Act
30 and is licensed in another state as a physical therapist.

31 (4) Practice of physical therapy by qualified
32 persons who have filed for endorsement for no longer than
33 one year or until such time that notification of
34 licensure has been granted or denied, whichever period of

1 time is lesser.

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

8 (6) Physical therapy aides from performing patient
9 care activities under the on-site supervision of a
10 licensed physical therapist or licensed physical
11 therapist assistant. These patient care activities shall
12 not include interpretation of referrals, evaluation
13 procedures, the planning of or major modifications of,
14 patient programs.

15 (7) Physical Therapist Assistants from performing
16 patient care activities under the general supervision of
17 a licensed physical therapist. The physical therapist
18 must maintain continual contact with the physical
19 therapist assistant including periodic personal
20 supervision and instruction to insure the safety and
21 welfare of the patient.

22 (8) The practice of physical therapy by a physical
23 therapy student or a physical therapist assistant student
24 under the on-site supervision of a licensed physical
25 therapist. The physical therapist shall be readily
26 available for direct supervision and instruction to
27 insure the safety and welfare of the patient.

28 (9) The practice of physical therapy as part of an
29 educational program by a physical therapist licensed in
30 another state or country for a period not to exceed 6
31 months.

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

33 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

2 Sec. 17. (1) The Department may refuse to issue or to
3 renew, or may revoke, suspend, place on probation, reprimand,
4 or take other disciplinary action as the Department deems
5 appropriate, including the issuance of fines not to exceed
6 \$5000, with regard to a license for any one or a combination
7 of the following:

8 A. Material misstatement in furnishing information
9 to the Department or otherwise making misleading,
10 deceptive, untrue, or fraudulent representations in
11 violation of this Act or otherwise in the practice of the
12 profession;

13 B. Violations of this Act, or of the rules or
14 regulations promulgated hereunder;

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

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

27 E. A pattern of practice or other behavior which
28 demonstrates incapacity or incompetency to practice under
29 this Act;

30 F. Aiding or assisting another person in violating
31 any provision of this Act or Rules;

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

34 H. Engaging in dishonorable, unethical or

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

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

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

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

22 L. Directly or indirectly giving to or receiving
23 from any person, firm, corporation, partnership or
24 association any fee, commission, rebate or other form of
25 compensation for any professional services not actually
26 or personally rendered, or receiving any fee, including
27 salary or wages, (i) from any physician, podiatrist, or
28 dentist who, within 60 days after the licensee provides
29 services to a patient, has referred the patient for
30 physical therapy or provided a diagnosis pertinent to the
31 provision of physical therapy services, (ii) from a firm,
32 corporation, partnership, association, or other business
33 entity in which 10% or more of the ownership interest
34 belongs, directly or indirectly, to one or more of such

1 physicians, podiatrists, or dentists, or (iii) from a
2 firm, corporation, partnership, association, or other
3 business entity in which 10% or more of the ownership
4 interest is owned by a firm, corporation, partnership,
5 association, or other business entity that employs one or
6 more such physicians, podiatrists, or dentists;

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

10 N. Abandonment of a patient;

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

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

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

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

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

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

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

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

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

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

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

28 Z. Violation of the Health Care Worker
29 Self-Referral Act.

30 (2) The determination by a circuit court that a licensee
31 is subject to involuntary admission or judicial admission as
32 provided in the Mental Health and Developmental Disabilities
33 Code operates as an automatic suspension. Such suspension
34 will end only upon a finding by a court that the patient is

1 no longer subject to involuntary admission or judicial
2 admission and the issuance of an order so finding and
3 discharging the patient; and upon the recommendation of the
4 Committee to the Director that the licensee be allowed to
5 resume his practice.

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

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

14 (225 ILCS 90/31) (from Ch. 111, par. 4281)

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

16 Sec. 31. Violations.

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

21 (b) Any person representing or advertising himself or
22 herself as a physical therapist or that the services he or
23 she renders are physical therapy services, or uses any words,
24 such as physical therapy, physical therapist, physiotherapy
25 or physiotherapist, abbreviations, figures or letters, such
26 as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with--the
27 intention--of indicating that he or she is engaged in the
28 practice of physical therapy as---a---licensed---physical
29 therapist, when he or she does not possess a currently valid
30 license as defined herein, commits a Class A misdemeanor, for
31 a first offense, and a Class 4 felony for a second or
32 subsequent offense. Advertising includes, but is not limited
33 to, outdoor signs, print, electronic media, and material

1 mailed to a person.

2 (c) Any person representing or advertising himself or
3 herself as a physical therapist assistant or that the
4 services he or she renders are physical therapy services, or
5 uses any words such as physical therapy or physical therapist
6 assistant, or uses abbreviations, figures, or letters, such
7 as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with the
8 intention of indicating that he or she is engaged in the
9 practice of physical therapy as a physical therapist
10 assistant, when he or she does not possess a currently valid
11 license as defined herein, commits a Class A misdemeanor for
12 a first offense, and a Class 4 felony for a second or
13 subsequent offense. Advertising includes, but is not limited
14 to, outdoor signs, print, electronic media, and material
15 mailed to a person.

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

17 (225 ILCS 90/32.2)

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

19 Sec. 32.2. Unlicensed practice; violation; civil
20 penalty.

21 (a) Any person who practices, offers to practice,
22 attempts to practice, or holds oneself out to practice
23 physical therapy or as a physical therapist or a physical
24 therapist assistant without being licensed under this Act, or
25 otherwise violates this Act as described in Section 31,
26 shall, in addition to any other penalty provided by law, pay
27 a civil penalty to the Department in an amount not to exceed
28 \$5,000 for each offense as determined by the Department. The
29 civil penalty shall be assessed by the Department after a
30 hearing is held in accordance with the provisions set forth
31 in this Act regarding the provision of a hearing for the
32 discipline of a licensee.

33 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty.
4 The order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.