

# MAINE STATE LEGISLATURE

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2018

L.D. 493

(Filing No. S- 93 )

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 184, L.D. 493, Bill, "An Act to Improve Consumer Access to Physical Therapy Services"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 32 MRSA §453 is amended to read:

**§453. Legally licensed practitioners of other schools or professions not affected**

Nothing in this chapter shall ~~may~~ be construed to restrain or restrict any legally licensed ~~physieian~~ physicians, ~~surgeen~~ surgeons, ~~dentist~~ dentists, ~~esteepath~~ osteopaths, ~~physical therapists~~ or ~~nurse~~ nurses in the practice of ~~his--er--her~~ their ~~profession~~ professions; nor shall ~~does~~ this chapter apply to masseurs in their particular sphere of labor who publicly represent themselves as such; nor to any commissioned medical officer in the United States Army or Public Health Service in the performance of ~~his~~ their duties as such; nor to prohibit gratuitous service or the rendering of assistance to emergency cases.

Sec. 2. 32 MRSA §3113, as amended by PL 1983, c. 468, §10, is repealed.

Sec. 3. 32 MRSA §§3113-A and 3113-B are enacted to read:

**§3113-A. License required; limitations and exceptions**

A person may not practice or profess to be authorized to practice as a physical therapist in this State or use the words

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2 "physical therapist" or the letters "P.T." or other words or  
3 letters to indicate that the person using those words or letters  
4 is a licensed physical therapist unless that person is licensed  
5 in accordance with the provisions of this chapter.

6 After one year from the effective date of this chapter, a  
7 person may not act or profess to be able to act as a physical  
8 therapist assistant in this State or use the words "physical  
9 therapist assistant" or the letters "P.T.A." or other words or  
10 letters to indicate that the person using those words or letters  
11 is a licensed physical therapist assistant unless that person is  
12 licensed in accordance with the provisions of this chapter.

14 Nothing in this chapter may be construed as authorizing a  
15 physical therapist or physical therapist assistant, licensed or  
16 not licensed, to practice medicine, osteopathy, dentistry,  
17 chiropractic or any other form of healing, except that physical  
18 therapists may utilize manipulative techniques if practiced  
19 within the scope of their profession. Physical therapists may  
20 not apply manipulative thrust to the vertebrae of the spine  
21 except upon consultation with, and referral by, a duly licensed  
22 doctor of medicine, surgery, chiropractic or osteopathy. A  
23 licensed physical therapist or physical therapist assistant may  
24 not administer drugs except upon the referral of a duly licensed  
25 doctor of medicine, surgery, osteopathy, podiatry or dentistry,  
26 and may not use roentgen rays or radium or use electricity for  
27 surgical purposes. A licensed physical therapist assistant may  
28 act only under the direction of a physical therapist licensed to  
29 practice in this State.

30  
31 When treating a patient without referral from a doctor of  
32 medicine, osteopathy, podiatry, dentistry or chiropractic, the  
33 physical therapist or physical therapist assistant is subject to  
34 the following requirements.

36 1. No medical diagnosis. A physical therapist or physical  
37 therapist assistant may not make a medical diagnosis. The  
38 physical therapist or physical therapist assistant shall refer to  
39 a licensed doctor of medicine, osteopathy, podiatry, dentistry or  
40 chiropractic a patient whose physical condition, either at the  
41 initial evaluation or during subsequent treatment, the physical  
42 therapist or physical therapist assistant determines to be beyond  
43 the scope of the practice of the physical therapist or physical  
44 therapist assistant.

46 2. No improvement. If no improvement in the patient is  
47 documented by the physical therapist or physical therapist  
48 assistant within 30 days of initiation of treatment, the physical  
49 therapist or physical therapist assistant shall refer the patient  
50 to a licensed doctor of medicine, osteopathy, podiatry, dentistry  
51 or chiropractic.

3. Length of treatment. For treatment required beyond 120 days, the physical therapist or physical therapist assistant shall consult with, or refer the patient to, a licensed doctor of medicine, surgery, osteopathy, podiatry, dentistry or chiropractic. The physical therapist or physical therapist assistant shall document the action taken.

An employer is not liable under Title 39, section 52 for charges for services of a physical therapist or physical therapist assistant unless the employee has been referred to that practitioner by a licensed doctor of medicine, surgery, osteopathy, chiropractic, podiatry or dentistry.

#### §3113-B. Construction

Nothing in this chapter prohibits:

1. Engaging in licensed practice. Any person licensed in this State under any other provision of law from engaging in the practice for which that person is licensed;

2. Federal officials. Any person serving in the United States Armed Services or public health service or employed by the Veterans' Administration or other federal agency from performing that person's official duties, provided the duties are limited to that service or employment;

3. Persons employed by licensed doctors. Any person employed by and under the control of a duly licensed doctor in that doctor's office from administering physical therapy modalities, providing that person does not profess to be a physical therapist or physical therapist assistant or use words or letters to indicate that the person is a licensed physical therapist or physical therapist assistant;

4. Graduate physical therapist or assistant. The supervised practice of physical therapy by a graduate physical therapist or graduate physical therapist assistant, who has filed with the board an application for licensure by examination and has met all the qualifications between the date of filing and the publication of the results of the next examination, as long as that person indicates that that person is a graduate and works in a facility employing at least one physical therapist licensed to practice in this State who assumes responsibility for patient-related activities of the individual;

5. Student physical therapist or assistant. The supervised practice of physical therapy by a student enrolled in an accredited physical therapist or physical therapist assistant program who indicates that that person is a "student"; or

2 6. Delegation to aides or assistants. Any physical  
 4 therapist licensed pursuant to this chapter from delegating to a  
 6 physical therapy aide or licensed physical therapist assistant  
 8 treatment procedures or patient-related activities commensurate  
 10 with the education and training of the person, but not including  
 12 interpretation of referrals, performance or evaluation procedures  
 14 or determination and modification of patient treatment programs.  
 16 The board shall adopt rules governing supervision of physical  
 18 therapy aides and licensed physical therapist assistants.'

STATEMENT OF FACT

14 Under current law, physical therapists may only practice  
16 upon referral of a physician. The original bill removed this  
18 restriction.

20 This amendment places the following restrictions on direct  
22 access to physical therapists. The amendment:

24 1. Allows physical therapists to practice manipulation when  
26 in the scope of the practice of physical therapy. It requires  
28 referral by a doctor of medicine, chiropractic or osteopathy in  
30 order to practice manipulative thrust on the vertebrae of the  
32 spine;

34 2. Prohibits medical diagnosis;

36 3. Requires referral by the physical therapist to a doctor  
38 of medicine, osteopathy, podiatry, dentistry or chiropractic when:

40 A. The patient's condition exceeds the scope of practice of  
42 physical therapy;

44 B. A patient shows no improvement within 30 days; and

C. Treatment is required beyond 120 days, unless  
consultation is obtained; and

4. States that an employer is not liable to the employee  
under the Workers' Compensation Act for physical therapist  
charges, unless the employee was referred to the therapist by a  
doctor.

Reported by Senator Baldacci for the Committee on Business  
Legislation. Reproduced and Distributed Pursuant to Senate  
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(4/24/91)

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