

STATE REPRESENTATIVE NETWORK, SPTS
2018 – 2nd quarter report

The following is an overview of the information collected by the State Representative Network. The states not listed do not currently have a State Representative to the SPTS. If you are interested in serving as a State Representative for the Section, please contact Greg Alnwick at galnwick@ne.rr.com or (603) 466-5972.

Arkansas	New Mexico	Rhode Island	South Carolina
Vermont	West Virginia		

I'd like to also welcome and say a special thank you to our newest member(s), Angela Smith (Delaware). Your time is greatly appreciated.

ALABAMA – Representative: Andrea Johnson

- Nothing to report.

ALASKA – Representative: Rebecca Byerley

- Nothing to report.

ARIZONA – Representative: John Heick

- HB 2088 – Passed and was signed by the Governor. This bill specifically states that Arizona will: Develop and conduct a two-year Concussion Management Pilot Program during SY 2019 and SY 2020 for licensed physical therapists who have been trained in the evaluation and management of concussions and head injuries and hold a Sport Specialty Certification.

ARKANSAS – Representative: VACANT

- No report submitted.

CALIFORNIA--Representative: Andrew Saldivar

- AB 3110 – Athletic Trainer Licensing bill: This is up for vote at the state legislature.

COLORADO – Representative: Brian Briggs

- Nothing to report.

CONNECTICUT--Representative: Peg Grey

- Nothing to report.

DELAWARE – Representative: Angela Smith

- Nothing to report.

DISTRICT OF COLUMBIA- Representative: Tim Vidale

- No report submitted.

FLORIDA – Representative: Patrick Pabian

- The Florida Board of Physical Therapy has recently enacted rulemaking for dry needling in the state. While the initial rules developed by the Board would allow dry needling for physical therapists under certain conditions, the practice has much more to overcome in these legal hurdles. The rules are currently being challenged by the Florida State Oriental Medical Association and the Florida Board of Acupuncture.

GEORGIA – Representative: Ross Brakeville

- Nothing to report.

HAWAI'I – Representative: Ryan Moore

- Nothing to report.

IDAHO – Representative: Kyle Sela

- Nothing to report.

ILLINOIS – Representative: Anne Bierman

- Current legislative issues in the IPTA:
 - Direct Access legislation – PASSED House and Senate! Heading to the governor to sign in the next 30 days. HUGE accomplishment!
 - Physical Therapy Licensure Compact – no update
 - Fair PT Co-Pays no update
- Events/Activities:
 - ReVitalize 2018 was held April 13-14, 2018. It was a great line-up of education and also a by-law year for voting in the State Assembly.
- Awards:
 - Babette Sanders Leadership and Service Award: Jim Milder
 - Physical Therapist of the Year: Jean Kestner and Kristen Transue
 - Physical Therapist Assistant of the Year: Sara Owens
 - John Maselter Award: Representative Dan Burke (led direct access legislation)
 - Clinical Educator of the Year: Megan Kennedy, PT, NCS
 - Outstanding Physical Therapist Student: Samantha Caravette, SPT
- Outstanding Physical Therapist Assistant: Jason Magafas, SPTA

INDIANA- Representative: Shane Sommers

- Nothing to report.

IOWA – Representative: Shane McClinton

- The 2018 Iowa legislative session adjourned Saturday, May 5, 2018.
- On Thursday, April 26, Governor Kim Reynolds signed the concussion bill. House File 2442 updates the state's existing concussion law to better protect Iowa high school athletes. The bill requires brain injury policies for certain extracurricular interscholastic activities and includes applicability provisions. Physical therapists are included as a "licensed health care professional" that can remove an athlete from activities if concussion is suspected and provide clearance for the athlete to return to play.
- The PT Licensure Compact (HF 2425) passed the Senate unanimously on Wednesday, March 29 and was signed by Governor Reynolds on Wednesday, April 4. Thank you to the legislative committee and our advocates who worked on this issue.
- The Board of Physical and Occupational Therapy has proposed to amend Chapter 200, "Licensure of Physical Therapist and Physical Therapist Assistants," Chapter 203 "Continuing Education for Physical Therapists and

Physical Therapist Assistants,” and Chapter 206 “Licensure of Occupational Therapists and Occupational Therapist Assistants,” Iowa Administrative Code. The proposed amendments revise the supervision requirements for physical therapy and occupational therapy, add requirements for physical therapy and occupational therapy supervision by telehealth, revise the limit on the number of physical therapist assistants who can be supervised by a physical therapist, remove the maximum of physical therapist delegation based on the patient’s health care residency or admission status, add new requirements for the minimum frequency of a physical therapist’s interaction with a client and revise the continuing education requirements for supervising physical therapy students for clinical education.

KANSAS – Representative: Garrett Holle

- 2018 is an election year for all 125 members of the House, 1 member of the Senate, and all Statewide officials.
- Key dates include: Candidate Filing Deadline Friday, June 1st; Primary Election Tuesday, August 7th; and General Election Tuesday, November 6th.
- Priority Bills Passed:
 - Medicaid Reinstatement Policy for Released Individuals, Kansas Department of Health and Environment Budget (SB 109) - This language in the budget bill creates a suspended eligibility status for recipients of state Medicaid services because of incarceration, state hospital stay or short term nursing home stay. The Legislature agreed to add \$425,200, including \$152,600 from the State General Fund, to administratively implement a Medicaid reinstatement policy (provisions from SB 195) for FY 2019. Governor Colyer signed SB 109 into law on May 16th, effective on May 17, 2018.
 - Health Homes, Department of Health and Environment Budget (SB 109) - This provision adds \$2.5M SGF in FY19 to reinstate the Health Home program in the federal Medicaid Health Homes option and add language directing the agency to do so. This is an opt-in program, allowing no more than 10.0 percent administrative claiming rate by the MCOs, and have a narrower scope of eligibility for adults than the previous program to ensure those who have a behavioral health diagnosis or chronic physical health condition are served. Governor Colyer signed SB 109 into law on May 16th, effective on May 17, 2018.
 - Kansas Telemedicine Act (HB 2028) - HB 2028 requires Health Insurance coverage of Telemedicine services that would otherwise be covered if in person; Healthcare Providers Services covered are Physicians, Physician Assistants, APRNs, and Providers Licensed by Behavioral Sciences Regulatory Board; prohibits abortion procedures by Telemedicine; includes Medicaid coverage for Telemedicine Delivered Services of Speech Language Pathology and Audiology; ALSO includes a non-severability Clause tied to if the Abortion prohibited language is considered unconstitutional by the courts, would make the WHOLE bill unconstitutional. KPTA and lobby team attempted to include Physical Therapy Services in the Healthcare Providers list but objection raised by the Authors of the bill, Insurance Companies and others that had negotiated this base approach, planning to address "Therapy Professions" in the future. HB 2028 will take effect January 1, 2019.
 - Uniform Controlled Substances Act (SB 282) - SB 282 updates substances included in schedules I, II and III of the Uniform Controlled Substances Act and specify that cannabidiol is exempt from the definition of marijuana and Kratom is not included as a scheduled substance. SB 282 took effect May 17, 2018.
 - Radiation Protection Fees / Maternal Death Study / Palliative Care Council (HB 2600) - HB 2600 increased the fees assessed by KDHE for certain radiation protection services by 35%, establishes 'the Advisory Council on Palliative Care and Quality of Life' to develop recommendations on palliative care in Kansas and advise KDHE on related initiatives, directs the Kansas Department of Health & Environment study maternal deaths, make determinations regarding the preventability of maternal deaths, develop and disseminate recommendations to prevent maternal deaths. HB 2600 will take effect July 1, 2018.
- Priority Bills Not Passed:
 - Physical Therapy Licensure Compact (HB 2471) - HB 2471 would make Kansas a member state to the Physical Therapy Licensure Compact and would add to Kansas statutes criminal history record checks for physical therapist's Kansas licensees moving forward. On February 5th HB 2471 received a hearing before the House Health Committee, KPTA and APTA supported but Board of

Healing Arts had many concerns which raised opposition from the committee. We were not able to address those concerns but will continue to work with the APTA and the Board of Healing Arts in the Interim.

- Medicaid Expansion (SB 38 / HB 2044 / HB 2064 / HB 2154) - These bills each would expand eligibility for Medicaid to those Kansas residents not currently eligible for Medicaid between the ages of 18 & 65 with an annual household income less than 138% of the federal poverty level. The provisions would also create a number of additional services including a premium assistance program for enrolled participants with access to employer sponsored insurance, trigger termination of the Program if federal match rates fall below 90%, and include a referral to programs for job training and employment services. Although there were many efforts during session to pass Medicaid Expansion, all amendments failed including an attempted Veto Session amendment to the Budget, failing 56-66.
- Massage Therapist Licensure Act (HB 2557) - HB 2557 would require individuals who practice as a massage therapist to be licensed by the Board of Healing Arts beginning September 1, 2020. HB 2557 was scheduled for a hearing before the House Health Committee on February 19th, however the hearing was canceled and it was not addressed again.
- Step Therapy Protocols (SB 304) - SB 304 establishes restrictions on health insurance use of step therapy protocols. On February 15th SB 304 received a hearing before the Senate Health Committee, but was not addressed again.

KENTUCKY – Representative: Chris Sharrock

- Nothing to report.

LOUISIANA - Representative: Christian Coulon

- Nothing to report.

MAINE- Representative: Hollan Oliver

- Nothing to report.

MARYLAND – Representative: Michael Zarro

- New dry needling regulations will go in to effect October 1, 2018 (delayed from June 19, 2018) Regulations to include minimum education and training requirements and standards of practice.
- Full regulations listed here <http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.38.12.%2a>
- APTA of MD Mini CSM:
 - Howard Community College
 - March 24, 2019
- APTA Fall Conference:
 - Location TBD
 - November 3, 2018

MASSACHUSETTS- Representative: Malia Koppin

- No Report submitted.

MICHIGAN--Representative: Corey Snyder

- A large package of bills passed the Michigan State House last week that has an impact on many health care professions, including the practice of physical therapy:
 - PTs/PTAs will be added as mandated reporters of child abuse.
 - Penalties for not reporting suspected child abuse are increased.
 - Michigan Department of Health and Human Services must produce training materials for mandated reporters.

- The Michigan Board of Physical Therapy, in consultation with the MPTA/APTA (which will include the Section on Women's Health) and other stakeholders, will be required to develop standards of practice for invasive pelvic floor procedures.
- Retention of medical records for patients who receive invasive pelvic floor procedures will be 15 years, instead of the standard 7 years.
- When providing invasive pelvic floor procedures to minors, another staff member must be present in the room, though the patient can waive this requirement.
- Overall, MPTA is pleased with this package. We have been working on being added to the list of mandated reporters for several years, and having interventions for the pelvic floor being explicitly added to our scope of practice will be a great outcome.

MINNESOTA – Representative: Jaynie Bjornaraa

- MN- SF 614 is the MN Athletic Trainers Licensing Bill up for vote. They want to move from Registration to License.

MISSISSIPPI – Representative: Meredith Warf

- Nothing to report.

MISSOURI- Representative: Chuck Rainey

- Nothing to report.

MONTANA – Representative: John-Henry Anderson

- No report submitted.

NEBRASKA – Representative: Dan McCutchen

- The Spring 2018 NPTA conference was held on April 28th in Omaha at UNMC. Jill Boissonnault, PT, PhD, WCS presented “Case-Based Management of Musculoskeletal Dysfunction in the Obstetric Client” and Bill Boissonnault, PT, PhD presented “Medical Screening: the Sherlock Holmes Approach.”
- On May 9, 2018 Governor Pete Ricketts signed into law Nebraska Legislative Bill 731 authorizing Nebraska to be a part of the Licensure Compact.

NEVADA- Representative: Steven Liaos

- No report submitted.

NEW HAMPSHIRE – Representative: Greg Alnwick

- HB1353: Establishing a commission to study equal access and opportunity for students with disabilities to participate in athletics.
- This bill establishes a commission to study equal access and opportunity for students with disabilities to participate in athletics.
- SB524 was also referred for study - Relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire. Looked like adding \$250-\$500,000 to bottom line of the university system.

NEW JERSEY – Representative: Edison Au

- NJ Rep Ed Au, just returned from the Cadet Pan Am Freestyle Wrestling Championships in Guatemala City (Qualifier for the Youth Olympics in October), and will also be working as a team therapist for the Cadet World Championships in Zagreb, Croatia next month.
- Jan. 9, 2018 - Bill No.A1598 (formerly S2511/ A4368)
 - Enters New Jersey in Physical Therapy Licensure Compact.

- Will impact physical therapists working with athletes across state lines; to ensure that there is official reciprocity/recognition of license to practice when traveling with teams/athletes while competing in states for which the PT is not licensed.
 - Introduced, Referred to Assembly Regulated Professions Committee
 - Pending Technical Review by Legislative Counsel.
- Jan. 9, 2018 - Bill No.A1153
 - Requires criminal history record background checks on certain volunteer sports personnel.
 - While PT licensing in NJ already requires background checks and fingerprinting, this may be a redundant inconvenience for PTs working/volunteering for sports teams.
 - Introduced, Referred to Assembly Law and Public Safety Committee
- Jan. 9, 2018 - Bill No.A1755
 - Requires public and nonpublic schools, local recreation departments, and youth serving organizations to have licensed athletic trainer present at youth athletic events that involve certain contact sports.
 - To expand public awareness of sports PT, we should try to amend this bill to include sports PTs.
 - Introduced, Referred to Assembly Education Committee.

NEW MEXICO--Representative: VACANT

- No report submitted.

NEW YORK – Representative: Terrance Sgroi

- On Tuesday, April 17, 2018, the NYS Workers' Compensation Board (WCB) issued a statement indicating that they plan to revise the current WC Medical Fee Schedule. The announcement states that all providers will receive a positive payment adjustment.
- This message is distinctly different from the WCB's 2014 fee schedule initiative which was mandated to be cost-neutral to the system and created potential "winners" and "losers" across provider types, and led to its eventual abandonment.
- The new proposal is scheduled to be made public in June, 2018 and will be open to a 60-day public comment period. The WCB's announcement states that they are planning for the new fee schedules to come into effect October 1, 2018.

NORTH CAROLINA –Ann Marie Husk

- House of Delegates meet June 25th-27th
 - Please go to <http://www.apta.org/HOD/> to see what they are voting on and write to your delegates if you have any thoughts on the issues so you can help them have the full information to help them vote.

NORTH DAKOTA – Representative: Kevin Axtman

- Nothing to report.

OHIO – Representative: Jeffrey Swiers

- Sub House Bill 131 has passed the House Committee unopposed which is a tremendous victory for Ohio. The bill has now been passed onto the Senate for a vote. No specific date has been set for the Senate vote on Sub HB 131. This particular bill includes defining a Physical Therapy Diagnosis within the practice act. This does not include a Medical Diagnosis.

OKLAHOMA– Representative: Josh Williams

- House Bill 3336 (HB3336) was passed by the Oklahoma legislature and signed by the Governor on May 3rd. This new law (Title 59 Section 887.19) creates the means for Oklahoma to participate in the Physical Therapy Licensure Compact. The new law will go into effect on November 1st of this year.
<http://www.oklegislature.gov/BillInfo.aspx?Bill=HB3336&Session=1800>

- House Bill 2995 (HB2995) was introduced in the Oklahoma legislature this session. This bill would create a new law that would require the Oklahoma Medicaid Program to pay for physical medicine & rehabilitative services provided by a licensed Athletic Trainer within their scope of practice. This bill was referred to the House Rules Committee, but not heard in committee this legislative session.
<http://www.oklegislature.gov/BillInfo.aspx?Bill=HB2995&Session=1800>
- Senate Bill 1060 (SB1060) was introduced in the Oklahoma legislature. This bill clarifies certain definitions related to sports and events such as boxing, mixed martial arts, and entertainment wrestling. Additionally, it protects the confidentiality of certain medical information of such athletes. This bill passed the Senate, was amended and passed by the House, and was engrossed back to the Senate for final vote. However, this vote did not take place prior to the end of this legislative session on May 3rd.
<http://www.oklegislature.gov/BillInfo.aspx?Bill=SB1060&Session=1800>
- The Oklahoma Physical Therapy Association (www.okpt.org) will host a continuing education course on Blood Flow Restriction Training on July 14, 2018. Speakers will be Michael Bemben, PhD and Joshua T. Williams, PT, DPT, OCS, SCS, CSCS.

OREGON – Representative: Eric Marchek

- Senate Bill 1547 was passed by Oregon Legislature in the first quarter of 2018.
- The law will allow a larger range of medical professionals to provide clearance for return to play following concussion.
- Medical professionals that will be allowed to clear are defined as a licensed physician OR a health care professional who meets the following criteria:
 - Is a chiropractor, a naturopath, a psychologist, a **physical therapist**, an occupational therapist, a physician assistant, or a nurse practitioner who is licensed, certified or registered under the laws of this state; *AND*
 - Successfully completes an online program established and maintained by Oregon Health Sciences University.
 - Physicians lobbied successfully to be exempt from the certification training.
- The OHSU program is required to:
 - Establish a foundation of knowledge related to the assessment, diagnosis and management of sports-related concussions – based on clinical criteria that are evidence based and that incorporate best practices.
 - They can charge a reasonable fee, must update the program at least once every four year, and must inform health professionals of their professional legal requirements and the limitations of the online training.
 - Certificates issued by OHSU after completing the program are valid for 4 years, so qualified health professionals must renew. OHSU will prescribe the requirements for renewal, including requirements for additional training.
- The law takes effect in July 2020.

PENNSYLVANIA – Representative: Ivan Mulligan

- HB 1860 - PT compact legislation has passed committee in the House and is awaiting action on the House floor. If passed it will move to the Senate.

RHODE ISLAND – Representative: VACANT

- No Report submitted.

SOUTH CAROLINA – Representative: VACANT

- No report submitted.

SOUTH DAKOTA- Representative: Matt Dewald

- Planning to go to the legislature in spring 2019 to request PT Licensure Board under the Department of Health, as the South Dakota Board of Medical and Osteopathic Examiners currently is responsible for PT Licensing.
- A public hearing will be held on June 14, 2018 at 10:00 AM to consider the adoption of proposed rules numbered: §§ 20:66:04, which is the criteria and approval process for a dry needling course of study that is completed by a physical therapist.
 - CHAPTER 20:66:04 DRY NEEDLING Section 20:66:04:01 Definitions. 20:66:04:02 Dry needling course of study. 20:66:04:03 Proof of course completion. 20:66:04:04 Dry needling delegation. 20:66:04:01. Definitions. Words defined in SDCL 36-10 have the same meaning when used in this article. In addition, words used in this article mean: (1) “Dry needling,” a skilled technique performed by a physical therapist who has completed an approved course of training using filiform needles to penetrate the skin and underlying 2 tissues to affect change in body structures and physical function capability for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disability. Source: General Authority: HB 1079, SDCL 36-10-36 Law Implemented: HB 1079, SDCL 36-10-18 20:66:04:02. Dry needling course of study. The board may approve a course of study in dry needling that meets the following criteria: (1) The course of study shall include: (a) Surface anatomy as it relates to underlying tissues, organs, and other structures, including variations in form, proportion, and anatomical landmarks; (b) Both emergency preparedness and response procedures related to secondary physiological effects or complications with dry needling; (c) Both emergency preparedness and response procedures related to secondary emotional effects or complications associated with dry needling; (d) Standards for dry needle handling; (e) Factors influencing safety and injury prevention; (f) Personal protection procedures and techniques as related to dry needling; (g) Theoretical basis for dry needling; (h) Theoretical basis for combining dry needling with other interventions; (i) Secondary effects or complications associated with dry needling on other systems; 3 (j) Theoretical basis of pain sciences, including anatomy, physiology, pathophysiology, and relation to body structures and function; (k) Contraindications and precautions related to dry needling; (l) Palpation techniques as related to dry needling; (m) Needle insertion techniques; (n) Needle manipulation techniques; (o) Physiological responses to dry needling; and, (p) Solid filament needles. (2) The course of study must be in-person. Online and other distance learning courses will not satisfy this requirement; (3) The physical therapist may only perform dry needling on the parts of the body included in the course of study. Source: General Authority: HB 1079 Law Implemented: HB 1079 20:66:04:03. Proof of course completion. Prior to performing dry needling, the physical therapist shall, on a form approved by the board, provide proof of successful completion of a course of study in dry needling. Source: General Authority: HB 1079 Law Implemented: HB 1079 4 20:66:04:04. Dry needling delegation. Dry needling may not be delegated to a physical therapist assistant. Source: General Authority: HB 1079, SDCL 36-10-36 Law Implemented: HB 1079
- If all goes well, then Physical Therapist who have met the requirements will be able to dry needle in the state of South Dakota by July 1st, 2018.

TENNESSEE – Representative: Joe Black

- No reported submitted.

TEXAS – Representative: Toko Nguyen

- Nothing to report.

UTAH- Representative: Brian Boyle

- Nothing to report.

VERMONT - Representative: VACANT

- No report submitted.

VIRGINIA - Representative: Andrew Contreras

- During the APTA Federal Advocacy Forum 30 April 2018 members attempted to get support for the following: Sports Medicine Licensure Clarity Act of 2017 (H.R. 302/S. 808): This bill would provide certain licensure clarifications and legal protections for physicians, PT's, and athletic trainers who practice across state lines as they travel with their professional and collegiate teams or other athletes and teams sanctioned by a national governing body.
- As of this time there is no Virginia legislator that has signed on as a co-sponsor yet.

WASHINGTON – Representative: Samantha Gubka

- No report submitted.

WEST VIRGINIA - Representative: VACANT

- No report submitted.

WISCONSIN – Representative: Steven McCoy

- Nothing to report.

WYOMING - Representative: Tom Davis

- Nothing to report.