

Rittmer
Szymoniak
King

SSB- 3059
State Government
SENATE FILE © HF 3059 2180

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON RITTMER)

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

A BILL FOR

1 An Act relating to the authorization to practice physical therapy
2 and physiotherapy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 148A.7 PROFESSIONAL PRACTICE
2 RESTRICTION.

3 Notwithstanding section 148A.3, subsection 1, a person,
4 including a licensed health care provider engaged in the
5 practice of the provider's profession, shall not represent
6 that the person is providing physical therapy, physiotherapy,
7 or to use any other words which indicate or suggest that the
8 person is a physical therapist unless that person has obtained
9 from the department a license pursuant to this chapter.

10 Sec. 2. Section 151.1, subsection 3, Code Supplement 1999,
11 is amended to read as follows:

12 3. Persons utilizing differential diagnosis and related
13 procedures, withdrawing or ordering withdrawal of the
14 patient's blood for diagnostic purposes, performing or
15 utilizing routine laboratory tests, performing physical
16 examinations, rendering nutritional advice, utilizing
17 chiropractic physiotherapy modalities and procedures, all of
18 which are subject to and authorized by section 151.8.

19 Sec. 3. NEW SECTION. 151.13 LIMITATIONS.

20 A license to practice chiropractic shall not authorize the
21 licensee to practice or represent that the licensee practices
22 physical therapy, physiotherapy, or to use any other words
23 indicating or implying that the person is a physical therapist
24 unless that person has obtained a license from the department
25 pursuant to chapter 148A. Nothing in this section shall
26 restrict the utilization of modalities and procedures
27 authorized pursuant to this chapter in the practice of
28 chiropractic.

29 EXPLANATION

30 This bill provides for changes relating to authorization to
31 perform, or representing that a person performs, physical
32 therapy or physiotherapy. The bill provides that a person,
33 including a licensed health care provider engaged in the
34 practice of the provider's profession, is not permitted to
35 represent that the person provides physical therapy or

1 physiotherapy, or use any other words to indicate or suggest
2 that the person is a physical therapist unless that person has
3 obtained a license pursuant to Code chapter 148A. This
4 provision is added to the physical therapy licensure
5 provisions in Code chapter 148A and to the chiropractic
6 licensure provisions in Code chapter 151.

7 The bill also provides for a consistent change in
8 terminology regarding authorized procedures included within
9 the chiropractic scope of practice. The utilization of
10 chiropractic physiotherapy procedures is currently included
11 within the chiropractic scope of practice. The bill replaces
12 this term with the term "chiropractic modalities" to
13 differentiate chiropractic from the practice of physical
14 therapy.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

3/20/00 sent back to Comm. from Reg. Col.

FILED FEB 16 2000

SENATE FILE

2180

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3059)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to authorized representations regarding the
2 practice of physical therapy and physiotherapy and providing a
3 penalty.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SF 2180

1 Section 1. NEW SECTION. 148A.7 PROFESSIONAL PRACTICE
2 RESTRICTION.

3 Notwithstanding section 148A.3, subsection 1, a person,
4 including a licensed health care provider engaged in the
5 practice of the provider's profession, shall not advertise or
6 represent that the person is providing physical therapy,
7 physiotherapy, or use any other words which indicate or
8 suggest that the person is a physical therapist,
9 physiotherapist, or physical therapist assistant unless that
10 person has obtained from the department a license pursuant to
11 this chapter.

12 Sec. 2. NEW SECTION. 151.13 PHYSIOTHERAPY -- RESTRICTION
13 ON REPRESENTATIONS -- PENALTY.

14 1. Except as provided in subsection 2, a license to
15 practice chiropractic shall not authorize the licensee to
16 advertise or represent, in any way or in any medium
17 whatsoever, that the licensee is practicing physical therapy,
18 physiotherapy, or use any other words which indicate or
19 suggest that the person is a physical therapist,
20 physiotherapist, or physical therapist assistant unless the
21 person has obtained from the department a license pursuant to
22 chapter 148A.

23 2. Pursuant to this section and the restrictions in
24 section 148A.7, advertisements or representations in any form
25 by a licensee under this chapter shall be limited to the use
26 of the phrase "chiropractic physiotherapy procedures".

27 3. A violation of this section may result in the
28 revocation or suspension of a license to practice chiropractic
29 pursuant to section 151.9, and shall result in the imposition
30 of a civil penalty of not less than five hundred dollars for a
31 first violation, and one thousand dollars and suspension of a
32 license to practice for sixty days for each subsequent
33 violation. A penalty may be assessed only after an
34 opportunity for a contested case hearing under chapter 17A
35 regarding either the amount of the penalty or the merits of

1 the alleged violation. Penalties imposed pursuant to this
2 subsection shall be collected by the board of chiropractic
3 examiners and transferred to the board of physical and
4 occupational therapy examiners to be used at the discretion of
5 the board of physical and occupational therapy examiners.

6 EXPLANATION

7 This bill relates to authorization to make representations
8 or advertisements regarding the practice of physical therapy
9 and physiotherapy.

10 The bill provides that a person, including a licensed
11 health care provider engaged in the practice of the provider's
12 profession, shall not advertise or represent that the person
13 provides physical therapy or physiotherapy, or use any other
14 words to indicate or suggest that the person is a physical
15 therapist, physiotherapist, or physical therapist assistant
16 unless that person has obtained a license pursuant to Code
17 chapter 148A. This provision is added to the physical therapy
18 licensure provisions in Code chapter 148A. A similar
19 provision is added to the chiropractic licensure provisions in
20 Code chapter 151 providing that a license to practice
21 chiropractic shall not authorize the licensee to advertise or
22 represent, in any way or in any medium whatsoever, that the
23 licensee is a physical therapist, physiotherapist, or physical
24 therapist assistant unless that person has obtained from the
25 department a license pursuant to Code chapter 148A. The bill
26 provides, however, that a chiropractor shall be authorized to
27 engage in advertisements or representations to the extent they
28 are limited to the phrase "chiropractic physiotherapy
29 procedures".

30 The bill additionally provides that a violation of these
31 provisions may result in the revocation or suspension of a
32 license to practice chiropractic pursuant to Code section
33 151.9, and shall result in the imposition of a civil penalty
34 of not less than \$500 for a first violation, and \$1,000 and
35 suspension of a license to practice for 60 days for each

1 subsequent violation. The bill provides that a penalty may be
2 assessed only after an opportunity for a contested case
3 hearing under Code chapter 17A. The bill further provides
4 that any penalties imposed shall be collected by the board of
5 chiropractic examiners and transferred to the board of
6 physical and occupational therapy examiners to be used at the
7 discretion of the board of physical and occupational therapy
8 examiners.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35