

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.

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;
- (2) be a graduate of an accredited physical therapy program approved by the board;
- (3) have successfully passed the national physical therapy examination approved by the board; and
- (4) have successfully passed the state jurisprudence examination.

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

- (1) provide satisfactory evidence that the

applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs in the United States, as determined by the board. If the board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process;

(2) provide evidence that the applicant is a graduate of a school of training that is recognized by the foreign country's own ministry of education or similar institution;

(3) provide written proof of authorization to practice as a physical therapist without limitations in the legal jurisdiction where the postsecondary institution from which the applicant has graduated is located;

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

(5) have the applicant's educational credentials evaluated by a board-approved credential evaluation agency;

(6) pass all approved English proficiency examinations as may be prescribed by the board if English is not the applicant's primary language; and

(7) participate in an interim supervised

clinical practice period as may be prescribed by the board.

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

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

E. An applicant for licensure as a physical therapist assistant shall submit a completed application and meet the following minimum requirements:

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

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

accompany the completed written application.

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

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

I. Prior to licensure, if prescribed by the board, the board or its designee may issue a temporary nonrenewable license to a physical therapist or physical therapist assistant who has completed the education and experience requirements of the Physical Therapy Act. The temporary license shall allow the applicant to practice physical therapy under the supervision of a licensed physical therapist until a permanent license is approved that shall include passing the national physical therapy examination.

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

K. A physical therapist or physical therapist

assistant licensed under the provisions of the Physical Therapy Act shall renew the physical therapist's or physical therapist assistant's license as specified in board rules. A person who fails to renew the person's license by the date of expiration shall not practice physical therapy as a physical therapist or physical therapist assistant in New Mexico.

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

M. Reinstatement of a physical therapist or physical therapist assistant license that has lapsed for more than three years, without evidence of continued practice in another state pursuant to a valid unrestricted license in that state, requires reapplication and payment of fees, as specified in board rules. The board shall promulgate rules establishing the qualifications for reinstatement of a lapsed license.

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

O. A physical therapist shall refer a patient to the patient's licensed health care provider if:

(1) after thirty days of initiating physical therapy intervention, the patient has not made measurable or functional improvement with respect to the primary complaints

of the patient; provided that the thirty-day limit shall not apply to:

(a) treatment provided for a condition related to a chronic, neuromuscular or developmental condition for a patient previously diagnosed by a licensed health care provider as having a chronic, neuromuscular or developmental condition;

(b) services provided for health promotion, wellness, fitness or maintenance purposes; or

(c) services provided to a patient who is participating in a program pursuant to an individual education plan or individual family service plan under federal law; or

(2) at any time, the physical therapist has reason to believe the patient has symptoms or conditions requiring treatment that is beyond the scope of practice of the physical therapist.

P. As used in this section, "licensed health care provider" means:

(1) a physician licensed pursuant to the Medical Practice Act;

(2) an osteopathic physician licensed pursuant to Chapter 61, Article 10 NMSA 1978;

(3) a chiropractic physician licensed pursuant to the Chiropractic Physician Practice Act;

- (4) a podiatrist licensed pursuant to the Podiatry Act;
- (5) a dentist licensed pursuant to the Dental Health Care Act;
- (6) a doctor of oriental medicine licensed pursuant to the Acupuncture and Oriental Medicine Practice Act;
- (7) a certified nurse practitioner licensed pursuant to the Nursing Practice Act;
- (8) a certified nurse-midwife licensed pursuant to the Nursing Practice Act and registered with the public health division of the department of health as a certified nurse-midwife;
- (9) a certified nurse specialist licensed pursuant to the Nursing Practice Act; or
- (10) a physician assistant licensed pursuant to the Medical Practice Act." \_\_\_\_\_