



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB2821

Introduced 1/18/2012, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

225 ILCS 90/8.6 new  
225 ILCS 90/17

from Ch. 111, par. 4267

Amends the Illinois Physical Therapy Act. Provides that a licensed physical therapist may provide physical therapy without a referral only if the physical therapist is at least 21 years of age and holds a master or doctorate degree or has completed at least 2 years of practical experience as a licensed physical therapist. Provides that a physical therapist shall refer a patient to a physician, dentist, advanced practice nurse, physician assistant, or podiatrist if the physical therapist has (i) reasonable cause to believe that symptoms or conditions are present that require services beyond the scope of the practice of physical therapy or (ii) provided physical therapy treatment and upon examination or reexamination the same condition that the person sought physical therapy does not demonstrate objective, measurable, functional improvement within a period of 90 consecutive days. Removes having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, and having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis from the list of occurrences upon which the Department of Financial and Professional Regulation may base the decision to take disciplinary action. Effective immediately.

LRB097 16504 CEL 61672 b

1 AN ACT concerning 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 by  
5 changing Section 17 and by adding Section 8.6 as follows:

6 (225 ILCS 90/8.6 new)

7 Sec. 8.6. Physical therapy services without a referral.

8 (a) In addition to the requirements of Section 8.1 and  
9 subject to the scope of practice limitations of this Act, a  
10 licensed physical therapist may provide physical therapy  
11 services without a referral from a physician, dentist, advanced  
12 practice nurse, physician assistant, or podiatrist only if the  
13 physical therapist is at least 21 years of age and holds a  
14 master or doctorate degree or has completed at least 2 years of  
15 practical experience as a licensed physical therapist.

16 (b) A physical therapist shall refer a patient to a  
17 physician, dentist, advanced practice nurse, physician  
18 assistant, or podiatrist if the physical therapist has (i)  
19 reasonable cause to believe that symptoms or conditions are  
20 present that require services beyond the scope of the practice  
21 of physical therapy or (ii) provided physical therapy treatment  
22 and upon examination or reexamination the same condition that  
23 the person sought physical therapy does not demonstrate

1 objective, measurable, functional improvement within a period  
2 of 90 consecutive days.

3 (225 ILCS 90/17) (from Ch. 111, par. 4267)

4 (Section scheduled to be repealed on January 1, 2016)

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

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

15 B. Violations of this Act, or of the rules or  
16 regulations promulgated hereunder;

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

24 D. Making any misrepresentation for the purpose of  
25 obtaining licenses, or violating any provision of this Act

1 or the rules promulgated thereunder pertaining to  
2 advertising;

3 E. A pattern of practice or other behavior which  
4 demonstrates incapacity or incompetency to practice under  
5 this Act;

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

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

10 H. Engaging in dishonorable, unethical or  
11 unprofessional conduct of a character likely to deceive,  
12 defraud or harm the public. Unprofessional conduct shall  
13 include any departure from or the failure to conform to the  
14 minimal standards of acceptable and prevailing physical  
15 therapy practice, in which proceeding actual injury to a  
16 patient need not be established;

17 I. Unlawful distribution of any drug or narcotic, or  
18 unlawful conversion of any drug or narcotic not belonging  
19 to the person for such person's own use or benefit or for  
20 other than medically accepted therapeutic purposes;

21 J. Habitual or excessive use or addiction to alcohol,  
22 narcotics, stimulants, or any other chemical agent or drug  
23 which results in a physical therapist's or physical  
24 therapist assistant's inability to practice with  
25 reasonable judgment, skill or safety;

26 K. Revocation or suspension of a license to practice

1 physical therapy as a physical therapist or physical  
2 therapist assistant or the taking of other disciplinary  
3 action by the proper licensing authority of another state,  
4 territory or country;

5 L. Directly or indirectly giving to or receiving from  
6 any person, firm, corporation, partnership, or association  
7 any fee, commission, rebate or other form of compensation  
8 for any professional services not actually or personally  
9 rendered. Nothing contained in this paragraph prohibits  
10 persons holding valid and current licenses under this Act  
11 from practicing physical therapy in partnership under a  
12 partnership agreement, including a limited liability  
13 partnership, a limited liability company, or a corporation  
14 under the Professional Service Corporation Act or from  
15 pooling, sharing, dividing, or apportioning the fees and  
16 monies received by them or by the partnership, company, or  
17 corporation in accordance with the partnership agreement  
18 or the policies of the company or professional corporation.  
19 Nothing in this paragraph (L) affects any bona fide  
20 independent contractor or employment arrangements among  
21 health care professionals, health facilities, health care  
22 providers, or other entities, except as otherwise  
23 prohibited by law. Any employment arrangements may include  
24 provisions for compensation, health insurance, pension, or  
25 other employment benefits for the provision of services  
26 within the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (L) shall be construed to require  
2 an employment arrangement to receive professional fees for  
3 services rendered;

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

7 N. Abandonment of a patient;

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

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

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

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

24 S. The use of the term physical therapist assistant, or  
25 abbreviations, figures, or letters with the intention of  
26 indicating practice as a physical therapist assistant

1 without a valid license as a physical therapist assistant  
2 issued under this Act;

3 T. Willfully violating or knowingly assisting in the  
4 violation of any law of this State relating to the practice  
5 of abortion;

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

8 V. Having treated ailments of human beings otherwise  
9 than by the practice of physical therapy as defined in this  
10 Act, ~~or having treated ailments of human beings as a~~  
11 ~~licensed physical therapist independent of a documented~~  
12 ~~referral or a documented current and relevant diagnosis~~  
13 ~~from a physician, dentist, advanced practice nurse,~~  
14 ~~physician assistant, or podiatrist, or having failed to~~  
15 ~~notify the physician, dentist, advanced practice nurse,~~  
16 ~~physician assistant, or podiatrist who established a~~  
17 ~~documented current and relevant diagnosis that the patient~~  
18 ~~is receiving physical therapy pursuant to that diagnosis;~~

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

25 X. Interpretation of referrals, performance of  
26 evaluation procedures, planning or making major

1 modifications of patient programs by a physical therapist  
2 assistant;

3 Y. Failure by a physical therapist assistant and  
4 supervising physical therapist to maintain continued  
5 contact, including periodic personal supervision and  
6 instruction, to insure safety and welfare of patients;

7 Z. Violation of the Health Care Worker Self-Referral  
8 Act.

9 (2) The determination by a circuit court that a licensee is  
10 subject to involuntary admission or judicial admission as  
11 provided in the Mental Health and Developmental Disabilities  
12 Code operates as an automatic suspension. Such suspension will  
13 end only upon a finding by a court that the patient is no  
14 longer subject to involuntary admission or judicial admission  
15 and the issuance of an order so finding and discharging the  
16 patient; and upon the recommendation of the Board to the  
17 Director that the licensee be allowed to resume his practice.

18 (3) The Department may refuse to issue or may suspend the  
19 license of any person who fails to file a return, or to pay the  
20 tax, penalty or interest shown in a filed return, or to pay any  
21 final assessment of tax, penalty or interest, as required by  
22 any tax Act administered by the Illinois Department of Revenue,  
23 until such time as the requirements of any such tax Act are  
24 satisfied.

25 (Source: P.A. 96-1482, eff. 11-29-10.)

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



1 becoming law.