

ENROLLED ACT NO. 58, SENATE

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AN ACT relating to physical therapists; providing for criminal background checks of physical therapist applicants; amending the physical therapist practice act; providing exemptions to licensing requirements; amending qualifications for board membership and board powers as specified; amending application requirements for physical therapists, physical therapist assistants and foreign trained applicants; providing for licensure or certification by endorsement; amending the types of discipline and grounds for discipline as specified; amending permissible practices of specified physical therapists; providing civil immunity for board members and board investigations as specified; revising and providing definitions; authorizing injunctive relief; granting rulemaking authority; repealing obsolete provisions; and providing for an effective date.

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

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

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

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

(i) Any person violating W.S. 33-25-102(a), unless specifically exempt from licensure or certification pursuant to W.S. 33-25-102(f);

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

(iii) Any person, firm, corporation, institution, association, business or other entity from

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employing any individual to practice physical therapy who is not licensed or certified as required by this act.

**Section 2.** W.S. 7-19-106(a) by creating a new paragraph (xx), 7-19-201(a) by creating a new paragraph (xiii), 33-25-101(a)(i), (iv), (v), (vi), by creating new paragraphs (vii) through (xi) and by amending and renumbering (vii) as (xii), 33-25-102(a)(intro), (b), (c)(intro), (d), (e)(ii) and by creating a new subsection (f), 33-25-103(a)(i), (ii), (iii), (b) and (c), 33-25-104(a)(i), (ii), (iii)(intro) and by creating new paragraphs (vi) through (ix), 33-25-105(a)(intro), (ii), (iii), by creating a new paragraph (iv), (b) and by creating a new subsection (c), 33-25-106(a) and by creating new subsections (e) through (g), 33-25-107, 33-25-108, 33-25-110, 33-25-111(a)(intro), (ii) through (v), (vii), (ix), (xi), (xii) and by creating new paragraphs (xiii) through (xxii), 33-25-112(a), 33-25-113(a), 33-25-114 and 33-25-115 are amended to read:

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

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

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

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

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

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

**33-25-101. Definitions.**

(a) As used in this act:

(i) "Physical therapy" or "physiotherapy" means ~~the evaluation, instruction or treatment of a human being to prevent, correct, alleviate or limit physical disability due to injury, disease or any other physical or mental condition by the utilization of physical measures such as exercise, massage, heat, cold, air, light, water, electricity or sound, and rehabilitative procedures including training in functional activities and the performance and interpretation of tests and measurements of bodily functions as an aid in the examination, evaluation or treatment of any human conditions for the purpose of correcting or alleviating an individual's physical or mental disability. Physical therapy also includes the supervision of physical therapy activities, physical therapy consultation and the establishment and modification of physical therapy programs, but physical therapy shall not include radiology or electro surgery or authorize the diagnosis of disease. Treatment by physical therapy shall be rendered subject to W.S. 33-25-102;~~ the care and services provided by or under the direction and supervision of a physical therapist or physiotherapist who is licensed pursuant to this act. The practice of physical therapy includes:

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

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

(I) Therapeutic exercise;

(II) Functional activities in the home;

(III) Community or work integration or reintegration;

(IV) Manual therapy, which includes mobilization and grades I through IV manipulation of joints and soft tissue but does not include grade V manipulations without completion of advanced training requirements as determined by the board;

(V) Therapeutic massage;

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

(VII) Airway clearance techniques;

(VIII) Integumentary protection or repair techniques;

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(IX) Wound care;

(X) Application of physical agents or modalities;

(XI) Mechanical modalities;

(XII) Patient related instruction.

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

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

(iv) "Applicant" means any individual who ~~has applied~~ submits a completed application to the board for ~~licensure as~~ issuance of a physical therapist license or ~~registration as~~ a physical therapist assistant ~~and whose application is pending, awaiting decision by the board certificate;~~

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

(vi) "Physical therapy services" means the care and services provided by a licensed physical therapist or a

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certified physical therapist assistant ~~licensed~~ pursuant to this act;

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

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

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

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

(xi) "Physical therapy diagnosis" means a systematic examination process that culminates in assigning a diagnostic label identifying the primary dysfunction towards which physical therapy treatment will be directed, but shall not include a medical diagnosis or a diagnosis of disease;

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

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

(a) ~~From and after January 1, 1962,~~ No individual shall ~~provide~~ engage in the practice of physical therapy services nor hold himself out as being able to practice physical therapy in the state of Wyoming unless he is licensed or certified in accordance with the provisions of this act and such license or certificate is in good standing and has not been suspended or revoked, except nothing in this act shall:

(b) No ~~person~~ individual or business entity shall use in connection with his name or business, the words physical therapy, physical therapist, physiotherapy, physiotherapist, registered physical therapist, licensed physical therapist, doctor of physical therapy or the letters P.T., L.P.T., R.P.T., D.P.T., M.P.T., M.S.P.T. or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied in any manner ~~when~~ unless the person is ~~not~~ a physical therapist ~~or physical therapist assistant~~ licensed to practice in accordance with this act. No individual or business entity shall use the title physical therapist assistant, the letters P.T.A. or any other words, abbreviations or insignia in connection with his name to indicate or imply that the person is a physical therapist assistant unless the person is certified as a physical therapist assistant in accordance with this act.

(c) Except as provided in this subsection, a physical therapist with a master's degree, or a bachelor's degree with five (5) years of clinical experience may initiate physical therapy treatment for a new or recurring injury with or without a prescription from a licensed physician

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including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant. Nothing in this subsection shall be construed to preclude a physical therapist from treating a chronic or recurring injury or condition without a prescription, provided that the patient or client was previously diagnosed and prescribed physical therapy treatment within the previous year by a health care provider identified in this subsection and the treatment is directly related to the original prescribed care. ~~Without a prescription~~ Except in an emergency, a physical therapist, without a prescription, is prohibited from initiating physical therapy treatment for children under the age of twelve (12) years, unless the child is to receive physical therapy treatment under an individualized education program or an individualized family services plan. A physical therapist shall refer the patient or client to a licensed physician including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant, as appropriate, when:

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

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

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

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

(i) A person in a professional education program approved by the board who is satisfying supervised clinical education requirements related to the person's physical therapist education while under on-site supervision of a licensed physical therapist;

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

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

(iv) A physical therapist licensed in another jurisdiction who provides consultation using telecommunication;

(v) A physical therapist licensed in another jurisdiction or credentialed in another country who provides therapy to individuals affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the state. An exemption under this paragraph shall not exceed sixty (60) days cumulatively in a calendar year;

(vi) A physical therapist licensed in another jurisdiction who enters this state to provide physical therapy during a public health emergency as declared by the

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governor pursuant to W.S. 35-4-115(a)(i). Any physical therapist practicing pursuant to this paragraph shall notify the board of the therapist's intent to practice and supply additional information as provided by rules of the board;

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

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

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

(i) The physical therapist members shall be appointed by the governor. ~~from a list of five (5) qualified physical therapists submitted by the Wyoming chapter of American Physical Therapy Association.~~ All shall be residents of Wyoming, ~~and practitioners of~~ possess unrestricted licenses to practice physical therapy. ~~They shall meet all requirements established by the American Physical Therapy Association for registry of members and shall have practiced a minimum of three (3) years in~~

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Wyoming in this state and have been practicing in this state for not less than three (3) years before appointment;

(ii) A medical doctor shall be appointed to the board by the governor, ~~from a list of five (5) medical doctors, recommended on the basis of interest in physical therapy, by the Wyoming chapter of the American Physical Therapy Association. Those recommended~~ The medical doctor shall be a practicing ~~physicians~~ physician who ~~have~~ has practiced in Wyoming for a period of at least five (5) years immediately preceding the appointment;

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

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

(c) Members of the board shall each receive, from the physical therapy account ~~fifty dollars (\$50.00)~~ compensation at the salary rate provided in W.S. 28-5-101(d) for each day actually spent in the performance of their board duties along with per diem and mileage allowance as allowed to state employees. Board members shall serve without compensation where there are insufficient monies in the account to pay the compensation.

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

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

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

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

(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, including continuing education requirements that ensure that licensees' knowledge and abilities reflect current practices and technology;

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

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(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;

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

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

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

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

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

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

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

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

(ii) Furnish evidence satisfactory to the board of the completion of a physical therapy school resident course of professional instruction substantially equivalent to that required in paragraph (a)(ii) of this section. Foreign applicants shall satisfactorily complete a period of service not to exceed one (1) year under the continuous direction and immediate supervision of a licensed physical therapist in a physical therapy setting or in an institution either of which have been approved by the board for providing such a period of service. The board may waive all or any portion of the required period of service based on criteria set forth by the board in rules and regulations. Before a license may be issued, each foreign applicant shall pass a written examination prior to commencing a period of service and may be required to pass an oral examination at the completion of the period of service if the period of service has not been completed to the satisfaction of the supervising physical therapist. A professional education program accredited by the same accrediting agency approved by the board for programs within the United States shall be deemed substantially equivalent. In all other instances, "substantially equivalent" means a program that:

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

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

(iii) Undergo a credentials evaluation directed by the board which determines the applicant has met the

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uniform criteria for educational requirements prescribed by board rules;

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

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

(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.

**33-25-106. Examinations.**

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

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

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

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

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

(a) The board shall issue a license or certificate ~~of registration~~ to each applicant who meets the requirements for licensure or ~~registration—certification~~ without

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examination or who passes the examination and meets the standards established herein for licensure or ~~registration~~ certification.

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

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

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

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

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

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

(iii) Demonstrates that the requirements for license, registration or certification in the ~~state, territory or district~~ other jurisdiction were, at the date

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of licensure or registration, substantially equal to the requirements for licensing or ~~registration set forth~~ certification in this act; ~~However, if the applicant has not taken a physical therapy examination given by the professional examination service, or has failed the examination one (1) or more times, issuance of a license or registration under this section is at the discretion of the board.~~

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

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

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

(a) All permanent licenses and certificates ~~of registration~~ issued pursuant to this act shall expire on ~~January~~ October 1 of the year next succeeding their issuance.

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

(c) A license or certificate ~~of registration~~ which has expired may be ~~renewed within five (5) years of its expiration by the payment of renewal fees for each year or part thereof during which the license or registration was ineffective, and the payment of the required restoration fee. No renewal shall be permitted of a license or certificate of registration which has expired and has not~~

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~~been renewed for five (5) years from its expiration date, without full compliance with all requirements of this act reissued upon submission by the applicant of a completed application, payment of fees, demonstration that the applicant meets all current requirements for licensure or certification under this act and verification of continuing competence.~~

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

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

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

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

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

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

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(D) Representing authority to practice physical therapy;

(E) 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 guilty yet not admitted to all the facts that comprise the crime;

(v) ~~Habitually indulges in the use of Unlawfully uses or possesses~~ controlled substances, or excessively indulges in the use of alcoholic ~~liquors or malt~~ beverages;

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

(ix) Has ~~been guilty of~~ engaged in any conduct or practice contrary to recognized standards of ethics of

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the physical therapy profession where the conduct or practice might constitute a danger to the health, safety or welfare of the patient or the public;

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

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

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

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

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

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

(xvii) Has engaged or attempted to engage in conduct that subverts or undermines the integrity of the examination or the examination process including but not

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limited to utilizing recalled or memorized examination questions, failing to comply with all test center security procedures, communicating with other examinees during the examination or copying or sharing examination questions or portions of questions;

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

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

(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.

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**33-25-112. Hearing and appeal procedures.**

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0054

ENROLLED ACT NO. 58, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

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

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

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

**Section 3.** W.S. 33-25-104(a)(iii)(A), 33-25-106(b) through (d) and 33-25-109 are repealed.

ORIGINAL SENATE  
FILE NO. 0054

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2009 GENERAL SESSION

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk