

SENATE FILE NO. SF0054

Physical therapist licensure.

Sponsored by: Senator(s) Massie and Scott and
Representative(s) Hammons and Stubson

A BILL

for

1 AN ACT relating to physical therapists; providing for
2 criminal background checks of physical therapist
3 applicants; amending the physical therapist practice act;
4 providing exemptions to licensing requirements; amending
5 qualifications for board membership and board powers as
6 specified; amending application requirements for physical
7 therapists, physical therapist assistants and foreign
8 trained applicants; providing for licensure or
9 certification by endorsement; amending the types of
10 discipline and grounds for discipline as specified;
11 providing civil immunity for board members and board
12 investigations as specified; revising and providing
13 definitions; authorizing injunctive relief; granting
14 rulemaking authority; repealing obsolete provisions; and
15 providing for an effective date.

16

1 *Be It Enacted by the Legislature of the State of Wyoming:*

2

3 **Section 1.** W.S. 33-25-116 is created to read:

4

5 **33-25-116. Injunctive relief; grounds.**

6

7 (a) The board may petition in its own name for an
8 injunction to an appropriate court to enjoin:

9

10 (i) Any person from practicing physical therapy
11 as defined in this act without a valid license or
12 certificate, unless specifically exempt from licensure or
13 certification pursuant to W.S. 33-25-102(f);

14

15 (ii) Any license or certificate holder who is in
16 violation of this act from practicing physical therapy;

17

18 (iii) Any person, firm, corporation,
19 institution, association, business or other entity from
20 employing any individual to practice physical therapy who
21 is not licensed or certified as required by this act.

22

23 **Section 2.** W.S. 7-19-106(a) by creating a new
24 paragraph (xx), 7-19-201(a) by creating a new paragraph

1 (xiii), 33-25-101(a)(i), (ii), (iv), (v), (vi), by creating
2 new paragraphs (vii) through (x) and by amending and
3 renumbering (vii) as (xi), 33-25-102(a)(intro), (b), (d),
4 (e)(ii) and by creating a new subsection (f),
5 33-25-103(a)(i), (ii), (iii), (b) and (c), 33-25-104(a)(i),
6 (ii), (iii)(intro) and by creating new paragraphs (vi)
7 through (ix), 33-25-105(a)(intro), (ii), (iii), by creating
8 a new paragraph (iv), (b) and by creating a new subsection
9 (c), 33-25-106(a) and by creating new subsections (e)
10 through (g), 33-25-107, 33-25-108, 33-25-110,
11 33-25-111(a)(intro), (ii) through (v), (vii), (ix), (xi),
12 (xii) and by creating new paragraphs (xiii) through (xxii),
13 33-25-112(a), 33-25-113(a), 33-25-114 and 33-25-115 are
14 amended to read:

15

16 **7-19-106. Access to, and dissemination of,**
17 **information.**

18

19 (a) Criminal history record information shall be
20 disseminated by criminal justice agencies in this state,
21 whether directly or through any intermediary, only to:

22

1 (xx) The board of physical therapy for purposes
2 of obtaining background information on applicants for
3 licensure or certification by the board.

4
5 **7-19-201. State or national criminal history record**
6 **information.**

7
8 (a) The following persons shall be required to submit
9 to fingerprinting in order to obtain state and national
10 criminal history record information:

11
12 (xiii) All persons applying for licensure or
13 certification to the Wyoming board of physical therapy on
14 or after July 1, 2009.

15
16 **33-25-101. Definitions.**

17
18 (a) As used in this act:

19
20 (i) "Physical therapy" or "physiotherapy" means
21 the evaluation, instruction or treatment of a human being
22 to prevent, correct, alleviate or limit physical disability
23 due to injury, disease or any other physical or mental
24 condition by the utilization of physical measures such as

1 ~~exercise, massage,~~ heat, cold, air, light, water,
2 electricity or sound, and rehabilitative procedures
3 including exercise, manual therapy, training in functional
4 activities and the performance and interpretation of tests
5 and measurements of bodily functions as an aid in the
6 examination, evaluation or treatment of any human
7 conditions for the purpose of correcting or alleviating an
8 individual's physical or mental disability. Physical
9 therapy also includes the supervision of physical therapy
10 activities, physical therapy consultation and the
11 establishment and modification of physical therapy
12 programs, but physical therapy shall not include radiology
13 or electro-surgery or authorize the diagnosis of disease.
14 Treatment by physical therapy shall be rendered subject to
15 W.S. 33-25-102. + The practice of physical therapy

16 includes:

17

18 (A) Examining, evaluating and testing
19 individuals with mechanical, physiological or developmental
20 impairments, functional limitations, disabilities or other
21 health or movement related conditions to determine a
22 physical therapy diagnosis, prognosis or plan of treatment
23 and assessing the ongoing effects of intervention;

24

1 (B) Alleviating impairments, functional
2 limitations or disabilities by designing, implementing or
3 modifying treatment interventions that may include but are
4 not limited to:

5
6 (I) Therapeutic exercise;

7
8 (II) Functional activities in the
9 home;

10
11 (III) Community or work integration or
12 reintegration;

13
14 (IV) Manual therapy;

15
16 (V) Therapeutic massage;

17
18 (VI) Prescription, application or
19 fabrication of appropriate assistive, adaptive, protective
20 or supportive devices or equipment;

21
22 (VII) Airway clearance techniques;

23

1 (VIII) Integumentary protection or
2 repair techniques;

3

4 (IX) Wound care;

5

6 (X) Application of physical agents or
7 modalities;

8

9 (XI) Mechanical modalities;

10

11 (XII) Patient related instruction.

12

13 (C) Reducing the risk of injury,
14 impairment, functional limitation or disability, including
15 the promotion and maintenance of fitness, health and
16 wellness.

17

18 (ii) "Physical therapist" or "physiotherapist"
19 means a person who is licensed to practice physical therapy
20 pursuant to this act;

21

22 (iv) "Applicant" means any individual who ~~has~~
23 ~~applied~~ submits a completed application to the board for
24 ~~licensure as~~ issuance of a physical therapist license or

1 ~~registration as~~ a physical therapist assistant ~~and whose~~
2 ~~application is pending, awaiting decision by the board~~
3 certificate;

4
5 (v) "Physical therapist assistant" means an
6 individual who is certified pursuant to this act and who
7 assists a licensed physical therapist in lawfully delegated
8 components of physical therapy subject to the provisions of
9 this act and rules and regulations ~~adopted pursuant~~
10 ~~thereto, and who has met all the requirements of this act~~
11 of the board;

12
13 (vi) "Physical therapy services" means the care
14 and services provided by a licensed physical therapist or a
15 certified physical therapist assistant ~~licensed~~ pursuant to
16 this act;

17
18 (vii) "Consultation by telecommunication" means
19 the provision of professional or expert opinion or advice
20 to a physical therapist or health care provider using
21 telecommunication or computer technology from a distant
22 location. It includes the review or transfer of patient
23 records or related information using audio, video or data
24 communications;

1

2 (viii) "Jurisdiction" means the states,
3 districts, territories or possessions of the United States;

4

5 (ix) "On site supervision" means the supervising
6 physical therapist or physical therapy assistant is
7 continuously present in the facility where the supervised
8 services are provided, is immediately available to the
9 person being supervised and maintains continued involvement
10 in each treatment session;

11

12 (x) "Physical therapy aide" means a person
13 trained under the direction of a licensed physical
14 therapist who performs designated and supervised components
15 of care related to physical therapy;

16

17 ~~(vii)~~ (xi) "This act" means W.S. 33-25-101
18 through ~~33-25-115~~ 33-25-116.

19

20 **33-25-102. Practice of physical therapy; license or**
21 **certificate required; exceptions; false representations.**

22

23 (a) ~~From and after January 1, 1962, No~~ individual
24 shall ~~provide~~ engage in the practice of physical therapy

1 ~~services~~ nor hold himself out as being able to practice
2 physical therapy in the state of Wyoming unless he is
3 licensed or certified in accordance with the provisions of
4 this act and such license or certificate is in good
5 standing and has not been suspended or revoked, except
6 nothing in this act shall:

7
8 (b) No ~~person~~ individual or business entity shall use
9 in connection with his name or business, the words physical
10 therapy, physical therapist, physiotherapy,
11 physiotherapist, registered physical therapist, licensed
12 physical therapist, doctor of physical therapy or the
13 letters P.T., L.P.T., R.P.T., D.P.T., M.P.T., M.S.P.T. or
14 any other words, letters, abbreviations or insignia
15 indicating or implying directly or indirectly that physical
16 therapy is provided or supplied in any manner ~~when~~ unless
17 the person is ~~not~~ a physical therapist ~~or physical~~
18 ~~therapist assistant~~ licensed to practice in accordance with
19 this act. No individual or business entity shall use the
20 title physical therapist assistant, the letters P.T.A. or
21 any other words, abbreviations or insignia in connection
22 with his name to indicate or imply that the person is a
23 physical therapist assistant unless the person is certified

1 as a physical therapist assistant in accordance with this
2 act.

3
4 (d) ~~Assistive personnel~~ Physical therapy aides may
5 perform patient care activities as defined by the board
6 under the on-site supervision of a licensed physical
7 therapist or a ~~registered~~ certified physical therapist
8 assistant.

9
10 (e) Prior to any physical therapy service, the
11 patient or client shall be directed to posted information
12 and delivered a handout explaining:

13
14 (ii) That coverage may not be available through
15 governmental or worker's compensation programs unless
16 prescribed by a physician, physician's assistant, dentist,
17 podiatrist or nurse practitioner; and

18
19 (f) The following persons are exempt from the
20 licensure and certification requirements of this act:

21
22 (i) A person in a professional education program
23 approved by the board who is satisfying supervised clinical
24 education requirements related to the person's physical

1 therapist education while under on-site supervision of a
2 licensed physical therapist;

3
4 (ii) A physical therapist who is practicing
5 exclusively through the United States armed services,
6 public health service or veterans administration;

7
8 (iii) A physical therapist licensed to practice
9 physical therapy in another jurisdiction while teaching,
10 demonstrating, providing physical therapy in connection
11 with teaching or participating in an educational seminar in
12 Wyoming. An exemption under this paragraph shall not
13 exceed sixty (60) days cumulatively in a calendar year;

14
15 (iv) A physical therapist licensed in another
16 jurisdiction who provides consultation using
17 telecommunication to a physical therapist licensed under
18 this act;

19
20 (v) A physical therapist licensed in another
21 jurisdiction or credentialed in another country who
22 provides therapy to individuals affiliated with or employed
23 by established athletic teams, athletic organizations or
24 performing arts companies temporarily practicing, competing

1 or performing in the state. An exemption under this
2 paragraph shall not exceed sixty (60) days cumulatively in
3 a calendar year;

4
5 (vi) A physical therapist licensed in another
6 jurisdiction who enters this state to provide physical
7 therapy during a public health emergency as declared by the
8 governor pursuant to W.S. 35-4-115(a)(i). Any physical
9 therapist practicing pursuant to this paragraph shall
10 notify the board of the therapist's intent to practice and
11 supply additional information as provided by rules of the
12 board;

13
14 (vii) A physical therapist licensed in another
15 jurisdiction who is forced to leave his residence or place
16 of employment due to a declared local, state or national
17 disaster or emergency and who seeks to practice physical
18 therapy in Wyoming. An exemption under this paragraph
19 shall be limited to sixty (60) days following the
20 declaration of disaster or emergency. Any physical
21 therapist practicing pursuant to this paragraph shall
22 notify the board of the therapist's intent to practice and
23 supply additional information as provided by rules of the
24 board.

1

2 **33-25-103. Board of physical therapy; established;**
3 **members; terms; removal; compensation.**

4

5 (a) There is established the Wyoming board of
6 physical therapy which shall consist of three (3) physical
7 therapists licensed pursuant to this act, one (1) public
8 representative and one (1) medical doctor, appointed as
9 follows:

10

11 (i) The physical therapist members shall be
12 appointed by the governor. ~~from a list of five (5)~~
13 ~~qualified physical therapists submitted by the Wyoming~~
14 ~~chapter of American Physical Therapy Association.~~ All shall
15 be residents of Wyoming, ~~and practitioners of~~ possess
16 unrestricted licenses to practice physical therapy. ~~They~~
17 ~~shall meet all requirements established by the American~~
18 ~~Physical Therapy Association for registry of members and~~
19 ~~shall have practiced a minimum of three (3) years in~~
20 Wyoming in this state and have been practicing in this
21 state for not less than three (3) years before appointment;

22

23 (ii) A medical doctor shall be appointed to the
24 board by the governor. ~~from a list of five (5) medical~~

1 ~~doctors, recommended on the basis of interest in physical~~
2 ~~therapy, by the Wyoming chapter of the American Physical~~
3 ~~Therapy Association. Those recommended~~ The medical doctor
4 shall be practicing physicians who ~~have~~ has practiced in
5 Wyoming for a period of at least five (5) years immediately
6 preceding the appointment;

7
8 (iii) The public member shall be appointed by
9 the governor, shall be a resident of Wyoming and shall have
10 resided in the state for not less than three (3) years.

11
12 (b) Terms of office for board members shall be for
13 ~~three (3)~~ four (4) years, ~~with initial terms for the~~
14 ~~physical therapist members being~~ staggered so the term of
15 one (1) ~~physical therapist member~~ expires each year, except
16 that the expiring term of a member shall continue until a
17 successor member has been appointed. Board members shall
18 serve no more than two (2) consecutive terms. The governor
19 may remove any member as provided in W.S. 9-1-202.

20
21 (c) Members of the board shall each receive, from the
22 physical therapy account ~~fifty dollars (\$50.00)~~
23 compensation at the salary rate provided in W.S.
24 8-1-103(a)(ix) and 28-5-101(d) for each day actually spent

1 in the performance of their board duties along with per
2 diem and mileage allowance as allowed to state employees.
3 Board members shall serve without compensation where there
4 are insufficient monies in the account to pay the
5 compensation.

6
7 **33-25-104. Board of physical therapy; powers and**
8 **duties generally.**

9
10 (a) The board shall have the following powers and
11 duties:

12
13 (i) ~~Pass upon~~ Evaluate the qualifications of
14 applicants for ~~license as a physical therapist and~~
15 ~~registration as a physical therapist assistant~~ licensure
16 and certification, conduct examinations for applicants,
17 issue license or registration certificates to those who
18 meet the requirements established by the board;

19
20 (ii) ~~Have authority to~~ Revoke, suspend, ~~or deny~~
21 restrict, condition, reprimand, refuse to renew or refuse
22 to issue the license of any physical therapist or the
23 ~~registration~~ certificate of any physical therapy assistant
24 or applicant pursuant to W.S. 33-25-111;

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(iii) Maintain current records listing the name of every licensed physical therapist and certified physical therapist assistant ~~licensed or registered~~ in this state, his business and home address, the date and number of his license or ~~registration~~ certification and, if known, his area or expertise, professional interest or credentials~~;~~⁺

(vi) Establish procedures for assessing the continuing professional competence of physical therapists and physical therapist assistants;

(vii) Conduct investigations, hearings and proceedings concerning alleged violations of this act and board rules and regulations;

(viii) Inspect or duplicate patient medical records which relate to any alleged acts of misconduct, documented in the form of a formal complaint filed with the board, against any license or certificate holder and as authorized by the Health Insurance Portability and Accountability Act for regulatory bodies;

1 (ix) Report final disciplinary action taken
2 against a license or certificate holder to the extent
3 authorized or required by other state and federal laws.
4

5 **33-25-105. License and certification requirements;**
6 **foreign trained applicants.**
7

8 (a) Application for licensure ~~or registration~~ as a
9 physical therapist shall be made on forms prescribed by the
10 board, presenting to the satisfaction of the board the
11 following:
12

13 (ii) Evidence of ~~successful completion of a~~
14 ~~board approved~~ graduation from an accredited program of
15 physical therapy or physical therapy assistant education as
16 set forth in rules and regulations;
17

18 (iii) A personal interview ~~may be required~~ if
19 requested by the board; ~~deems it necessary.~~
20

21 (iv) If not exempted under W.S. 33-25-108,
22 receipt of a passing score on a physical therapy
23 examination as set forth in board rules and regulations.
24

1 (b) A physical therapist applicant whose application
2 is based on a diploma issued to him by a physical therapy
3 school outside the United States shall:

4
5 (i) Complete the application forms and pay the
6 application fee prescribed by rules of the board;
7

8 (ii) Furnish evidence satisfactory to the board
9 of the completion of a physical therapy school resident
10 course of professional instruction substantially equivalent
11 to that required in paragraph (a)(ii) of this section.

12 ~~Foreign applicants shall satisfactorily complete a period~~
13 ~~of service not to exceed one (1) year under the continuous~~
14 ~~direction and immediate supervision of a licensed physical~~
15 ~~therapist in a physical therapy setting or in an~~
16 ~~institution either of which have been approved by the board~~
17 ~~for providing such a period of service. The board may~~
18 ~~waive all or any portion of the required period of service~~
19 ~~based on criteria set forth by the board in rules and~~
20 ~~regulations. Before a license may be issued, each foreign~~
21 ~~applicant shall pass a written examination prior to~~
22 ~~commencing a period of service and may be required to pass~~
23 ~~an oral examination at the completion of the period of~~
24 ~~service if the period of service has not been completed to~~

1 ~~the satisfaction of the supervising physical therapist~~ A
2 professional education program accredited by the same
3 accrediting agency approved by the board for programs
4 within the United States shall be deemed substantially
5 equivalent. In all other instances, "substantially
6 equivalent" means a program that:

7
8 (A) Prepares the applicant to engage in the
9 practice of physical therapy without restriction;

10
11 (B) Is recognized by the ministry of
12 education of the country in which it is located.

13
14 (iii) Undergo a credentials evaluation directed
15 by the board which determines the applicant has met the
16 uniform criteria for educational requirements prescribed by
17 board rules;

18
19 (iv) Complete any additional education required
20 by the board;

21
22 (v) Pass a board approved English proficiency
23 examination if the applicant's native language is not
24 English;

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(vi) If not exempted under W.S. 33-25-108, receive a passing score on an examination approved by the board and prescribed by board rules;

(vii) Attend a personal interview if requested by the board.

(c) An applicant for certification as a physical therapist assistant shall:

(i) Complete the application process including payment of fees;

(ii) Submit proof of graduation from a physical therapist assistant education program accredited by a national accreditation agency approved by the board;

(iii) If not exempted under W.S. 33-25-108, receive a passing score on an examination approved by the board and prescribed by board rules;

(iv) Meet with the board or a subcommittee of the board if requested.

1
2 **33-25-106. Examinations.**

3
4 (a) All applicants shall be required to pass an
5 examination prior to their being licensed or ~~registered~~
6 certified as provided ~~herein~~ in this article unless
7 otherwise exempted from examination pursuant to W.S.
8 33-25-108. The ~~examination~~ examinations shall be approved
9 ~~and administered~~ by the board. ~~and shall include a written~~
10 ~~examination which shall test each applicant's knowledge of~~
11 ~~basic and clinical sciences as they relate to physical~~
12 ~~therapy and physical therapy theory and physical therapy~~
13 ~~procedures along with such other subjects as the board may~~
14 ~~deem useful to test the applicant's fitness to practice~~
15 ~~physical therapy or to act as physical therapy assistant.~~
16 ~~The board shall define passing and failing examination~~
17 ~~grades.~~

18
19 (e) The physical therapist examination shall be a
20 national examination which tests entry level competence
21 related to physical therapy theory, examination and
22 evaluation, diagnosis, prognosis, treatment intervention,
23 prevention and consultation.

1 (f) The physical therapy assistant examination shall
2 test for requisite knowledge and skills in the technical
3 application of physical therapy.

4
5 (g) If the board determines that an applicant has
6 engaged in or attempted to engage in conduct that subverts
7 or undermines the integrity of the examination process, the
8 board may disqualify the applicant from taking or retaking
9 the examination for a specified period of time.

10
11 **33-25-107. License; certificate of registration.**

12
13 (a) The board shall issue a license or certificate ~~of~~
14 ~~registration~~ to each applicant who meets the requirements
15 for licensure or ~~registration~~ certification without
16 examination or who passes the examination and meets the
17 standards established herein for licensure or ~~registration~~
18 certification.

19
20 (b) Each individual licensed as a physical therapist
21 in this state is authorized to use the letters ~~"L.P.T." or~~
22 "P.T." after his name, and may represent himself to the
23 public as a licensed physical therapist.

1 (c) Each individual ~~registered~~certified as a
2 physical therapist assistant shall be entitled to use the
3 letters "~~R.P.T.A.~~or P.T.A." after his name, and may
4 represent himself to the public as a ~~registered~~certified
5 physical therapist assistant.

6
7 **33-25-108. Licensure or certification by endorsement.**

8
9 (a) The board shall license as a physical therapist
10 or ~~register~~ ~~certify as a physical therapist assistant~~
11 without examination ~~those applicants~~ an applicant who ~~meet~~
12 ~~the requirements set forth in W.S. 33-25-108 and who are~~

13
14 (i) Submits a complete application for licensure
15 or certification by endorsement including payment of all
16 applicable fees;

17
18 (ii) Provides verification that the applicant is
19 licensed or registered without restriction as a physical
20 therapist or licensed, registered or certified without
21 restriction as a physical therapist assistant by another
22 ~~state or territory of the United States or the District of~~
23 ~~Columbia if the~~ jurisdiction;

1 (iii) Demonstrates that the requirements for
2 license, registration or certification in the ~~state,~~
3 ~~territory or district~~ other jurisdiction were, at the date
4 of licensure or registration, substantially equal to the
5 requirements for licensing or ~~registration set forth~~
6 certification in this act; ~~. However, if the applicant has~~
7 ~~not taken a physical therapy examination given by the~~
8 ~~professional examination service, or has failed the~~
9 ~~examination one (1) or more times, issuance of a license or~~
10 ~~registration under this section is at the discretion of the~~
11 ~~board.~~

12
13 (iv) Has not had any professional discipline and
14 is not subject to any investigation or pending disciplinary
15 action in any other jurisdiction;

16
17 (v) Meets with the board or a subcommittee of the
18 board if requested.

19
20 **33-25-110. License or certificate expiration and**
21 **reissuance.**

22
23 (a) All permanent licenses and certificates ~~of~~
24 ~~registration~~ issued pursuant to this act shall expire on

1 ~~January~~ October 1 of the year next succeeding their
2 issuance.

3
4 (b) A license or certificate ~~of registration~~ may be
5 renewed by ~~making~~ submitting a timely, sufficient and
6 complete application, ~~and upon~~ payment of the required fee
7 and verification of continuing competence.

8
9 (c) A license or certificate ~~of registration~~ which
10 has expired may be ~~renewed within five (5) years of its~~
11 ~~expiration by the payment of renewal fees for each year or~~
12 ~~part thereof during which the license or registration was~~
13 ~~ineffective, and the payment of the required restoration~~
14 ~~fee. No renewal shall be permitted of a license or~~
15 ~~certificate of registration which has expired and has not~~
16 ~~been renewed for five (5) years from its expiration date,~~
17 ~~without full compliance with all requirements of this act~~
18 reissued upon submission by the applicant of a completed
19 application, payment of fees, demonstration that the
20 applicant meets all current requirements for licensure or
21 certification under this act and verification of continuing
22 competence.

23

1 **33-25-111. Discipline; denial or suspension of**
2 **license or certificate; grounds.**

3
4 (a) The board may ~~limit the scope of practice allowed~~
5 ~~by the license or registration, or condition the retention~~
6 ~~of a license or registration upon successful completion of~~
7 ~~any reasonable requirement, or may refuse to license or~~
8 ~~register any applicant or may refuse to renew the license~~
9 ~~or registration of any person or may suspend or revoke,~~
10 suspend, restrict, condition, reprimand, refuse to issue or
11 refuse to renew the license or ~~registration~~ certification
12 of any individual, who:

13
14 (ii) Has practiced or attempts to ~~or obtains~~
15 ~~licensure or registration by~~ practice fraud or
16 ~~misrepresentations; deceit in:~~

17
18 (A) Procuring or attempting to procure a
19 license or certificate;

20
21 (B) Filing or reporting any health care
22 information, including but not limited to client
23 documentation, agency records or other essential health
24 documents;

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(C) Signing any report or record as a physical therapist or physical therapist assistant;

(D) Representing authority to practice physical therapy;

(F) Submitting any information or record to the board.

(iii) Commits negligence or incompetence in the practice of physical therapy or engages in any act inconsistent with uniform and reasonable standards of physical therapy practice as defined by board rules and regulations, whether with or without injury to a patient;

(iv) Has been convicted of a felony or a misdemeanor that relates adversely to the practice of physical therapy or the ability to practice physical therapy, in the courts of this state, ~~or any other state, territory~~ another jurisdiction or another country. As used in this paragraph, conviction includes a finding or verdict of guilt, an admission of guilt, ~~or a plea of nolo contendere~~ or a plea agreement where the defendant has pled

1 guilty yet not admitted to all the facts that comprise the
2 crime;

3
4 (v) ~~Habitually indulges in the use of~~ Uses or
5 possesses controlled substances, or excessively indulges in
6 the use of alcoholic ~~liquors or malt~~ beverages;

7
8 (vii) Has had his license to practice physical
9 therapy or ~~registration~~ certification to act as a physical
10 therapist assistant refused, revoked or suspended or has
11 had other disciplinary action taken ~~by the proper~~
12 ~~authorities of another state, territory~~ in another
13 jurisdiction or country;

14
15 (ix) Has ~~been guilty of~~ engaged in any conduct
16 or practice contrary to recognized standards of ethics of
17 the physical therapy profession where the conduct or
18 practice might constitute a danger to the health, safety or
19 welfare of the patient or the public;

20
21 (xi) Has been judged mentally incompetent by a
22 court of competent jurisdiction;

23

1 (xii) Fails to refer a patient or client or post
2 information as required by W.S. ~~33-25-102(c) and (e).~~
3 33-25-102(e);

4
5 (xiii) Has knowingly engaged in an act which the
6 license or certificate holder knew was beyond the scope of
7 the individual's license or certificate or performed acts
8 without sufficient education, knowledge or ability to
9 competently apply physical therapy principles and skills;

10
11 (xiv) Is unfit or incompetent to practice
12 physical therapy by reason of negligence, habits or other
13 causes including but not limited to inability to exercise
14 reasonable skill and care for patients by reasons of
15 physical disability, mental disability or the use of drugs,
16 narcotics, alcohol, chemicals or other substance that
17 affects mental faculties;

18
19 (xv) Knowingly fails to report to the board any
20 violation of this act or rules and regulations of the
21 board;

22

1 (xv) Violates any provisions of this act, rules
2 and regulations of the board or lawfully issued
3 disciplinary order of the board;

4
5 (xvi) Has committed any act deemed to constitute
6 unprofessional or unethical conduct as defined by rules and
7 regulations of the board;

8
9 (xvii) Has engaged or attempted to engage in
10 conduct that subverts or undermines the integrity of the
11 examination or the examination process including but not
12 limited to utilizing recalled or memorized examination
13 questions, failing to comply with all test center security
14 procedures, communicating with other examinees during the
15 examination or copying or sharing examination questions or
16 portions of questions;

17
18 (xviii) Has failed to maintain adequate patient
19 records that include identification of the patient,
20 evaluation of objective findings, a diagnosis, a plan of
21 care, a treatment record and a discharge plan;

22
23 (xix) Has failed to properly supervise physical
24 therapist assistants or physical therapy aides;

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(xx) Has engaged in sexual misconduct as defined by the rules and regulations of the board;

(xxi) Has interfered with an investigation or disciplinary proceeding by:

(A) Failing to provide the board with requested information or documents, including patient medical records;

(B) Misrepresentation of material facts;

(C) Threatening, harassing or intimidating any patient, witness or board member during the course of an investigation.

(xxii) Has failed to maintain patient confidentiality, including confidentiality of records relating to consultation by telecommunication, without documented patient authorization or as otherwise required by law.

33-25-112. Hearing and appeal procedures.

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2 (a) ~~The board shall notify any applicant of a~~
3 ~~decision to deny a license or registration for the~~
4 ~~applicant's failure to comply with the requirements of this~~
5 ~~act. The board shall notify any licensed physical therapist~~
6 ~~or registered physical therapy assistant of any complaint~~
7 ~~against him or of any revocation or suspension decision~~
8 ~~being considered by the board by registered mail sent to~~
9 ~~his last known address or by personal service of the~~
10 ~~notice. Except as provided by W.S. 33-25-111(b), within~~
11 ~~sixty (60) days of the mailing or delivery by personal~~
12 ~~service of the notice, the person may demand a hearing~~
13 ~~before the board. The board shall grant such demands. The~~
14 ~~hearing~~ All disciplinary actions, denials of applications
15 and hearings shall be conducted in accordance with the
16 provisions of the Wyoming Administrative Procedure Act.

17

18 **33-25-113. Fees.**

19

20 (a) The board, pursuant to W.S. 33-1-201, shall
21 establish fees for examination, licensure or ~~registration~~
22 ~~without examination, temporary licensure or registration~~
23 certification, licensure or certification by endorsement,
24 renewal and ~~restoration~~ reissuance.

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2 **33-25-114. Penalties.**

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4 Each violation of any provision of this act is a
5 misdemeanor and is punishable by fine of not more than
6 seven hundred fifty dollars (\$750.00) or by imprisonment
7 for not more than six (6) months, or both.

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9 **33-25-115. Actions against board members; defense.**

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11 (a) Members, agents and employees of the board and
12 any person reporting information to the board under oath
13 shall be immune from personal liability with respect to
14 acts done and actions taken in good faith without fraud or
15 malice.

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17 (b) The immunity provided by this section shall
18 extend to the members of any professional review committee,
19 investigators and witnesses appearing before the board.

20

21 (c) The state shall defend and hold harmless any
22 member of the board from any action at law resulting from
23 any action taken in good faith in the course of his
24 official duties.

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2 **Section 3.** W.S. 33-25-102(a)(iv) and (c),
3 33-25-104(a)(iii)(A), 35-25-106(b) through (d), 33-25-109
4 and 35-25-112(b) and (c) are repealed.

5

6 **Section 4.** This act is effective July 1, 2009.

7

8 (END)