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SENATE BILL 571

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE PHYSICAL THERAPY ACT TO REMOVE THE CONDITION PRECEDENT FOR PHYSICAL THERAPY TREATMENT OF A PRIOR PRIMARY CARE MEDICAL DIAGNOSIS; REPEALING A SECTION OF THE PHYSICAL THERAPY ACT TO REMOVE THE PHYSICAL THERAPY BOARD TERMINATION AND THE DELAYED REPEAL OF THE PHYSICAL THERAPY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-12D-10 NMSA 1978 (being Laws 1997, Chapter 89, Section 10) is amended to read:

"61-12D-10. LICENSURE--QUALIFICATIONS.--

A. An applicant for licensure as a physical therapist shall submit a completed application and have the following minimum qualifications:

- (1) be of good moral character;

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1 (2) be a graduate of an accredited physical
2 therapy program approved by the board;

3 (3) have successfully passed the national
4 physical therapy examination approved by the board; and

5 (4) have successfully passed the state
6 jurisprudence examination.

7 B. An applicant for licensure as a physical
8 therapist who has been educated outside the United States shall
9 submit a completed application and meet the following minimum
10 qualifications in addition to those required in Paragraphs (1),
11 (3) and (4) of Subsection A of this section:

12 (1) provide satisfactory evidence that [~~his~~]
13 the applicant's education is substantially equivalent to the
14 requirements of physical therapists educated in accredited
15 educational programs in the United States, as determined by the
16 board. If the board determines that a foreign-educated
17 applicant's education is not substantially equivalent, it may
18 require completion of additional course work before proceeding
19 with the application process;

20 (2) provide evidence that [~~he~~] the applicant
21 is a graduate of a school of training that is recognized by the
22 foreign country's own ministry of education or similar
23 institution;

24 (3) provide written proof of authorization to
25 practice as a physical therapist without limitations in the

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1 legal jurisdiction where the postsecondary institution from
2 which the applicant has graduated is located;

3 (4) provide proof of legal authorization to
4 reside and seek employment in the United States or its
5 territories;

6 (5) have [~~his~~] the applicant's educational
7 credentials evaluated by a board-approved credential evaluation
8 agency;

9 (6) pass all approved English proficiency
10 examinations as may be prescribed by the board if English is
11 not [~~his~~] the applicant's primary language; and

12 (7) participate in an interim supervised
13 clinical practice period as may be prescribed by the board.

14 C. The board may issue an interim permit to a
15 foreign-trained applicant who satisfies the board's
16 requirements. An interim permit shall be issued for the
17 purpose of participating in a supervised clinical practice
18 period.

19 D. If the foreign-educated physical therapist
20 applicant is a graduate of a college accredited by the
21 commission on accreditation in physical therapy education, the
22 requirements of Paragraphs (1), (2), (5) and (7) of Subsection
23 B of this section are waived.

24 E. An applicant for licensure as a physical
25 therapist assistant shall submit a completed application and

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1 meet the following minimum requirements:

- 2 (1) be of good moral character;
- 3 (2) be a graduate of an accredited physical
4 therapist assistant program approved by the board;
- 5 (3) have successfully passed the national
6 physical therapy examination approved by the board; and
- 7 (4) have successfully passed the state
8 jurisprudence examination.

9 F. An applicant for licensure as a physical
10 therapist or physical therapist assistant shall file a written
11 application on forms provided by the board. A nonrefundable
12 application fee and the cost of the examination shall accompany
13 the completed written application.

14 G. Applicants who fail to pass the examinations
15 shall be subject to requirements determined by board
16 regulations prior to being approved by the board for subsequent
17 testing.

18 H. The board or its designee shall issue a license
19 to a physical therapist or physical therapist assistant who has
20 a valid unrestricted license from another United States
21 jurisdiction and who meets all requirements for licensure in
22 New Mexico.

23 I. Prior to licensure, if prescribed by the board,
24 the board or its designee may issue a temporary nonrenewable
25 license to a physical therapist or physical therapist assistant

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1 who has completed the education and experience requirements of
2 the Physical ~~[Therapist]~~ Therapy Act. The temporary license
3 shall allow the applicant to practice physical therapy under
4 the supervision of a licensed physical therapist until a
5 permanent license is approved that shall include passing the
6 national physical therapy examination.

7 J. The board or its designee may issue a temporary
8 license to a physical therapist or physical therapist assistant
9 performing physical therapy while teaching an educational
10 seminar who has met the requirements established by regulation
11 of the board.

12 K. A physical therapist or physical therapist
13 assistant licensed under the provisions of the Physical Therapy
14 Act shall renew ~~[his]~~ the physical therapist's or physical
15 therapist assistant's license as specified in board rules. A
16 person who fails to renew ~~[his]~~ the person's license by the
17 date of expiration shall not practice physical therapy as a
18 physical therapist or physical therapist assistant in New
19 Mexico.

20 L. Reinstatement of a lapsed license following a
21 renewal deadline requires payment of a renewal fee and late
22 fee.

23 M. Reinstatement of a physical therapist or
24 physical therapist assistant license that has lapsed for more
25 than three years, without evidence of continued practice in

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1 another state pursuant to a valid unrestricted license in that
2 state, requires reapplication and payment of fees, as specified
3 in board rules. The board shall promulgate rules establishing
4 the qualifications for reinstatement of a lapsed license.

5 N. The board may establish, by rule, activities to
6 periodically assess continuing competence to practice physical
7 therapy.

8 O. A physical therapist [~~shall not accept a patient~~
9 ~~for treatment without an existing medical diagnosis for the~~
10 ~~specific medical or physical problem made by a licensed primary~~
11 ~~care provider, except for those children participating in~~
12 ~~special education programs in accordance with Section 22-13-5~~
13 ~~NMSA 1978 and for acute care within the scope of practice of~~
14 ~~physical therapy. For the purposes of this subsection,~~
15 ~~"existing medical diagnosis" means substantive signs and~~
16 ~~symptoms consistent with the episode from a previous primary~~
17 ~~care provider diagnosis made or confirmed by that provider~~
18 ~~within the past twelve months] is a licensed health care
19 provider conducting the practice of physical therapy in the
20 state as "physical therapy" is defined in Subsection I of
21 Section 61-12D-3 NMSA 1978 and in accordance with the
22 provisions of Section 61-12D-8 NMSA 1978. A physical therapist
23 is fully responsible for managing all aspects of the physical
24 therapy care of each patient served, including children who
25 participate in special education programs in accordance with~~

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1 Section 22-13-5 NMSA 1978. A physical therapist shall provide:

2 (1) an initial evaluation, determination of
3 physical therapy diagnosis, prognosis and a plan of treatment
4 intervention and documentation of each encounter with each
5 patient;

6 (2) periodic reevaluation and documentation of
7 each patient's care; and

8 (3) a documented discharge from care for each
9 patient, including the patient's response to treatment
10 intervention at the time of discharge."

11 SECTION 2. REPEAL.--Section 61-12D-17 NMSA 1978 (being
12 Laws 1997, Chapter 89, Section 17, as amended) is repealed.