

KANSAS STATE BOARD

OF

HEALING ARTS



KANSAS STATUTES ANNOTATED

AND

KANSAS ADMINISTRATIVE REGULATIONS

Relating to the practice of

PHYSICAL THERAPY

August 2013

FOREWORD

In 1963, the Kansas Legislature provided for the registration of physical therapists by the Board (K.S.A. 65-2901 et seq.). In 1973, the Legislature enacted a bill for certification of physical therapist assistants under the physical therapy statutes.

The requirement of continuing education for all physical therapists became effective July, 1978. The 1992 Legislature directed that the Board develop rules and regulations for continuing education requirements for physical therapist assistants.

The 2003 Legislature enacted Senate Bill No. 225 which went into effect on April 1, 2004. The bill made substantial changes to the laws governing physical therapists and physical therapist assistants, including the change of credentialing status of physical therapists from registration to licensure on the effective date of the bill.

The following is a compilation of the current statutes (K.S.A. 65-2901 through 65-2920) and rules and regulations (K.A.R. 100-29-1 through 100-29-17) pertaining to physical therapists and physical therapist assistants.

If you have any questions concerning the licensure of physical therapists or the certification of physical therapist assistants, please contact the Board office.

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KANSAS STATUTES ANNOTATED
CHAPTER 65 - PHYSICAL THERAPY

NOTE:

The laws and regulations listed in this website booklet are not to be considered the official authority on the current law. While every effort has been made to ensure the accuracy and completeness of this information, for legal purposes the law should be obtained from the Kansas statute books and the regulations from the Kansas Secretary of State's Administrative Regulations.

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(a) "Physical therapy" means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist who is licensed pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis.

(b) "Physical therapist" means a person who is licensed to practice physical therapy pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist and may designate or describe oneself, as appropriate, as a physical therapist, physiotherapist, licensed physical therapist, doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2011 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has

65-2901. Definitions. As used in article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:

earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(c) "Physical therapist assistant" means a person who is certified pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and who works under the direction of a physical therapist, and who assists the physical therapist in selected components of physical therapy intervention. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2011 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(d) "Board" means the state board of healing arts.

(e) "Council" means the physical therapy advisory council.

(f) "Physician" means a person licensed to practice medicine and surgery.

(g) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.

History: L. 1963, ch. 318, § 1; L. 1973, ch. 253, § 1; L. 1983, ch. 215, § 1; L. 1988, ch. 246, § 19; L. 2003, ch. 128, § 1; L. 2004, ch. 61, § 1; L. 2007, ch. 177, § 19; L. 2011, ch. 114, § 19; July 1.

65-2903. Physical therapy advisory council; membership; qualifications. There is hereby created a physical therapy advisory council to assist the board in carrying out the provisions of this law. The council shall consist of five members, citizens and residents of the state of Kansas, three of whom shall be physical therapists, one of whom shall be a physician

licensed by the board to practice medicine and surgery and one of whom shall be a member of such board.

History: L. 1963, ch. 318, § 3; L. 1973, ch. 253, § 2; L. 1978, ch. 308, § 52; L. 1981, ch. 299, § 50; L. 1983, ch. 215, § 2; L. 1987, ch. 240, § 15; L. 2003, ch. 128, § 2; Apr. 1, 2004.

65-2904. Same; terms; oath. The council shall be appointed as follows: The board shall appoint one physician licensed to practice medicine and surgery and one member of the board, and the governor shall appoint three physical therapists who are duly licensed physical therapists who have at least three years' experience in physical therapy immediately preceding the appointment and are actively engaged, in this state, in physical therapy. The foregoing appointees shall constitute the council. Except as otherwise provided in this section, the members appointed in accordance with this section shall be appointed for terms of four years and shall serve until their successors are appointed and qualify. Members serving on the examining committee for physical therapy on the effective date of this act shall be members of the council and shall serve on the council until the conclusion of the terms for which they were appointed to the examining committee for physical therapy and until their successors are appointed and qualified. Each member of the council shall take an oath as required by law for state officers. No physical therapist member appointed by the governor shall be appointed for more than two successive four-year terms commencing on or after that date.

History: L. 1963, ch. 318, § 4; L. 1973, ch. 253, § 3; L. 1983, ch. 215, § 3; L. 1987, ch. 240, § 16; L. 2003, ch. 128, § 3; Apr. 1, 2004.

65-2905. Same; officers; executive director; powers and duties; quorum; records; employees; compensation and expenses.

(a) The physical therapy advisory council provided for in this act shall elect from their members a president and a vice-president, who shall serve for one year or until their successors are elected and qualified. The executive director of the board shall act as secretary of the council.

(b) The council shall serve in an advisory capacity to the board in matters pertaining to physical therapy. The board may adopt reasonable rules and regulations as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction, the council while in session

may take testimony and any member may administer oaths in the taking of such testimony.

(c) A simple majority of the council shall constitute a quorum for the transaction of business. The secretary shall keep a record of all procedures of the council.

(d) The board may appoint and fix the compensation of such employees as may be necessary to assist the council, and the board shall have the power to employ such expert assistance as it may deem necessary to carry out the purposes of this act. Members of the council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

History: L. 1963, ch. 318, § 5; L. 1973, ch. 253, §4; L. 1974, ch. 348, § 28; L. 1983, ch. 215, § 4; L. 1987, ch. 240, § 17; L. 2003, ch. 128, § 4; Apr. 1, 2004.

65-2906. Duties of board; qualifications of applicants; form of application; approval of schools.

(a) The board, with the advice and assistance of the council, shall pass upon the qualifications of all applicants for licensure or certification and duly license or certify those applicants who meet the qualifications established by this act.

(b) An applicant applying for licensure as a physical therapist or for a certificate as a physical therapist assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(1) The applicant is of legal age;

(2) the applicant has successfully completed the academic requirements of an educational program in physical therapy approved by the board which is appropriate for the certification or licensure of the applicant or, if the applicant attended a program not approved by the board, the applicant shall present an evaluation by an entity approved by the board showing that applicant's educational program met the criteria a school must satisfy to be approved by the board;

(3) the applicant has passed an examination required by the board which is appropriate for the certification or licensure of the applicant to test the applicant's knowledge of the basic and clinical sciences relating to physical therapy theory and practice; and

(4) the applicant has paid to the board all applicable fees established under K.S.A. 65-2911 and amendments thereto.

(c) The board shall adopt rules and regulations establishing the criteria which a school shall satisfy in order to be approved by the board for purposes of subsection (b). The board may send a questionnaire developed by the board to any school for which the board does not have sufficient information to determine whether the school meets the requirements of the board for approval and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

History: L. 1963, ch. 318, § 6; L. 1972, ch. 237, § 1; L. 1973, ch. 253, § 5; L. 1974, ch. 256, § 1; L. 1983, ch. 215, § 5; L. 1983, ch. 213, § 10; L. 1988, ch. 243, § 10; L. 1994, ch. 134, § 1; L. 2003, ch. 128, § 5; Apr. 1, 2004.

65-2907. Repealed.

History: L. 1963, ch. 318, §§ 7, 8; L. 1973, ch. 253, §§ 6, 7; L. 1983, ch. 215, §§ 6, 7; Repealed, L. 2003, ch. 128, § 30; April 1, 2004.

65-2908. Repealed.

History: L. 1963, ch. 318, §§ 7, 8; L. 1973, ch. 253, §§ 6, 7; L. 1983, ch. 215, §§ 6, 7; Repealed, L. 2003, ch. 128, § 30; April 1, 2004.

65-2909. Examinations; when not required; fees; temporary permits.

(a) The board may issue a license in physical therapy without examination to an applicant who presents evidence satisfactory to the board of having passed the examination in physical therapy approved by the board or an examination before a lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for licensure in physical therapy in such other state, district, territory or foreign country are determined by the board to be as high as those of this state. At the time of making such application, the applicant shall pay to the board a fee as prescribed, no part of which shall be returned.

(b) The board may issue a certificate as a physical therapist assistant without examination therein to an applicant who presents evidence satisfactory to the board of having passed an examination as a physical therapist assistant approved by the board or an examination before a lawfully authorized examining board in physical therapy of another state, District of Columbia, territory or foreign country, if the standards for certification in physical therapy in such other state, District of Columbia, territory or foreign country are determined by the board to be as high as those of this state. At the time of making such application, the applicant shall pay to the board a fee as prescribed, no part of which shall be returned.

(c) The board may issue a temporary permit to an applicant for licensure as a physical therapist or an applicant for certification as a physical therapist assistant who applies for a temporary permit on a form provided by the board, who meets the requirements for licensure as a physical therapist or for certification as a physical therapist assistant or who meets all of the requirements for licensure or certification except examination and who pays to the board the temporary permit fee as required under K.S.A. 65-2911 and amendments thereto. Such temporary permit shall expire three months from the date of issue or on the date that the board approves the application for licensure or certification, whichever occurs first. No more than one such temporary permit shall be granted to any one person.

History: L. 1963, ch. 318, § 9; L. 1973, ch. 253, §8; L. 1983, ch. 215, § 8; L. 2003, ch. 128, § 6; Apr. 1, 2004.

65-2910. Renewal of license or certification; renewal requirements; expiration notice; fees; cancellation; reinstatement; inactive license; exempt license; federally active license.

(a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license or certificate is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2911 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the license or certificate.

(b) The board shall require every licensed physical therapist or certified physical therapist assistant as a condition of renewal to submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board. The board shall establish the requirements for each such program of continuing education by rules and regulations. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or certified physical therapist assistants.

(c) At least 30 days before the expiration of the license of a physical therapist or the certificate of a physical therapist assistant, the board shall notify the licensee or certificate holder of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee or certificate holder fails to pay the renewal fee by the date of expiration, the licensee or certificate holder shall be given a second notice that the license or certificate has expired and the license or certificate may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license or certificate shall be canceled for failure to renew and shall be reissued only after the physical therapist or physical therapist assistant has been reinstated under subsection (d).

(d) Any licensee or certificate holder who allows the license or certificate to be canceled by failing to renew may be reinstated upon recommendation of the board, upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses or certificates have been canceled for failure to renew.

(e) (1) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 65-2911, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist. The provisions of subsections (c) and (d) relating to expiration, renewal and reinstatement of a license shall

be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with K.S.A. 2011 Supp. 65-2920, and amendments thereto, and rules and regulations adopted by the board.

(2) For the licensee whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice physical therapy within Kansas. Any licensee whose license has been inactive for more than two years may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(f) (1) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established pursuant to K.S.A. 65-2911, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of physical therapy in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of physical therapy for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the physical therapy act, except as otherwise provided in this subsection. The holder of an exempt license shall be required to submit evidence of satisfactory completion of a program of continuing education required by this section. Each exempt licensee may apply for a license to regularly engage in the practice of physical therapy upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2911, and amendments thereto.

(2) For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice physical therapy within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of physical therapy or engaged in a formal educational program since the license has been exempt may be required to complete such

additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(3) Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee or unpaid volunteer of: (A) A local health department as defined by K.S.A. 65-241, and amendments thereto, or (B) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(4) A person who practices under an exempt license shall not be deemed to be rendering professional service as a physical therapist in this state for the purposes of K.S.A. 2011 Supp. 65-2920, and amendments thereto.

(g) (1) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2911, and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice physical therapy in Kansas and who practices that branch of physical therapy solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. A person issued a federally active license may engage in limited practice outside of the course of federal employment consistent with the scope of practice of exempt licenses under subsection (f), except that the scope of practice of a federally active licensee shall be limited to providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation except that nothing in this subsection (g)(1) shall prohibit a person licensed to practice physical therapy issued a federally active license from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services; and rendering professional services as a charitable health care provider as defined in K.S.A. 75-6102, and amendments thereto.

(2) The provisions of subsections (a), (b), and (d) of this section relating to continuing education, expiration and renewal of a license shall be applicable to a federally active license issued under this subsection.

(3) A person who practices under a federally active license shall not be deemed to be rendering professional service as a physical therapist in this state for the purposes of K.S.A. 2011 Supp. 65-2920, and amendments thereto.

History: L. 1963, ch. 318, § 10; L. 1973, ch. 253, § 9; L. 1976, ch. 274, § 4; L. 1983, ch. 215, § 9; L. 1992, ch. 253, § 5; L. 2003, ch. 128, § 7; L. 2004, ch. 117, § 18; L. 2010, ch. 126, § 15; July 1.

65-2911. Rules and regulations; record of proceedings; roster of persons licensed or certified; fee limitations; examination fees; disposition of moneys; healing arts fee fund.

(a) The board may adopt such rules and regulations as necessary to carry out the purposes of this act. The executive director of the board shall keep a record of all proceedings under this act and a roster of all persons licensed or certified under the act. The roster shall show the name, address, date and number of the original license or certificate, and the renewal thereof.

(b) (1) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application based upon certificate of prior examination, not more Than.....	\$80
Application based on examination, not more than.....	100
Exempt license fee, not more than.....	80
Annual renewal fee, not more than.....	70
Exempt license renewal fee, not more than.....	70
Late renewal fee, not more than.....	75
Reinstatement fee, not more than.....	80
Certified copy of license or certificate, not more than.....	15
Duplicate certificate.....	15
Temporary permit.....	25
Written verification of license.....	25

(2) The board shall charge and collect in advance fees for any examination administered by the board under article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination. If the examination is not administered by the board, the board may require that fees paid for any examination under article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto be paid directly to the examination service by the person taking the examination.

(3) The fees fixed by the board by rules and regulations under article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president of the board.

History: L. 1963, ch. 318, § 11; L. 1973, ch. 309, § 24; L. 1983, ch. 215, § 10; L. 1987, ch. 240, § 18; L. 2001, ch. 5, § 241; L. 2003, ch. 128, § 8; L. 2010, ch. 126, § 16; L. 2011, ch. 53, § 33; July 1.

65-2912. Grounds for refusal, suspension, revocation or limitation of license or certificate; censure; hearing procedure.

(a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the license of any licensed physical therapist or certificate of any certified physical therapist assistant, or may limit the license of any licensed physical therapist or certificate of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

- (1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;
- (2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;
- (3) obtaining or attempting to obtain licensure or certification by fraud or deception;
- (4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

- (5) unprofessional conduct as defined by rules and regulations adopted by the board;
 - (6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;
 - (7) failure to refer patients to other health care providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the licensed physical therapist;
 - (8) evaluating or treating patients in a manner not consistent with K.S.A. 2011 Supp. 65-2921 and amendments thereto; and
 - (9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.
- (b) All proceedings pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

History: L. 1963, ch. 318, § 12; L. 1965, ch. 369, § 6; L. 1973, ch. 253, § 10; L. 1983, ch. 215, § 11; L. 1984, ch. 313, § 125; L. 1986, ch. 234, § 7; L. 1988, ch. 246, § 20; L. 2003, ch. 128, § 9; L. 2004, ch. 61, § 2; L. 2007, ch. 177, § 20; L. 2010, ch. 17, § 141; July 1.

65-2913. Representation as physical therapist or physical therapist assistant; prohibitions; exceptions; construction of act.

(a) It shall be unlawful for any person who is not licensed under article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2011 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term

"Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2011 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) of this section:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under subsection (g) of K.S.A. 65-2872, and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services

pursuant to the delegation of a licensed nurse under subsection (m) of K.S.A. 65-1124, and amendments thereto;

(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; and

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1963, ch. 318, § 13; L. 1973, ch. 253, § 11; L. 1983, ch. 215, § 12; L. 1994, ch. 134, § 2; L. 2003, ch. 128, § 10; L. 2004, ch. 24, § 12; L. 2010, ch. 126, § 17; L. 2011, ch. 114, § 20; July 1.

65-2914. Fraud or deception in application for license; scope of authorized treatment.

(a) No person shall employ fraud or deception in applying for or securing a license as a physical therapist.

(b) A person licensed under this act as a physical therapist shall not treat ailments or other health conditions of human beings other than by physical therapy unless duly licensed or registered to provide such treatment under the laws of this state.

(c) A person certified under this act as a physical therapist assistant shall not treat ailments or other health conditions of human beings except under the direction of a physical therapist duly licensed under this act. The word "direction" as used in this subsection (c) shall mean that the physical therapist shall see all patients initially and evaluate them periodically except in those cases in a hospital setting when the physical therapist is not immediately available, the physical therapist assistant may initiate patient care after telephone contact with the physical therapist for documented instruction. The physical therapist must then evaluate the patient and establish a plan of treatment as soon as possible with a minimum weekly review.

(d) Any person violating the provisions of this section shall be guilty of a class B misdemeanor.

History: L. 1963, ch. 318, § 14; L. 1973, ch. 253, § 12; L. 1983, ch. 215, § 13; L. 1990, ch. 228, § 1; L. 2003, ch. 128, § 11; Apr. 1, 2004.

65-2915. Repealed.

History: L. 1963, ch. 318, § 15; L. 1983, ch. 215, § 14; Repealed, L. 2003, ch. 128, § 30; April 1, 2004.

65-2916. Penalties for violations of act; injunctive relief.

(a) Any violation of the provisions of this act shall constitute a class B misdemeanor.

(b) When it appears to the board that any person is violating any of the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(c) The board, in addition to any other penalty prescribed under the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

History: L. 1963, ch. 318, § 16; L. 1973, ch. 253, § 13; L. 2003, ch. 128, § 12; Apr. 1, 2004.

65-2917. Invalidity of part. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given

effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

History: L. 1963, ch. 318, § 17; June 30.

65-2918. Physical therapists and physical therapist assistants practicing in accordance with law not subject to healing arts act.

Physical therapists and physical therapist assistants practicing their profession, when licensed or certified and practicing under and in accordance with the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto, shall not be construed to be practicing the healing arts or be subject to the healing arts act.

History: L. 1983, ch. 215, § 15; L. 2003, ch. 128, § 13; Apr. 1, 2004.

65-2919. Person holding registration as physical therapist deemed to be licensed physical therapist. Any person holding a valid registration as a physical therapist immediately prior to the effective date of this act which has been issued by the board shall be deemed to be a licensed physical therapist for the purposes of this act and article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto and shall be subject to the provisions of this act and the provisions of such article and chapter of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto.

History: L. 1983, ch. 215, § 16; L. 2003, ch. 128, § 14; Apr. 1, 2004.

65-2920. Professional liability insurance coverage required as condition to practice physical therapy. Professional liability insurance coverage shall be maintained in effect by each licensed physical therapist actively practicing in this state as a condition to rendering professional services as a physical therapist in this state. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

History: L. 2003, ch. 128, § 29; L. 2004, ch. 117, § 25; July 1.

65-2921. Evaluation and treatment by physical therapists; when referral is required; exceptions.

65-2921. Evaluation and treatment by physical therapists; when referral is required; exceptions. (a) Except as otherwise provided in subsection (d), a physical therapist may evaluate and initiate physical therapy treatment on a patient without referral from a licensed health care practitioner. If treating a patient without a referral from a licensed health care practitioner and the patient is not progressing toward documented treatment goals as demonstrated by objective, measurable or functional improvement, or any combination thereof, after 10 patient visits or in a period of 15 business days from the initial treatment visits following the initial evaluation visit, the physical therapist shall obtain a referral from an appropriate licensed health care practitioner prior to continuing treatment.

(b) Physical therapists may provide, without a referral, services to:

(1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.

(c) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

(d) Nothing in this section shall be construed to prevent a hospital or ambulatory surgical center from requiring a physician order or referral for physical therapy services for a patient currently being treated in such facility.

(e) When a patient self-refers to a physical therapist pursuant to this section, the physical therapist, prior to commencing treatment, shall provide written notice to the patient that a physical therapy diagnosis is not a medical diagnosis by a physician.

(f) Physical therapists shall perform wound debridement services only after approval by a person licensed to practice medicine and surgery or other licensed health care practitioner in appropriately related cases.

(g) As used in this section, “licensed health care practitioner” means a person licensed to practice medicine and surgery, a licensed podiatrist, a licensed physician assistant or a licensed advanced practice registered nurse working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases.

History: L. 2007, ch. 177, § 21; L. 2013, ch. 4, § 1; July 1.

65-2922. Title of the act. The provisions of K.S.A. 65-2901 through 65-2921, and amendments thereto, shall be known and may be cited as the physical therapy practice act.

History: L. 2007, ch. 177, § 22; May 17.

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100-29-1. Applications. 100-29-1. Applications. (a) Each applicant for licensure as a physical therapist or certification as a physical therapist assistant shall submit a completed application on a form provided by the board. The application shall include the following information in legible writing:

- (1) The applicant's full name;
 - (2) the applicant's social security number, driver's license number, nondriver identification number, or individual tax identification number if the applicant is advised that providing a social security number is voluntary pursuant to K.S.A. 74-139 and 74-148, and amendments thereto, and that if the social security number is provided, the agency may provide this number to the Kansas department of social and rehabilitation services for child support enforcement purposes and to the Kansas department of revenue's director of taxation;
 - (3) the applicant's mailing address. If the applicant's mailing address is different from the applicant's residential address, the applicant shall also provide the residential address;
 - (4) the applicant's daytime telephone number;
 - (5) the applicant's date and place of birth;
 - (6) the names of all educational programs recognized under K.A.R. 100-29-2 that the applicant attended, including the program from which the applicant graduated, the degree awarded to the applicant, and the date of graduation;
 - (7) information regarding any licenses, registrations, or certifications issued to the applicant to practice any healthcare profession;
 - (8) information regarding any prior acts specified in K.S.A. 65-2912, and amendments thereto, that could constitute grounds for denial of the application;
 - (9) a notarized release authorizing the board to receive any relevant information, files, or records requested by the board in connection with the application; and
 - (10) the number of times the applicant has taken the examination required by the board for licensure or certification and the date that the applicant passed the examination.
- (b) Each applicant shall submit the following with the application:
- (1) The fee required by K.A.R. 100-29-7;
 - (2) an official transcript that specifies the degree awarded from an educational program recognized by the board under K.A.R. 100-29-2;
 - (3) a verification on a form provided by the board of each license, registration, or certification issued to the applicant by any state or the

District of Columbia relating to any healthcare profession;

(4) a current photograph, three by four inches in size, of the applicant's head and shoulders taken within 90 days before the date the application is received by the board; and

(5) evidence provided directly to the board from the testing entity recognized and approved under K.A.R. 100-29-4 that the applicant has passed the examination.

(c) The applicant shall sign the application under oath and have the application notarized.

(d) The physical therapy advisory council shall consider the application from each person who has not been engaged in an educational program recognized by the board and has not engaged in the practice of physical therapy during the five years preceding the date of the application. The council shall then submit its written recommendation to the board. (Authorized by K.S.A. 2009 Supp. 65-2911; implementing K.S.A. 2009 Supp. 65-2903, 65-2906, and 65-2912; effective March 21, 1997; amended May 26, 2006; amended May 14, 2010.)

100-29-2. Approval of physical therapy programs.

(a) An educational program for licensure as a physical therapist shall be recognized by the board if the program meets the "evaluative criteria for accreditation of education programs for the preparation of physical therapists," revised April 2005 by the commission on accreditation in physical therapy education and hereby adopted by reference.

(b) An educational program for certification as a physical therapist assistant shall be recognized by the board if the program meets the "evaluative criteria for accreditation of education programs for the preparation of physical therapy assistants," adopted November 1, 2000 by the commission on accreditation in physical therapy education and hereby adopted by reference.

(Authorized by K.S.A. 2005 Supp. 65-2911; implementing K.S.A. 2005 Supp. 65-2906; effective March 21, 1997; amended July 14, 2006.)

100-29-3. Requirements for physical therapists and physical therapist assistants from nonapproved schools.

(a) Each person who received training from a nonapproved school and who applies for licensure as a physical therapist or certification as a physical therapist assistant shall submit with the application an evaluation prepared for the state of Kansas by a board-approved credentialing agency.

(b) If the evaluation shows that the applicant's educational program did not meet the criteria that a school is required to satisfy to be approved by the board, the applicant may be required by the board, with the advice of the physical therapy advisory council, to perform one of the following:

(1) Complete college courses in the areas that did not meet the required criteria with a grade average of at least "B" or its equivalent; or

(2) apply college-level examination program scores towards semester credit hours for the courses specified by the board.

(Authorized by K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2906; effective March 21, 1997; amended May 26, 2006.)

100-29-3a. Examination of written and oral English communication.

(a) For each applicant who received training in a school at which English was not the language of instruction, the examinations required and approved by the board to demonstrate the ability to communicate in written and oral English shall be the test of English as a foreign language (TOEFL), the test of written English (TWE), and the test of spoken English (TSE), as developed and administered by the educational testing service (ETS).

(b) To successfully pass the test of English as a foreign language, each applicant who is required to take this examination shall attain a score of at least 24 in writing, 26 in speaking, 21 in reading, and 18 in listening.

(c) To successfully pass the test of spoken English, each applicant who is required to take this examination shall attain a score of at least 5.0.

(d) To successfully pass the test of written English, each applicant who is required to take this examination shall attain a score of at least 4.5. (Authorized by K.S.A. 2008 Supp. 65-2911; implementing K.S.A. 2008 Supp. 65-2906 and 65-2909; effective Sept. 11, 1998; amended Jan. 4, 2010.)

100-29-4. Examination.

(a) The examination required and approved by the board for licensure as a physical therapist shall be the physical therapist examination developed by the federation of state boards of physical therapy.

(b) The examination required and approved by the board for certification as a physical therapist assistant shall be the physical therapist assistant examination developed by the federation of state boards of physical therapy.

(c) To pass the examination for licensure or certification, each physical therapist and physical therapist assistant shall attain a criterion-referenced scaled score of at least 600 on a scale ranging from 200 to 800.

(d) Each applicant who fails to pass the examination after three attempts shall submit evidence of completion of additional education approved by the board before being allowed to take the examination an additional time. (Authorized by K.S.A. 2005 Supp. 65-2911; implementing K.S.A. 2005 Supp. 65-2906; effective March 21, 1997; amended July 14, 2006.)

100-29-5. (Authorized by and implementing K.S.A. 65-2911; effective March 21, 1997; revoked May 26, 2006.)

100-29-6. Lost or destroyed certificates; change of name; new certificates.

(a) If a certificate of licensure or certification is lost or destroyed, the licensed or certified person may request a duplicate certificate. Each request shall be submitted in writing, shall include the number of the original certificate, and shall be accompanied by the fee specified in K.A.R. 100-29-7.

(b) If the name of a licensed or certified person is changed, the licensed or certified person shall send the name change to the board within 30 days of the change. This notification shall be submitted in writing, shall be accompanied by an attested document of the change of name, shall include the number of the original certificate, and shall be accompanied by the fee required for a duplicate certificate specified in K.A.R. 100-29-7. The licensed or certified person shall surrender the original certificate to the board.

(Authorized by and implementing K.S.A. 2004 Supp. 65-2911; effective March 21, 1997; amended May 26, 2006.)

100-29-7. Fees. The following fees shall be collected by the board:

- (a) Application based upon certificate of prior examination \$80.00
- (b) Application based on examination \$80.00
- (c) Annual renewal:
 - (1) Paper renewal \$70.00
 - (2) On-line renewal \$67.00
- (d) Late renewal:
 - (1) Paper late renewal \$5.00
 - (2) On-line late renewal \$5.00
- (e) Reinstatement \$80.00
- (f) Certified copy \$15.00

(g) Duplicate certificate \$15.00

(h) Temporary permit \$25.00

(Authorized by K.S.A. 2006 Supp. 65-2911; implementing K.S.A. 2006 Supp. 65-2910 and K.S.A. 2006 Supp. 65-2911; effective March 21, 1997; amended May 1, 1998; amended Sept. 29, 2000; amended Nov. 15, 2002; amended Nov. 19, 2004; amended March 7, 2008.)

100-29-8. License and certificate renewal; expiration date; notification of supervision.

(a) The license of each physical therapist and the certificate of each physical therapist assistant shall expire on December 31 of each year.

(b) At the time of license renewal, the physical therapist shall provide the name and certificate number of each physical therapist assistant who is working under the direction of the physical therapist on a form provided by the board.

(c) At the time of a renewal of certification, the physical therapist assistant shall provide, on a form furnished by the board, the name and license number of the physical therapist who is supervising the assistant.

(Authorized by K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2910; effective March 21, 1997; amended May 26, 2006.)

100-29-9. License and certificate renewal; continuing education.

(a)(1)(A) As a condition of renewal for each odd-numbered year, each licensed physical therapist or certified physical therapist assistant shall submit, in addition to the annual application for renewal of licensure or certification, evidence of satisfactory completion within the preceding two-year period of a minimum of 40 contact hours of continuing education for a licensed physical therapist and a minimum of 20 contact hours of continuing education for a certified physical therapist assistant.

(B) Evidence of satisfactory completion of a program of continuing education shall not be required to be submitted with the application or renewal of licensure or certification in even-numbered years.

(2) A contact hour shall be 60 minutes of instruction.

(3) Meals and breaks shall not be included in the contact hour calculation.

(b) Any applicant for renewal who cannot meet the requirements of paragraph (a)(1)(A) may request an extension from the board to submit evidence of continuing education. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension of up to six months may be granted by the

board for good cause shown.

(c) A physical therapist initially licensed or physical therapist assistant initially certified within one year of a renewal date when evidence of continuing education must be submitted shall not be required to submit evidence of satisfactory completion of a program of continuing education required by paragraph (a)(1)(A) for that first renewal period. Each physical therapist or physical therapist assistant initially licensed or certified or whose license or certificate has been reinstated for more than one year but less than two years from a renewal date when continuing education required by paragraph (a)(1)(A) must be submitted shall be required to submit evidence of satisfactory completion of at least 1/2 of the contact hours of continuing education required by paragraph (a)(1)(A).

(d) All continuing education classes and literature shall be related to the field of physical therapy.

(e) All continuing education shall meet the requirements of subsection (f).

(f) Continuing education experiences shall be related to the following:

- (1) Clinical skills;
- (2) administration and management techniques;
- (3) educational principles when providing service to patients, families, health professionals, health professional students, or the community;
- (4) research projects with published results;
- (5) interaction with the community;
- (6) legislative issues involving the profession;
- (7) health care and the health care delivery system;
- (8) documentation, reimbursement, cost-effectiveness, and activities;
- (9) problem solving, critical thinking, and ethics; and
- (10) multidisciplinary care.

(g) Continuing education experiences shall include the following:

(1) Lecture. "Lecture" shall mean a discourse given before an audience for instruction.

(2) Panel. "Panel" shall mean the presentation of a number of views by several professional individuals

on a given subject, with none of the views considered a final solution.

(3) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest.

(4) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest.

(5) Symposium. "Symposium" shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from

various viewpoints and by various speakers.

(6) In-service training. "In-service training" shall mean an educational presentation pertaining solely to the enhancement of physical therapy skills in the evaluation, assessment, or treatment of patients.

(7) College or university courses. "College or university course" shall mean a course at the college or university level that directly enhances physical therapy skills or knowledge. Ten contact hours shall be given for each semester credit hour for which the student received a grade of at least "C" or its equivalent, or a "pass" in a pass/fail course.

(8) Administrative training. "Administrative training" shall mean a presentation that enhances the knowledge of a physical therapist or physical therapist assistant and that does not pertain solely to patient care. Approved presentation topics shall include quality assurance, risk management, reimbursement, hospital and statutory requirements, and claim procedures.

(9) Self-instruction. "Self-instruction" shall mean the following:

(A) Reading professional literature. A maximum of two contact hours shall be given for reading;

(B) completion of a home study, correspondence, audio, video, or internet course for which a printed verification of successful completion is provided by the person or organization offering the course. A maximum of 10 contact hours shall be given for each course; and

(C) passage of a specialty certification examination approved by the board. A maximum of 40 contact hours shall be given for passage of a specialty certification examination.

(10) Professional publications. Contact hours for writing a professional publication shall be allotted as follows:

(A) Original paper single author 20 senior author 15 coauthor 8

(B) Review paper or case report single author 15 coauthor 8

(C) Abstract or book review 8

(D) Publication of a book 20

(h)(1) Each licensed physical therapist or certified physical therapist assistant who presents a continuing education program shall receive three contact hours for each hour of presentation.

(2) No credit shall be granted for any repeated presentations of the same subject matter.

(i) To provide evidence of satisfactory completion of continuing education, the following shall be submitted to the board:

(1) Documented evidence of attendance at or completion of continuing education experiences;

(2) personal verification of self-instruction from reading professional literature; and

(3) copies of any professional publication.

(Authorized by K.S.A. 2004 Supp. 65-2910 and 65-2911; implementing K.S.A. 2004 Supp. 65-2910; effective March 21, 1997; amended Nov. 14, 2003; amended May 26, 2006.)

100-29-10. Canceled licenses and certificates; reinstatement.

(a) Each physical therapist and physical therapist assistant desiring to reinstate a canceled license or certificate shall meet the following requirements:

(1) Submit a completed written application on a form prescribed by the board;

(2) pay the reinstatement fee established by the board, no part of which shall be refunded; and

(3) submit proof of satisfactory completion of a program of continuing education as specified in subsection (b).

(b)(1) If the license of a physical therapist has been canceled for less than five years, the applicant shall complete the continuing education that was required at the time the license was canceled and a minimum of an additional 10 contact hours for each six months since the date the license was canceled.

(2) If the certification of a physical therapist assistant has been canceled for less than five years, the applicant shall complete the continuing education that was required at the time the certification was canceled and a minimum of an additional five contact hours for each six months since the date the certification was canceled.

(3) If the license or certificate has been canceled for five years or more, the applicant shall be required to complete an individually tailored continuing education program approved by the board.

(4) If the applicant has been in active practice in another state or the District of Columbia since the date on which the Kansas license or certificate was canceled, the applicant shall submit proof of a current license, registration, or certification, and proof of compliance with the continuing education requirements of that jurisdiction.

(Authorized by K.S.A. 2004 Supp. 65-2910 and K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2910; effective March 21, 1997; amended Nov. 14, 2003; amended May 26, 2006.)

100-29-11. (Authorized by K.S.A. 65-2903 and 65-2911; implementing

K.S.A. 65-2912; effective March 21, 1997; revoked Nov. 27, 2006.)

100-29-12. Unprofessional conduct.

(a) “Unprofessional conduct” means any of the following:

(1) Engaging in physical therapy using either of the following means:

(A) A false or assumed name; or

(B) impersonating another person licensed as a physical therapist or certified as a physical therapist assistant;

(2) practicing physical therapy without reasonable skill and safety because of any of the following:

(A) Illness;

(B) alcoholism;

(C) use of drugs, controlled substances, chemicals, or any other type of material; or

(D) any mental or physical condition that impairs judgment or ability to provide care;

(3) having a physical therapist or physical therapist assistant license, registration, or certification revoked, suspended, or limited by the proper regulatory authority of another state, territory, or country, or the District of Columbia for acts or conduct that would constitute grounds for disciplinary action under K.S.A. 65-2912 and amendments thereto;

(4) having a physical therapist or physical therapist assistant application denied by the proper regulatory authority of another state, territory, or country, or the District of Columbia for acts or conduct that would constitute grounds for disciplinary action under K.S.A. 65-2912 and amendments thereto;

(5) cheating or attempting to subvert the validity of the examination required for licensure or certification;

(6) failing to provide adequate supervision to a physical therapist assistant or other person who performs services pursuant to delegation by a physical therapist;

(7) failing to furnish to the board, its investigators, or representatives any information legally requested by the board;

(8) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute unprofessional conduct under this regulation;

(9) surrendering a license, registration, or certification to practice physical therapy in another state while disciplinary proceedings are pending for acts or conduct that would constitute grounds for denial, refusal to renew,

- suspension, or revocation under K.S.A. 65-2912 and amendments thereto;
- (10) committing one or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;
 - (11) committing repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board;
 - (12) engaging in a pattern of practice or other conduct that demonstrates a manifest incapacity or incompetence to practice physical therapy;
 - (13) representing to a patient or client that a manifestly incurable disease, condition, or injury can be permanently cured;
 - (14) providing physical therapy to a patient or client without the consent of the patient or client or the patient's or client's legal representative;
 - (15) willfully betraying confidential information provided by the patient or client;
 - (16) advertising a guarantee of any professional service relating to physical therapy;
 - (17) using any advertisement that is false, misleading, or deceptive in any material respect;
 - (18) committing conduct likely to deceive, defraud, or harm the public;
 - (19) making a false or misleading statement regarding the license or certificate holder's skill;
 - (20) committing any act of sexual abuse, misconduct, or exploitation relating to the professional practice of physical therapy;
 - (21) obtaining any fee by fraud, deceit, or misrepresentation;
 - (22) failing to maintain adequate written records detailing the course of treatment of the patient or client;
 - (23) delegating physical therapy to a person who the license or certificate holder knows or has reason to know is not qualified by training or experience to perform the physical therapy;
 - (24) referring a patient or client to a health care entity for services if the license or certificate holder has a significant investment interest in the health care entity, unless the patient or client is informed of the following in writing:
 - (A) The significant investment interest; and
 - (B) the fact that the patient or client can obtain the services elsewhere;
 - (25) performing tests, examinations, or services that have no legitimate purpose;
 - (26) violating any regulations adopted by the board relating to the practice of

- physical therapy;
- (27) directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, other than through the legal functioning of a professional partnership, professional corporation, limited liability company, or similar business entity;
 - (28) practicing or offering to practice beyond the scope of the legal practice of physical therapy;
 - (29) charging excessive fees for services performed;
 - (30) aiding and abetting a person who is not licensed or certified in the performance of activities requiring a license or certificate; or
 - (31) providing treatment unwarranted by the condition of the patient or continuing treatment beyond the merit of reasonable benefit.
- (b) Each physical therapist and physical therapist assistant shall maintain an adequate record for each patient or client for whom the physical therapist or physical therapist assistant performs a professional service. Each record shall meet the following criteria:
- (1) Be legible;
 - (2) identify the patient or client; and
 - (3) contain an evaluation, a diagnosis, a plan of care, and a treatment and discharge plan.
- (c) As used in this regulation, "health care entity" and "significant investment interest" shall have the meanings ascribed to them in K.S.A. 65-2837 and amendments thereto.
- (Authorized by K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2912; effective March 21, 1997; amended May 26, 2006.)

100-29-13. Notification to board.

- (a) Before a physical therapist allows a physical therapist assistant to work under the physical therapist's direction, the physical therapist shall inform the board of the following:
- (1) The name of each physical therapist assistant who intends to work under the direction of that physical therapist; and
 - (2) the physical therapist assistant's practice address.
- (b) Each physical therapist and each physical therapist assistant shall inform the board in writing within 30 days of any changes in the mailing, residence, or practice address.
- (Authorized by K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2901; effective March 21, 1997; amended May 26, 2006.)

100-29-14. (Authorized by K.S.A. 65-2911; implementing K.S.A. 1996 Supp. 65-2906; effective March 21, 1997; revoked July 14, 2006.)

100-29-15. Professional liability insurance.

(a) Each person licensed by the board as a physical therapist shall, before rendering professional services within the state, submit to the board evidence that the person is maintaining the professional liability insurance coverage required by K.S.A. 65-2920 and amendments thereto, for which the limit of the insurer's liability shall be not less than \$100,000 per claim, subject to an annual aggregate of not less than \$300,000 for all claims made during the period of coverage.

(b) Each person licensed by the board as a physical therapist and rendering professional services in this state shall submit, with the annual application for renewal of the license, evidence that the person is maintaining the professional liability insurance coverage specified in subsection (a).

(Authorized by K.S.A. 2004 Supp. 65-2911; implementing K.S.A. 2004 Supp. 65-2920; effective May 26, 2006.)

100-29-16. Supervision of physical therapist assistants and support personnel.

(a) Each physical therapist shall be responsible for the following:

(1) The physical therapy services provided to a patient or client by any physical therapist assistant working under the direction of the physical therapist; and

(2) the tasks relating to the physical therapy services provided to a patient or client by any support personnel working under the personal supervision of the physical therapist or by the physical therapist assistant acting under the direction of the physical therapist.

(b) Each physical therapist and each physical therapist assistant acting under the direction of a physical therapist shall provide personal supervision of the support personnel during any session in which support personnel are utilized to carry out a task.

(1) "Personal supervision" shall mean oversight by a physical therapist or by a physical therapist assistant acting under the direction of the physical therapist who is on-site and immediately available to the support personnel.

(2) "Support personnel" shall mean any person other than a physical therapist or physical therapist assistant. Support personnel may be designated as or describe themselves as physical therapy aides, physical therapy

technicians, physical therapy paraprofessionals, rehabilitation aides, or rehabilitation technicians.

(3) "Task" shall mean an activity that does not require the formal education or training of a physical therapist or a physical therapist assistant.

(c) The determination by the physical therapist to utilize a physical therapist assistant for selected components of physical therapy interventions shall require the education, expertise, and professional judgment of the physical therapist. Before delegating an intervention by a physical therapist to a physical therapist assistant and before delegating a designated task to support personnel, the physical therapist shall consider the following:

(1) The education, training, experience, and skill level of the physical therapist assistant;

(2) the complexity and acuteness of the patient's or client's condition or health status;

(3) the predictability of the consequences;

(4) the setting in which the care is being delivered to the patient or client; and

(5) the frequency of reexamination of the patient or client.

(d) Only a physical therapist may perform any of the following:

(1) Interpretation of a referral;

(2) performance and documentation of an initial examination, testing, evaluation, diagnosis, and prognosis;

(3) development or modification of a plan of care that is based on a reexamination of the patient or client that includes the physical therapy goals for intervention;

(4) determination of the qualifications of support personnel performing an assigned task;

(5) delegation of and instruction about the service to be rendered by the physical therapist assistant;

(6) timely review of documentation, reexamination of the patient or client, and revision of the plan of care when indicated;

(7) establishment and documentation of the discharge plan and discharge summary; and

(8) oversight of all documentation for services, including documents for billing, rendered to each patient or client under the care of the physical therapist.

(e) In all practice settings, the performance of selected interventions by the physical therapist assistant and the delegation of designated tasks to support personnel shall be consistent with the safe and legal practice of physical

therapy and shall be based on the following factors:

- (1) The complexity and acuteness of the patient's or client's condition or health status;
 - (2) the physical therapist's proximity and accessibility to the patient or client;
 - (3) the supervision available for all emergencies or critical events;
 - (4) the type of setting in which the physical therapy intervention is provided;
 - (5) the ability of the physical therapist assistant to perform the selected interventions or the support personnel to perform designated tasks; and
 - (6) an assessment by the physical therapist of the ability of the support personnel to perform designated tasks.
- (f) Except as specified in this subsection, a physical therapist shall not have more than four physical therapist assistants working concurrently under the direction of that physical therapist. A request by a physical therapist to supervise additional physical therapist assistants may be granted by the board if it finds that significant hardship to the health and welfare of the community will occur if the physical therapist's request to supervise more than four physical therapist assistants is not granted.
- (g) Each physical therapist wishing to provide personal supervision to more than four physical therapist assistants in a clinic or hospital setting shall provide a written and signed request to the physical therapy council with the following information:
- (1) The name of each physical therapist assistant to whom the physical therapist proposes to provide personal supervision;
 - (2) the reason for the request; and
 - (3) a written statement from the clinic or hospital director documenting the hardship and the plan for alleviating future staffing shortages of physical therapists.
- (h) The physical therapy council shall review each request granted by the board pursuant to subsection (f) at least every six months to determine whether a significant hardship to the health and welfare of the community will exist if the request is no longer granted. The physical therapy council shall prepare and submit a written recommendation of each review to the board. A determination of whether the exemption should be renewed for another six-month period shall be made by the board at the recommendation of the physical therapy council.
- (i) Failure to meet the requirements of this regulation shall constitute unprofessional conduct.

(Authorized by K.S.A. 2008 Supp. 65-2911; implementing K.S.A. 2008