

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

294Y0348

HOUSE BILL NO. 1070

Introduced by: Representatives Hunhoff, Haugaard, Holmes, McCleerey, Rounds, Steinhauer, and York and Senators Stalzer, Killer, Rusch, Sohlt, and Solano

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the licensure of
2 physical therapists and physical therapist assistants.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-10-18 be amended to read:

5 36-10-18. Terms used in this chapter mean:

- 6 (1) "Board of Examiners," or "board," the South Dakota State Board of Medical and
7 Osteopathic Examiners;
- 8 (2) "Physical therapist," a person licensed in this state to practice physical therapy under
9 the provisions of this chapter;
- 10 (3) "Physical therapy," ~~the care and services provided by or under the direction and~~
11 ~~supervision of a physical therapist~~ the practice of physical therapy as defined in § 36-
12 10-18.1;
- 13 (4) "Physical therapist assistant," a person who is a graduate of an accredited physical
14 therapist assistant education program as determined by the board, who has passed a
15 ~~certification~~ an examination approved by the board, and who assists in providing



1 physical therapy services under the supervision of a physical therapist;

2 (5) "Physical therapy advisory committee," the committee provided for in this chapter.

3 Section 2. That § 36-10-19 be amended to read:

4 36-10-19. The ~~board~~ Board of Examiners shall appoint a physical therapy advisory
5 committee, composed of three physical therapists, which shall ~~assist the Board of Examiners~~
6 ~~in conducting examinations of persons applying for a license to practice physical therapy. The~~
7 ~~committee shall~~ assist the ~~Board of Examiners~~ board on all matters pertaining to the licensure,
8 practice, and discipline of ~~all persons~~ each person licensed to practice physical therapy in the
9 State of South Dakota, or ~~the making or abolishing of~~ promulgating rules pertaining to physical
10 therapy. Each committee member shall serve a term of three years. No member may serve more
11 than three consecutive full terms. If a vacancy occurs, the board shall appoint a person to fill the
12 unexpired term. The appointment of a person to an unexpired term is not considered a full term.
13 The committee shall meet at least annually or as deemed necessary to conduct business.

14 Section 3. That § 36-10-24 be amended to read:

15 36-10-24. It is a Class 2 misdemeanor for any person not licensed under this chapter as a
16 physical therapist or ~~certified~~ as a physical therapist assistant, or whose license ~~or certificate~~ has
17 been suspended or revoked, or whose licensure ~~or certificate~~ has lapsed, to engage in the
18 practice of physical therapy, unless exempt under the provisions of this chapter or, use in
19 connection with their name the words or letters "~~R.P.T.,~~" "~~Registered Physical Therapist,~~"
20 "~~L.P.T.,~~" "L.P.T., Licensed Physical Therapist," "D.P.T., Doctor of Physical Therapy;
21 L.P.T.A., Licensed Physical Therapist Assistant; Physical Therapist," ~~or~~ "Physio Therapist,"
22 ~~or~~ "C.P.T.A., Certified Physical Therapist Assistant," ~~;~~ or any other letters, words, or insignia
23 indicating or implying that ~~they are~~ the person is a physical therapist or a physical therapist
24 assistant.

1 Section 4. That § 36-10-27 be amended to read:

2 36-10-27. A person desiring to practice physical therapy in South Dakota shall file a written
3 application with the Board of Examiners on forms provided by the board, together with an
4 application fee, set by rule pursuant to chapter 1-26, not to exceed sixty dollars. The applicant
5 shall present evidence satisfactory to the board that the applicant is of good moral character and
6 has graduated from a physical therapy curriculum accredited by an accrediting body recognized
7 by the United States Department of Education or the Commission on Recognition of
8 Postsecondary Accreditation. If the applicant has graduated from a physical therapy curriculum
9 that is not accredited by ~~such~~ an accrediting body, the applicant shall present evidence
10 satisfactory to the board that:

11 (1) The applicant has completed a course of professional instruction equivalent to an
12 approved program accredited by an accrediting body recognized by the United States
13 Department of Education or the Commission on Recognition of Postsecondary
14 Accreditation; and

15 (2) The applicant has achieved a score of at least five hundred fifty on the Test of
16 English as a Foreign Language (TOEFL) examination, or a passing score on a
17 comparative nationally recognized examination approved by the board, or has
18 completed two years of secondary or postsecondary education in any educational
19 institution in which the instruction is conducted in English.

20 Section 5. That § 36-10-28 be repealed.

21 ~~—36-10-28. The Board of Examiners shall examine all applicants, except those applying for~~
22 ~~licensure by reciprocity, who have applied for licensure as provided in § 36-10-27 and submitted~~
23 ~~a fee, set by rule pursuant to chapter 1-26, not to exceed three hundred dollars. The examination~~
24 ~~shall include a written examination which tests the applicants' knowledge of the basic and~~

1 clinical sciences as they relate to physical therapy and of physical therapy theory and procedures
2 on other subjects that the board considers necessary to test the applicants' fitness to practice
3 physical therapy.

4 Section 6. That § 36-10-29 be amended to read:

5 36-10-29. The board shall issue a license to each applicant who passes the examination in
6 accordance with standards fixed by it and who is not otherwise disqualified from receiving the
7 same by other provisions of this chapter has passed a national examination recognized by the
8 board with a grade acceptable to the board and who otherwise meets the qualifications for
9 licensure under this chapter and the rules promulgated by the board.

10 Section 7. That § 36-10-30 be amended to read:

11 36-10-30. The Board of Examiners may in its discretion, without examination, issue a
12 license to any applicant who:

13 (1) Is registered by the American Registry of Physical Therapists Federation of State
14 Boards of Physical Therapy; or

15 (2) ~~one who has~~ Has passed a national examination recognized by the board with a
16 grade acceptable to it. ~~The applicant shall present evidence satisfactory to the board~~
17 ~~that he is of good moral character and evidence as required by the board of~~
18 qualification the board and meets the qualifications for licensure under this chapter
19 and the rules promulgated by the board.

20 Section 8. That § 36-10-33 be amended to read:

21 36-10-33. Any license issued by the board, pursuant to the provisions of this chapter, expires
22 on the first day of January of the year next succeeding the issuance thereof. A license may be
23 renewed upon the payment of an annual fee set by the board, by rule promulgated pursuant to
24 chapter 1-26, not exceeding the sum of fifty dollars. Failure of a licensee to renew the license

1 on or before the first day of July of each year constitutes a forfeiture of the license. ~~However,~~
2 ~~any person who has forfeited a license under this chapter may have the license restored by~~
3 ~~making written application therefor and by payment of the annual renewal fee for the current~~
4 ~~year.~~

5 Section 9. That § 36-10-35.1 be amended to read:

6 36-10-35.1. A person desiring ~~certification~~ licensure as a physical therapist assistant shall
7 file written application with the Board of Examiners, together with an application fee of not
8 more than sixty dollars, to be established by rule promulgated pursuant to chapter 1-26. The
9 applicant shall present evidence satisfactory to the ~~Board of Examiners~~ board that:

- 10 (1) The applicant is a graduate of an accredited physical therapist assistant's education
11 program recognized by the board; and
- 12 (2) The applicant has passed a written examination approved by the board which tests
13 the applicant's knowledge on subjects relating to physical therapy ~~and has paid an~~
14 ~~examination fee, set by rule pursuant to chapter 1-26, not to exceed three hundred~~
15 ~~dollars.~~

16 Section 10. That § 36-10-35.2 be amended to read:

17 36-10-35.2. The Board of Examiners shall issue a ~~certificate~~ license to an applicant for
18 ~~certification~~ licensure as a physical therapist assistant who fulfills the requirements set forth in
19 § 36-10-35.1. The ~~certificate~~ license shall expire and may be renewed in the same manner as
20 provided in § 36-10-33 for the expiration and annual renewal of a license to practice physical
21 therapy.

22 Section 11. That § 36-10-35.8 be amended to read:

23 36-10-35.8. A physical therapist may not supervise ~~more than two physical therapist~~
24 ~~assistants~~ at any one time more than the equivalent of two full-time physical therapist assistants.

1 The supervising physical therapist shall register with the Board of Examiners the name and
2 address of each physical therapist assistant who the physical therapist is responsible for
3 supervising. The registration shall be submitted on a form provided by the board at least fifteen
4 days prior to the date when supervision is to commence. The supervising physical therapist shall
5 notify the board in writing of the termination of supervision of a physical therapist assistant
6 within ten days after ~~such~~ the termination. The supervising physical therapist may delegate
7 responsibility for supervision of a physical therapist assistant to another physical therapist for
8 a period not to exceed thirty days.

9 Section 12. That § 36-10-35.9 be amended to read:

10 36-10-35.9. When supervising a physical therapist assistant's care of a patient at any setting,
11 the supervising physical therapist shall comply with the following standards of supervision:

- 12 (1) The supervising physical therapist shall be accessible either in person or by
13 telecommunications to the physical therapist assistant at all times while the physical
14 therapist assistant is treating patients;
- 15 (2) The initial visit shall be made by the supervising physical therapist for evaluation of
16 the patient and establishment of a plan of care;
- 17 (3) ~~A joint visit by the supervising physical therapist and physical therapist assistant shall~~
18 ~~be made on the first physical therapist assistant's visit to the patient;~~
- 19 ~~—~~(4) At least every five physical therapist assistant visits, there shall be a joint visit or a
20 treatment rendered by the supervising physical therapist. The physical therapist
21 assistant shall be supervised by the supervising physical therapist at least once every
22 thirty calendar days. Every five physical therapist assistant visits or every thirty days,
23 whichever occurs first, a documented conference with the physical therapist assistant
24 outlining current treatment goals and program modifications shall occur. The

1 supervising physical therapist shall make the final scheduled visit to terminate the
2 plan of care; and

3 ~~(5)~~(4) Each visit by the supervising physical therapist shall include:

- 4 (a) A complete assessment of the patient;
- 5 (b) A review of the plan of care with appropriate revision or termination; and
- 6 (c) Assessment and recommendation for utilization of outside resources.

7 Section 13. That § 36-10-36 be amended to read:

8 36-10-36. The Board of Examiners may ~~adopt~~ promulgate rules, pursuant to chapter 1-26,
9 pertaining to licensure, fees, discipline, ~~and supervision,~~ and continuing education which
10 promote the health and safety of persons utilizing the services of physical therapists ~~licensed~~ and
11 physical therapist assistants ~~certified~~ licensed under this chapter.

12 Section 14. That § 36-10-38 be amended to read:

13 36-10-38. The Board of Examiners may, in compliance with chapter 1-26, refuse to grant
14 a license ~~or certificate~~ under this chapter for unprofessional, immoral, or dishonorable conduct
15 on the part of the applicant.

16 Section 15. That § 36-10-39 be amended to read:

17 36-10-39. The Board of Examiners may cancel, revoke, or suspend the license of any
18 physical therapist or ~~the certificate of any~~ physical therapist assistant issued under this chapter
19 upon satisfactory proof of such a licensee's ~~or certificate holder's~~ incompetence, or
20 unprofessional or dishonorable conduct, or proof of a violation of this chapter in any respect.

21 Section 16. That § 36-10-50 be amended to read:

22 36-10-50. Any person ~~certified~~ licensed as a physical therapist assistant on July 1, 1996, is
23 deemed ~~certified~~ licensed under this chapter and is entitled to renew ~~certification~~ licensure.

24 Section 17. That chapter 36-10 be amended by adding a NEW SECTION to read:

1 An applicant for license renewal shall submit evidence satisfactory to the Board of
2 Examiners that the applicant has complied with the continuing education requirements
3 established by the board. The board may waive the continuing education requirement if the
4 applicant submits evidence satisfactory to the board that the applicant was unable to comply
5 with the continuing education requirements because of illness, disability, military service, or
6 financial hardship.