

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 45

1 AN ACT TO AMEND SECTIONS 73-23-33 AND 73-23-35, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE A PRESCRIPTION OR REFERRAL BY A HEALTH
3 CARE PROVIDER FOR PHYSICAL THERAPY SERVICES TO REMAIN VALID FOR A
4 PERIOD OF ONE YEAR; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 73-23-33, Mississippi Code of 1972, is
7 amended as follows:

8 73-23-33. As used in this chapter, unless the context or
9 subject matter otherwise requires:

10 (a) "Physical therapy" or "physiotherapy," which terms
11 are deemed identical and interchangeable, means the art and
12 science of a health specialty concerned with the prevention of
13 disability, and the physical rehabilitation for congenital or
14 acquired physical or mental disabilities, resulting from or
15 secondary to injury or disease. The "practice of physical
16 therapy" means the practice of the health specialty and
17 encompasses physical therapy evaluation, treatment planning,
18 treatment administration, instruction and consultative services,
19 including:



20 (i) Performing and interpreting tests and
21 measurements as an aid to physical therapy treatment, for the
22 purpose of correcting or alleviating any physical condition and to
23 prevent the development of any physical or mental disability
24 within the scope of physical therapy; and the performance of
25 neuromuscular-skeletal tests and measurements as an aid in
26 diagnosis, evaluation or determination of the existence of and the
27 extent of any body malfunction;

28 (ii) Planning initial and subsequent treatment
29 programs, on the basis of test findings; and

30 (iii) Administering treatment by therapeutic
31 exercise, neurodevelopmental procedures, therapeutic massage,
32 mechanical devices and therapeutic agents which employ the
33 physical, chemical and other properties of air, water, heat, cold,
34 electricity, sound and radiant energy for the purpose of
35 correcting or alleviating any physical condition or preventing the
36 development of any physical or mental disability. The use of
37 roentgen rays and radium for any purpose, and the use of
38 electricity for surgical purposes including cauterization, are not
39 part of physical therapy * * *.

40 (b) "Physical therapist" means a person licensed in
41 this state to practice physical therapy as defined in this
42 chapter, and whose license is in good standing, or a person who
43 holds the privilege to practice * * *.



44 (c) "Physical therapist assistant" means a health care
45 worker who assists a physical therapist in the provision of
46 physical therapy under the direct, on-site supervision of the
47 physical therapist. The physical therapist assistant may perform
48 physical therapy procedures and related tasks that have been
49 selected and delegated by the supervising physical therapist, but
50 shall not perform the following physical therapy activities:
51 interpretation of referrals; physical therapy initial evaluation
52 and reevaluation; identification, determination or modification of
53 plans of care (including goals and treatment programs); final
54 discharge assessment/evaluation or establishment of the discharge
55 plan; or therapeutic techniques beyond the skill and knowledge of
56 the physical therapist assistant * * *.

57 (d) "Referral" means the written or oral designation of
58 physical therapy services by a doctor of medicine, dentistry,
59 osteopathy, podiatry or chiropractic, or by a physician assistant
60 or nurse practitioner, holding a license in good standing; and the
61 instruction * * * for physical therapy services, which must remain
62 valid for a period of one (1) year from the date the referral is
63 made, may be as detailed or as general as the doctor, physician
64 assistant or nurse practitioner in his or her sound discretion
65 deems necessary in the particular case * * *.

66 (e) "Board" means the State Board of Physical Therapy
67 established in Section 73-23-41 * * *.



68 (f) "Direct, on-site supervision" means face-to-face
69 oversight by a licensed physical therapist or physical therapist
70 who holds the privilege to practice at regular intervals, as
71 prescribed in regulations adopted by the board, of the services
72 provided to a patient by a licensed physical therapist assistant
73 or physical therapist assistant who holds the privilege to
74 practice * * *.

75 (g) "Direct supervision" means face-to-face oversight
76 at regular intervals of a physical therapist issued a temporary
77 license under Section 73-23-53(1) by a licensed physical
78 therapist. Such direct supervision shall be in accordance with
79 the regulations adopted by the board; however, a licensed physical
80 therapist shall be authorized to have direct supervision over not
81 more than four (4) physical therapist assistants at one time.

82 (h) "Privilege to practice" means the authorization to
83 practice as a physical therapist in this state or work as a
84 physical therapist assistant in this state under the Physical
85 Therapy Licensure Compact provided for in Section 73-23-101.

86 (i) "Licensee" means a person who has been issued a
87 license to practice physical therapy or work as a physical therapy
88 assistant in the state or who holds the privilege to practice
89 physical therapy or work as a physical therapy assistant in the
90 state.

91 **SECTION 2.** Section 73-23-35, Mississippi Code of 1972, is
92 amended as follows:



93 73-23-35. (1) A person, corporation, association or
94 business entity shall not use in connection with that person's or
95 party's name or the name or activity of the business the words
96 "physical therapy," "physical therapist," "physiotherapy,"
97 "physiotherapist," "registered physical therapist," "doctor of
98 physical therapy," "physical therapist assistant," the letters
99 "PT," "DPT," "LPT," "RPT," "PTA," "LPTA," and/or any other words,
100 abbreviations, or insignia indicating or implying directly or
101 indirectly that physical therapy is provided or supplied unless
102 such services are provided by or under the direction of a physical
103 therapist or physical therapist assistant, as the case may be,
104 with a valid and current license issued pursuant to this chapter
105 or with the privilege to practice. It shall be unlawful to employ
106 an unlicensed physical therapist or physical therapist assistant
107 to provide physical therapy services.

108 (2) The board shall aid the state's attorneys of the various
109 counties in the enforcement of the provisions of this chapter and
110 the prosecution of any violations thereof. In addition to the
111 criminal penalties provided by this chapter, the civil remedy of
112 injunction shall be available to restrain and enjoin violations of
113 any provisions of this chapter without proof of actual damages
114 sustained by any person. For purposes of this chapter, the board,
115 in seeking an injunction, need only show that the defendant
116 violated subsection (1) of this section to establish irreparable
117 injury or a likelihood of a continuation of the violation.



118 (3) A physical therapist licensed under this chapter or
119 privileged to practice shall not perform physical therapy services
120 without a prescription or referral * * * that was written or
121 orally made by a person licensed as a physician, dentist,
122 osteopath, podiatrist, chiropractor, physician assistant or nurse
123 practitioner within a one-year period preceding the date on which
124 the physical therapy services are to be performed. However, a
125 physical therapist licensed under this chapter or privileged to
126 practice may perform physical therapy services without a
127 prescription or referral under the following circumstances:

128 (a) To children with a diagnosed developmental
129 disability pursuant to the patient's plan of care.

130 (b) As part of a home health care agency pursuant to
131 the patient's plan of care.

132 (c) To a patient in a nursing home pursuant to the
133 patient's plan of care.

134 (d) Related to conditioning or to providing education
135 or activities in a wellness setting for the purpose of injury
136 prevention, reduction of stress or promotion of fitness.

137 (e) (i) To an individual for a previously diagnosed
138 condition or conditions for which physical therapy services are
139 appropriate after informing the health care provider rendering the
140 diagnosis. The diagnosis must have been made within the previous
141 one hundred eighty (180) days. The physical therapist shall
142 provide the health care provider who rendered the diagnosis with a



143 plan of care for physical therapy services within the first
144 fifteen (15) days of physical therapy intervention.

145 (ii) Nothing in this chapter shall create
146 liability of any kind for the health care provider rendering the
147 diagnosis under this paragraph (e) for a condition, illness or
148 injury that manifested itself after the diagnosis, or for any
149 alleged damages as a result of physical therapy services performed
150 without a prescription or referral from a person licensed as a
151 physician, dentist, osteopath, podiatrist, chiropractor, physician
152 assistant or nurse practitioner, the diagnosis and/or prescription
153 for physical therapy services having been rendered with reasonable
154 care.

155 (4) Physical therapy services performed without a
156 prescription or referral from a person licensed as a physician,
157 dentist, osteopath, podiatrist, chiropractor, physician assistant
158 or nurse practitioner shall not be construed to mandate coverage
159 for physical therapy services under any health care plan,
160 insurance policy, or workers' compensation or circumvent any
161 requirement for preauthorization of services in accordance with
162 any health care plan, insurance policy or workers' compensation.

163 (5) Nothing in this section shall restrict the Division of
164 Medicaid from setting rules and regulations regarding the coverage
165 of physical therapy services and nothing in this section shall
166 amend or change the Division of Medicaid's schedule of benefits,
167 exclusions and/or limitations related to physical therapy services



168 as determined by state or federal regulations and state and
169 federal law.

170 **SECTION 3.** This act shall take effect and be in force from
171 and after July 1, 2024.

