

## HB0367S02 compared with HB0367

~~text~~ shows text that was in HB0367 but was deleted in HB0367S02.

text shows text that was not in HB0367 but was inserted into HB0367S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Gregory H. Hughes proposes the following substitute bill:

### PHYSICAL THERAPY SCOPE OF PRACTICE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory H. Hughes**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill ~~adds dry needling to a physical therapist's scope of practice~~ amends provisions of the Physical Therapy Practice Act related to trigger point dry needling.

##### Highlighted Provisions:

This bill:

- ▶ ~~amends the definition of "therapeutic intervention" in the Physical Therapy Practice Act to include~~ allows a licensed physical therapist with two years of experience that meets certain other requirements to practice trigger point dry needling; and
- ▶ makes technical and conforming amendments.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**58-24b-102**, as last amended by Laws of Utah 2012, Chapter 117

### ENACTS:

**58-24b-505, Utah Code Annotated 1953**

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-24b-102** is amended to read:

#### **58-24b-102. Definitions.**

As used in this chapter:

- (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an animal.
- (2) "Board" means the Utah Physical Therapy Licensing Board, created in Section 58-24b-201.
- (3) "Consultation by telecommunication" means the provision of expert or professional advice by a physical therapist who is licensed outside of Utah to a licensed physical therapist or a health care provider by telecommunication or electronic communication.
- (4) "General supervision" means supervision and oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person.
- (5) "Licensed physical therapist" means a person licensed under this chapter to engage in the practice of physical therapy.
- (6) "Licensed physical therapist assistant" means a person licensed under this chapter to engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).
- (7) "Licensing examination" means a nationally recognized physical therapy examination that is approved by the division, in consultation with the board.
- (8) "On-site supervision" means supervision and oversight of a person by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist

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or licensed physical therapist assistant is:

- (a) continuously present at the facility where the person is providing services;
- (b) immediately available to assist the person; and
- (c) regularly involved in the services being provided by the person.

(9) "Physical impairment" means:

- (a) a mechanical impairment;
- (b) a physiological impairment;
- (c) a developmental impairment;
- (d) a functional limitation;
- (e) a disability;
- (f) a mobility impairment; or
- (g) a bodily malfunction.

~~[(11)]~~ (10) (a) "Physical therapy" or "physiotherapy" means:

(i) examining, evaluating, and testing an individual who has a physical impairment or injury;

(ii) identifying or labeling a physical impairment or injury;

(iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain;

(iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury;

(v) treating or alleviating a physical impairment by designing, modifying, or implementing a therapeutic intervention;

(vi) reducing the risk of an injury or physical impairment;

(vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes;

(viii) promoting and maintaining health and fitness;

(ix) the administration of a prescription drug pursuant to Section 58-24b-403;

(x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections ~~[(11)]~~ (10)(a)(i) through (ix) in relation to an animal, in accordance with the requirements of Section 58-24b-405; and

(xi) engaging in administration, consultation, education, and research relating to the

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practices described in this Subsection [~~(11)~~] (10)(a).

(b) "Physical therapy" or "physiotherapy" does not include:

- (i) diagnosing disease;
- (ii) performing surgery;
- (iii) performing acupuncture;
- (iv) taking x-rays; or
- (v) prescribing or dispensing a drug, as defined in Section 58-37-2.

[~~(10)~~] (11) "Physical therapy aide" means a person who:

- (a) is trained, on-the-job, by a licensed physical therapist; and
- (b) provides routine assistance to a licensed physical therapist or licensed physical therapist assistant, while the licensed physical therapist or licensed physical therapist assistant practices physical therapy, within the scope of the licensed physical therapist's or licensed physical therapist assistant's license.

(12) "Recognized accreditation agency" means an accreditation agency that:

- (a) grants accreditation, nationally, in the United States of America; and
- (b) is approved by the division, in consultation with the board.

(13) (a) "Testing" means a standard method or technique used to gather data regarding a patient that is generally and nationally accepted by physical therapists for the practice of physical therapy.

(b) "Testing" includes measurement or evaluation of:

- (i) muscle strength, force, endurance, or tone;
- (ii) cardiovascular fitness;
- (iii) physical work capacity;
- (iv) joint motion, mobility, or stability;
- (v) reflexes or autonomic reactions;
- (vi) movement skill or accuracy;
- (vii) sensation;
- (viii) perception;
- (ix) peripheral nerve integrity;
- (x) locomotor skills, stability, and endurance;
- (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;

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- (xii) posture;
- (xiii) body mechanics;
- (xiv) limb length, circumference, and volume;
- (xv) thoracic excursion and breathing patterns;
- (xvi) activities of daily living related to physical movement and mobility;
- (xvii) functioning in the physical environment at home or work, as it relates to physical movement and mobility; and
- (xviii) neural muscular responses.

(14) (a) "Trigger point dry needling" means the stimulation of a trigger point using a dry needle to treat neuromuscular pain and functional movement deficits.

(b) "Trigger point dry needling" does not include the stimulation of auricular or distal points.

~~[(14)]~~ (15) "Therapeutic intervention" includes:

- (a) therapeutic exercise, with or without the use of a device;
- (b) functional training in self-care, as it relates to physical movement and mobility;
- (c) community or work integration, as it relates to physical movement and mobility;
- (d) manual therapy, including ~~{, as defined by the division}~~:
- (i) soft tissue mobilization;
- (ii) therapeutic massage; ~~{}~~ or ~~{}~~
- (iii) joint mobilization ~~{}~~, as defined by the division, by rule ~~{}~~; ~~{ or }~~
- ~~{~~ (iv) dry needling:
- ~~†~~ (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device;
- (f) airway clearance techniques, including postural drainage;
- (g) integumentary protection and repair techniques;
- (h) wound debridement, cleansing, and dressing;
- (i) the application of a physical agent, including:
  - (i) light;
  - (ii) heat;
  - (iii) cold;
  - (iv) water;

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- (v) air;
- (vi) sound;
- (vii) compression;
- (viii) electricity; and
- (ix) electromagnetic radiation;
- (j) mechanical or electrotherapeutic modalities;
- (k) positioning;
- (l) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
- (m) manual or mechanical traction; ~~[and]~~
- (n) correction of posture, body mechanics, or gait~~;~~

### ~~Legislative Review Note~~

~~as of 2-12-14 3:09 PM~~

~~Office of Legislative Research and General Counsel; ~~[-]; and~~~~

~~(o) trigger point dry needling, under the conditions described in Section 58-24b-505.  
Section 2. Section 58-24b-505 is enacted to read:~~

~~**58-24b-505. Trigger point dry needling -- Experience required.**~~

~~(1) A physical therapist may practice trigger point dry needling if the physical therapist:~~

~~(a) has held a license to practice physical therapy under this chapter, and has actively practiced physical therapy, for two years;~~

~~(b) has successfully completed a course in trigger point dry needling that:~~

~~(i) is approved by the division; and~~

~~(ii) includes at least 300 total course hours, including at least:~~

~~(A) 54 hours of in-person instruction; and~~

~~(B) 250 supervised patient treatment sessions;~~

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(c) files a certificate of completion of the course described in Subsection (1)(b) with the division;

(d) registers with the division as a trigger point dry needling practitioner; and

(e) meets any other requirement to practice trigger point dry needling established by the division.

(2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:

(a) the criteria for approving a course described in Subsection (1)(b); and

(b) the requirements described in Subsection (1)(e).