

CHAPTER 54**(SB 173)**

AN ACT relating to the Board of Physical Therapy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 327.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Physical therapy" means the use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry and evaluation and invasive or noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy. Physical therapy includes screening or evaluations performed to determine the degree of impairment of relevant aspects such as, but not limited to, nerve and muscle function including subcutaneous bioelectrical potentials, motor development, functional capacity and respiratory or circulatory efficiency. Physical therapy also includes physical therapy treatment performed upon referral by a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry including, but not limited to, exercises for increasing or restoring strength, endurance, coordination and range of motion, stimuli to facilitate motor activity and learning, instruction in activities of daily living and the use of assistive devices and the application of physical agents to relieve pain or alter physiological status. The use of roentgen rays and radium for diagnostic or therapeutic purposes, the use of electricity for surgical purposes, including cauterization and colonic irrigations are not authorized under the term "physical therapy" as used in this chapter.
- (2) "Physical therapist" means a professional person who has met the educational requirements of this chapter and who is licensed to practice physical therapy pursuant to this chapter.
- (3) "Board" means the ~~State~~ Board of Physical Therapy established by KRS 327.030.
- (4) "Referral" means the procedure by which a licensed doctor of medicine, osteopathy, dentistry, chiropractic or podiatry designates the initiation of physical therapy treatment by a licensed physical therapist.
- (5) "Temporary permit" means a permit granted to an individual who has met all requirements in Kentucky for license application by examination and has made application for examination but who has not yet successfully completed the board approved examination in this or another state.

➔Section 2. KRS 327.030 is amended to read as follows:

There is hereby established a ~~State~~ Board of Physical Therapy which shall consist of seven (7) members who shall be appointed by the Governor.

- (1) One (1) **board** member shall be a **resident of Kentucky and** ~~citizen at large~~ who is not affiliated with ~~or~~ ~~and~~ does not have more than five percent (5%) financial interest in any ~~one (1)~~ health care profession or business.
- (2) **All other board members shall:**
 - (a) **Be residents of Kentucky;**
 - (b) **Have engaged in the practice of physical therapy in Kentucky for the past five (5) years; and**
 - (c) **Not have been disciplined by the board, or have been under any disciplinary action, in the past two (2) years.**
- (3) All ~~other members shall be appointed and~~ vacancies shall be filled **by the Governor** from a list of **three (3)** ~~five (5)~~ persons per position submitted by the Kentucky Physical Therapy Association **or as provided by KRS 12.070.** ~~All shall be residents of Kentucky and shall have engaged in the unrestricted practice of physical therapy within this state for at least two (2) years without disciplinary action.~~
- ~~(4)~~ ~~(3)~~ **For** ~~All~~ appointments to the board after **December 31, 2008** ~~July 14, 2000~~, **the first two (2) appointments shall be for a term of two (2) years. The third appointment shall be for a term of three (3) years. All other subsequent appointments shall be for a term of four (4) years. All members shall serve** ~~and~~

until their successors are appointed and qualify. No member shall serve for more than two (2) *consecutive*~~[successive]~~ terms~~[, or for more than ten (10) consecutive years]~~.

(5)~~((4))~~ The Governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

(6) ***The board may request the removal of a board member by the Governor.***

(7) The board shall annually elect a *chair and chair-elect*~~[chairman, a secretary, and a chairman-elect]~~.

(8) ***The board shall provide orientation to all new board members regarding the duties of the board.***

(9)~~((5))~~ There shall be no liability on the part of, and no action for damages against, any current or former board member, representative, agent, or employee of the board, when the person is functioning within the scope of board duties, acting without malice and with the reasonable belief that the actions taken by him or her are warranted by law.

(10)~~((6))~~ Each board member shall receive, in addition to travel, lodging, and other actual and necessary expenses, a per diem not to exceed one hundred twenty dollars (\$120) for each day the member is actually engaged in the discharge of official duties approved by the board. The board shall, by promulgation of administrative regulations, set the amount of the per diem.

Signed by Governor April 10, 2008.