

In State. Gov. 4/2/87 Do Pass 4/9/87 (p. 1242)

FILED MAR 19 1987

SENATE FILE 455
BY COMMITTEE ON STATE GOVERNMENT
(formerly SSB 137)
approved (p. 195)

Passed Senate, Date 3-30-87 (p. 969) Passed House, Date 5/1/87 (p. 1861)
Vote: Ayes 36 Nays 9 Vote: Ayes 63 Nays 26

Approved February 5, 1988 (p. 295)

Motion to reconsider (p. 981) w/d 3/31/87

*Repassed House as further amended by Senate
1-27-88 (p. 171)
72-25*

*Repassed Senate 5/6/87 (p. 1721)
48-0* A BILL FOR

1 An Act relating to physical therapy by providing that physical
2 therapy evaluation and treatment may be rendered without a
3 prescription or referral.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 455

1 Section 1. Section 148A.1, Code 1987, is amended to read
2 as follows:

3 148A.1 DEFINITION.

4 As used in this chapter, physical therapy is that branch of
5 science that deals with the evaluation and treatment of human
6 capabilities and impairments. Physical therapy uses the
7 effective properties of physical agents including, but not
8 limited to, mechanical devices, heat, cold, air, light, water,
9 electricity, and sound, and therapeutic exercises, and
10 rehabilitative procedures to prevent, correct, minimize, or
11 alleviate a physical impairment. Physical therapy includes
12 the interpretation of performances, tests, and measurements,
13 the establishment and modification of physical therapy
14 programs, treatment planning, consultative services,
15 instructions to the patients, and the administration and
16 supervision attendant to physical therapy facilities.

17 Physical therapy evaluation of-biomechanics and treatment may
18 be rendered by a physical therapist with or without a
19 prescription-or referral from-a-physician-or-dentist.
20 ~~Physical-therapy-treatment-shall-be-rendered-by-a-physical~~
21 ~~therapist-only-under-prescription-or-referral~~ from a
22 physician, podiatrist, or dentist, or ~~referral-from-a~~
23 chiropractor.

24 EXPLANATION

25 This bill provides that physical therapy evaluation and
26 treatment may be rendered by a physical therapist with or
27 without a referral from a physician, podiatrist, dentist, or
28 chiropractor. Under current law a prescription or referral is
29 required for treatment; only evaluation of biomechanics may be
30 rendered by a physical therapist without a prescription or
31 referral. This bill deletes the references to prescriptions.

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SSB # 137
State Government
Now SF 455

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 therapy evaluation and treatment may be rendered without a
3 prescription or referral.

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SUB COMMITTEE ASSIGNMENTS
CHAIR: *Hystrom*
COMMITTEE: *State Government*
2/25/87

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2 as follows:

3 148A.1 DEFINITION.

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5 science that deals with the evaluation and treatment of human
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7 effective properties of physical agents including, but not
8 limited to, mechanical devices, heat, cold, air, light, water,
9 electricity, and sound, and therapeutic exercises, and
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16 supervision attendant to physical therapy facilities.

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18 be rendered by a physical therapist with or without a
19 ~~prescription-or referral from-a-physician-or-dentist-~~
20 ~~Physical-therapy-treatment-shall-be-rendered-by-a-physical~~
21 ~~therapist-only-under-prescription-or-referral~~ from a
22 physician, podiatrist, or dentist, or ~~referral-from-a~~
23 chiropractor.

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EXPLANATION

25 This bill provides that physical therapy evaluation and
26 treatment may be rendered by a physical therapist with or
27 without a referral from a physician, podiatrist, dentist, or
28 chiropractor. Under current law a prescription or referral is
29 required for treatment; only evaluation of biomechanics may be
30 rendered by a physical therapist without a prescription or
31 referral. This bill deletes the references to prescriptions.

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SENATE FILE 455

H-3752

1 Amend Senate File 455, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 2C.1 LEGISLATIVE
6 POLICY.

7 The general assembly finds that the right of every
8 person to engage in a lawful profession of providing
9 personal health care services is a right which should
10 not be abridged except as a reasonable exercise of the
11 state's police power when it is clearly found to be
12 necessary for the preservation of the health, safety,
13 and welfare of the public.

14 It is declared to be the policy of the state that
15 no regulation shall be imposed on these professions
16 except for the exclusive purpose of protecting the
17 public interest when:

18 1. Its unregulated practice can harm or endanger
19 the health, safety, and welfare of the public.

20 2. Its practice requires specialized skill or
21 training and the public needs and will benefit from
22 assurances of initial and continuing professional
23 ability.

24 3. The public is not effectively protected by
25 other means.

26 Sec. 2. NEW SECTION. 2C.2 COMMISSION
27 ESTABLISHED.

28 A commission on professional health care practices
29 regulation is established. The commission shall be
30 bipartisan and be composed of seventeen members
31 appointed by the legislative council as follows:

32 1. One member shall be selected from the public
33 members serving on the dental examining board.

34 2. One member shall be selected from the public
35 members serving on the medical examining board.

36 3. One member shall be selected from the public
37 members serving on the nursing examining board.

38 4. One member shall be selected from the public
39 members serving on the pharmacy examining board.

40 5. One member shall be selected from the public
41 members serving on the chiropractic examining board.

42 6. One member shall be selected from the public
43 members serving on the dietetics examining board.

44 7. One member shall be selected from the public
45 members serving on the optometry examining board.

46 8. One member shall be selected from the public
47 members serving on the podiatry examining board.

48 9. One member shall be selected from the public
49 members serving on the physical and occupational
50 therapy examining board.

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- 1 10. Six public members.
- 2 11. One member who is a hospital administrator.
- 3 12. One member who is knowledgeable in health
- 4 insurance.

5 A member of the general assembly shall not serve on
6 the commission.

7 Sec. 3. NEW SECTION. 2C.3 TERM OF OFFICE.

8 A commission member shall be appointed for a term
9 of four years. However, of the initial appointments,
10 four shall be for a term of one year, four shall be
11 for a term of two years, four shall be for a term of
12 three years, and five shall be for a term of four
13 years. If a vacancy occurs, the appointment of a
14 person to fill the vacancy shall be for the remainder
15 of that term of office. The term of a member
16 appointed under section 2C.2, subsections 1 through 9,
17 shall expire upon the expiration of the term of the
18 member's appointment to the board specified in section
19 2C.2, subsections 1 through 9.

20 Sec. 4. NEW SECTION. 2C.4 ORGANIZATION --
21 COMPENSATION.

22 The commission shall organize annually and elect a
23 chairperson and vice chairperson.

24 The members of the commission shall be paid a per
25 diem of forty dollars and actual and necessary
26 expenses from funds appropriated by section 2.12.

27 Sec. 5. NEW SECTION. 2C.5 DUTIES.

28 1. The commission shall review all requests for
29 changes in the professional qualifications, insurance
30 coverage, direct insurance payment, and scope of
31 practice in those areas of health care regulations
32 including but not limited to the practices of
33 medicine, dentistry, pharmacy, nursing, chiropractics,
34 dietetics, optometry, podiatry, and occupational and
35 physical therapy. Any proposed amendments in the law
36 relating to these professional practices shall be
37 submitted to the commission for its review. Upon
38 review of these recommendations by the commission, the
39 commission shall refer the recommendations to the
40 general assembly for its consideration.

41 2. In reviewing recommendations relating to these
42 professional practices, the commission shall consider
43 the following social impacts:

44 a. To what extent is the treatment or service
45 related to the individual mandates or direct pay
46 issues under insurance coverage and whether the
47 treatment or services are utilized by a significant
48 portion of the population.

49 b. To what extent is the insurance coverage
50 presently generally available.

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c. If insurance coverage is not generally available for the treatment or service, to what extent does the lack of coverage result in persons avoiding necessary health care treatments.

d. If the insurance coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship to the public.

e. What is the level of public demand for the treatment or service.

f. What is the level of public demand for insurance coverage for the treatment or service.

g. What is the level of interest of collective bargaining agents in negotiating privately for inclusion of this coverage in group contracts.

3. In reviewing recommendations relating to these professional practices, the commission shall also consider the following financial impacts:

a. To what extent will the coverage increase or decrease the cost of the treatment or service.

b. To what extent will the coverage increase the appropriate use of the treatment or service.

c. To what extent will the mandated treatment or service be a substitute for more expensive treatment or service.

d. To what extent will the coverage increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders.

e. To what extent will this coverage impact the total cost of health care.

f. To what extent are educational and supervised clinical opportunities available to teach any authorized practice or techniques.

Sec. 6. NEW SECTION. 2C.6 RESEARCH AND STATISTICS.

The commission shall develop a data base of the laws and rules regulating these professions in other states. The commission shall also monitor the social and financial impacts of any changes in the law and rules of other states. The commission may employ a consultant to assist it in compiling the information necessary for it to make decisions on issues submitted to the commission. The commission shall annually issue a summary of its data to the general assembly upon the convening of the general assembly.

Sec. 7. NEW SECTION. 2C.7 STAFF SUPPORT.

The legislative service bureau shall provide administrative and staff assistance to the commission. The commission may also request the assistance of the

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1 legislative fiscal bureau, the Iowa department of
2 public health, the health data commission, the
3 department of human services, and the department of
4 commerce and upon request, those agencies shall
5 cooperate with the commission and provide the
6 assistance required.

7 Sec. 8. NEW SECTION. 2C.8 PROPOSALS SUBMITTED.

8 If any of the professional practices have a
9 proposal to submit relating to the regulation of the
10 practice, the proposal shall be submitted to the
11 commission. The commission shall conduct an
12 investigation of the impact of the proposal as
13 provided in this chapter and compile a record of its
14 findings and recommendations to the legislative
15 council and the general assembly by January 1 of each
16 year. The commission may file interim reports with
17 the legislative service bureau when the commission
18 deems it necessary. In its review of the proposal,
19 the commission may conduct public hearings, receive
20 testimony and conduct such additional investigations
21 as it determines necessary to make its
22 recommendations."

23 2. Title page, lines 1 through 3, by striking the
24 words "relating to physical therapy by providing that
25 physical therapy evaluation and treatment may be
26 rendered without a prescription or referral" and
27 inserting the following: "creating a commission on
28 professional health care practices to review the
29 fiscal and social impact of changes in certain
30 professional health care practices".

BY JOCHUM of Dubuque
SWARTZ of Marshall
HANSON of Delaware

H-3752 APRIL 14, 1987

Bill not germane 4/23 (p. 1605)

SENATE FILE 455

H-3740

1 Amend Senate File 455, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 "Sec. 2. NEW SECTION. 148A.5 LIMITATIONS.

6 A license to practice physical therapy does not
7 authorize the licensee to practice operative surgery
8 or osteopathic or chiropractic manipulation, or to
9 administer or prescribe any drug or medicine included
10 in materia medica."

11 2. Title page, line 3, by inserting after the
12 word "referral" the following: "and specifying
13 limitations on the practice of physical therapy".

BY BLANSHAN of Greene KNAPP of Dubuque
BEATTY of Warren LUNDBY of Linn
SWEARINGEN of Keokuk PETERSON of Carroll

H-3740 FILED APRIL 14, 1987

*Lost 4/23 (p. 1605)
Motion to reconsider (p. 1624) prevailed 5/1 (p. 1857)
Adopted 5/1/87 (p. 1852)*

SENATE FILE 455

H-4043

1 Amend the amendment, H-3740, to Senate File 455, as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. ____ . Section 150A.2, subsection 4, Code
6 1987, is amended to read as follows:
7 4. Licensed physicians and surgeons, podiatrists,
8 osteopaths, chiropractors, physical therapists,
9 nurses, dentists, optometrists and pharmacists who are
10 exclusively engaged in the practice of their
11 respective professions.
12 Sec. ____ . Section 151.5, Code 1987, is amended to
13 read as follows:
14 151.5 OPERATIVE-SURGERY----DRUGS LIMITATIONS ON
15 PRACTICE.
16 A license to practice chiropractic ~~shall~~ does not
17 authorize the licensee to practice operative surgery,
18 osteopathy, ~~nor or physical therapy,~~ or to administer
19 or prescribe any drug or medicine included in materia
20 medica."
21 2. Page 1, lines 12 and 13, by striking the words
22 "specifying limitations on the practice of physical
23 therapy" and inserting the following: "clarifying
24 limitations on professional practice".

BY HAMMOND of Story
HANSON of Delaware

H-4043 FILED APRIL 28, 1987

Revised not germane 5/1/87 (p. 1858)

SENATE FILE 455

H-4102

1 Amend Senate File 455, as passed by the Senate, as
2 follows:
3 1. Page 1, line 23, by inserting after the word
4 "chiropractor" the following: "except that a
5 hospital may require that physical therapy evaluation
6 and treatment provided in the hospital shall be done
7 only upon prior review by and authorization of a
8 member of the hospital's medical staff."

BY PETERSON of Carroll
TABOR of Jackson

H-4102 FILED APRIL 30, 1987

Adopted 5/1/87 (p. 1859)

SENATE FILE 455

H-4121

1 Amend Senate File 455, as passed by the Senate, as
2 follows:
3 1. Page 1, line 23, by inserting after the word
4 "chiropractor." the following: "A license to practice
5 physical therapy does not authorize the licensee to
6 diagnose human disease."

H-4121 FILED APRIL 30, 1987

BY PARKER OF JASPER

7/20 5/1 (p. 1853)

SENATE FILE 455

H-3787

1 Amend the amendment, H-3752, to Senate File 455 as
2 passed by the Senate, as follows:

3 1. Page 1, line 30, by striking the word
4 "seventeen" and inserting the following: "17".

5 2. Page 1, by inserting after line 50 the
6 following:

7 "_____. One member shall be selected from the public
8 members serving on the psychology examining board."

9 3. Page 2, line 1, by striking the word "Six" and
10 inserting the following: "Seven".

11 4. Page 2, line 10, by striking the words "year,
12 four" and inserting the following: "year, five".

13 5. Page 2, line 11, by striking the word "four"
14 and inserting the following: "five".

15 6. Page 2, line 34, by inserting after the word
16 "podiatry," the following: "psychology,".

H-3787 FILED APRIL 15, 1987 BY JOCHUM of Dubuque

Placed in 4/13 (p. 1605)

SENATE FILE 455

H-4025

1 Amend Senate File 455 as passed by the Senate as
2 follows:

3 1. Page 1, line 23, by inserting after the word
4 "chiropractor" the following: "except that physical
5 therapy evaluation and treatment provided in a
6 hospital shall be done only upon prior review by an
7 authorization of a member of the hospital's medical
8 staff".

BY PETERSON of Carroll

TABOR of Jackson

H-4025 FILED APRIL 27, 1987

W/S 5/1 (p. 1855)

HOUSE AMENDMENT TO
SENATE FILE 455

S-3962

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "chiropractor" the following: "except that a
- 5 hospital may require that physical therapy evaluation
- 6 and treatment provided in the hospital shall be done
- 7 only upon prior review by and authorization of a
- 8 member of the hospital's medical staff".
- 9 2. Page 1, by inserting after line 23, the
- 10 following:
- 11 "Sec. 2. NEW SECTION. 148A.5 STANDARD OF CARE.
- 12 A physical therapist who evaluates or treats a
- 13 patient without the referral or prescription of a
- 14 physician, podiatrist, or dentist or referral from a
- 15 chiropractor shall be held to the standard of care
- 16 applicable to a physician in this state."
- 17 3. Page 1, by inserting after line 23 the
- 18 following:
- 19 "Sec. 3. NEW SECTION. 148A.6 LIMITATIONS.
- 20 A license to practice physical therapy does not
- 21 authorize the licensee to practice operative surgery
- 22 or osteopathic or chiropractic manipulation, or to
- 23 administer or prescribe any drug or medicine included
- 24 in materia medica."
- 25 4. Title page, line 3, by inserting after the
- 26 word "referral" the following: "and specifying
- 27 limitations on the practice of physical therapy".
- 28 5. By renumbering, relettering, or redesignating
- 29 and correcting internal references as necessary.

S-3962

Filed May 4, 1987

RECEIVED FROM THE HOUSE

House amended and concurred 5/6 (1721)

SENATE FILE 455

S-4011

- 1 Amend the House amendment, S-3962, to Senate File
- 2 455 as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 9 through 16.
- 4 2. By renumbering as necessary.

S-4011

Filed May 6, 1987

BY WALLY E. HORN

Adopted 5/6 (p. 1721)

SENATE FILE 455

H-4123

1 Amend Senate File 455, as passed by the Senate, as
2 follows:

3 1. Page 1, line 17, by inserting after the word
4 "biomechanics" the following: "but not diagnosis of
5 human disease,".

H-4123 FILED APRIL 30, 1987 BY PARKER of Jasper
2/15 5/1 (7 1858)

SENATE FILE 455

H-4124

1 Amend Senate File 455, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 23, the
4 following:

5 "Sec. 2. NEW SECTION. 148A.5 STANDARD OF CARE.

6 A physical therapist who evaluates or treats a
7 patient without the referral or prescription of a
8 physician, podiatrist, or dentist or referral from a
9 chiropractor shall be held to the standard of care
10 applicable to a physician in this state."

H-4124 FILED APRIL 30, 1987 BY SWARTZ of Marshall
2-15 5/1 (7 1854)
Revised

SENATE FILE 455

H-4122

1 Amend Senate File 455, as passed by the Senate, as
2 follows:

3 1. Page 1, line 19, by striking the words
4 "prescription or" and inserting the following:
5 "prescription or".

H-4122 FILED APRIL 30, 1987 BY PARKER of Jasper
4/10 5/1 (7 1855)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 455
H-4234

Amend the House amendment, S-3362, to Senate File
455 as passed by the Senate as follows:

1. Page 1, by striking lines 9 through 15.
2. By renumbering as necessary.

H-4234 FILED MAY 6, 1987

RECEIVED FROM THE SENATE

SENATE FILE 455

AN ACT

RELATING TO PHYSICAL THERAPY BY PROVIDING THAT PHYSICAL THERAPY EVALUATION AND TREATMENT MAY BE RENDERED WITHOUT A PRESCRIPTION OR REFERRAL AND SPECIFYING LIMITATIONS ON THE PRACTICE OF PHYSICAL THERAPY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 148A.1, Code Supplement 1987, is amended to read as follows:

148A.1 DEFINITION.

As used in this chapter, physical therapy is that branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities. Physical therapy evaluation of biomechanics and treatment may be rendered by a physical therapist with or without a prescription or referral from a physician or dentist. ~~Physical therapy treatment shall be rendered by a physical therapist only under prescription or referral from a physician, podiatrist, or dentist, or referral from a chiropractor, except that a hospital may require that physical therapy evaluation and treatment provided in the hospital~~

shall be done only upon prior review by and authorization of a member of the hospital's medical staff.

Sec. 2. NEW SECTION. 148A.5 LIMITATIONS.

A license to practice physical therapy does not authorize the licensee to practice operative surgery or osteopathic or chiropractic manipulation, or to administer or prescribe any drug or medicine included in materia medica.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 455, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved Feb. 5, 1988

TERRY E. BRANSTAD
Governor

SF 455