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File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Board of Physical Therapy
<b>Division:</b>	
<b>Contact Person:</b>	Michael Varnell, Associate Counsel Holt Whitt, Assistant Commissioner for Legislative Affairs
<b>Address:</b>	665 Mainstream Drive, Nashville, TN 37243 710 James Robertson Parkway, Nashville, TN
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-6354
<b>Email:</b>	<a href="mailto:Marci.Martinez@tn.gov">Marci.Martinez@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Poplar Conference Room
City:	Nashville, TN
Zip:	37243
Hearing Date:	08/23/2024
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

<b>Chapter Number</b>	<b>Chapter Title</b>
1150-01	General Rules Governing the Practice of Physical Therapy
<b>Rule Number</b>	<b>Rule Title</b>
1150-01-.02	Scope of Practice and Supervision

Chapter 1150-01  
General Rules Governing the Practice of Physical Therapy

Amendments

Rule 1150-01-.02 Scope of Practice and Supervision is amended by deleting subparagraphs (1)(a), (1)(e), (2)(e), (2)(f), and item (1)(b)2(iii)(IV) in their entirety and substituting instead the following language, and is further amended by adding items (1)(b)2(iii)(V) and (1)(b)2(iii)(VI), so that as amended, the new paragraph and items shall read:

(1) Scope of Practice

(a) The scope of practice of physical therapy must be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry, osteopathy, nurse practitioner or physician assistant, with the following exceptions, as provided in T.C.A. § 63-13-303.

1. A licensed physical therapist may conduct an initial patient visit without the referral of a referring practitioner;
2. A licensed physical therapist may provide physical assessments or instructions, including a recommendation of exercise to an asymptomatic person, without the referral of a referring practitioner;
3. In emergency circumstances, including minor emergencies, a licensed physical therapist may provide assistance to a person to the best of a physical therapist's ability without the referral of a referring practitioner. Except as provided in paragraph 4, the physical therapist shall refer the person to the appropriate healthcare practitioner, as indicated, immediately after providing assistance; and
4. A licensed physical therapist may treat a patient without a referral, within the scope of practice of physical therapy, when the following are met:
  - (i) The patient's physician, as defined in § 63-6-204(f)(7), has been notified by the physical therapist;
  - (ii) If the physical therapist determines, based on clinical evidence, that no progress has been made with respect to that patient's condition within thirty (30) days, immediately following the date of the patient's initial visit with the physical therapist, then the physical therapist does not provide additional physical therapy services and refers the patient to a healthcare practitioner who qualifies as a referring practitioner;
  - (iii) The physical therapist does not continue physical therapy services for the patient beyond ninety (90) days without consulting with the patient's appropriate healthcare practitioner;
  - (iv) If the patient was previously diagnosed by a licensed physician with chronic, neuromuscular, or developmental conditions, and the evaluation, treatment, or services are being provided for problems or symptoms associated with one (1) or more of those previously diagnosed conditions, then 4(ii) and 4(iii) do not apply; and
  - (v) A physical therapist refers patients under the physical therapist's care to appropriate healthcare practitioners, if, at any time, the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of a physical therapist, reasonable therapeutic progress is not being achieved for the patient, or physical therapy treatment is contraindicated.
5. For the purposes of this part of this rule, emergency circumstances means instances where emergency medical care is required. Notified means to give notice to or inform a patient's physician, as defined in § 63-6-204(f)(7), when a licensed physical therapist treats a patient pursuant to part 4. Emergency medical care means bona fide emergency services provided after the sudden onset

of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- (i) Placing the patient's health in serious jeopardy;
  - (ii) Serious impairment to bodily functions; or
  - (iii) Serious dysfunction of any bodily organ or part.
- (b) 2. (iii) (IV) A doctor of podiatry licensed under T.C.A. §§ 63-3; or
- (V) A nurse practitioner licensed under T.C.A. §§ 63-7; or
- (VI) Physician Assistant pursuant to Tenn. Code Ann. § 63-19; and
- (e) Nothing in this rule shall be construed as authorizing a physical therapist, or physical therapist assistant, or any other person, to practice medicine, chiropractic, osteopathy, podiatry, nursing, or practice as a physician assistant.
- (2) (e) A physical therapist shall provide on-site supervision, as defined in part (b)3. of paragraph (2) of this rule, to physical therapy clinical students at all times, and will be in accordance with the APTA guidelines for clinical education which suggest a minimum of one (1) year of licensed clinical experience prior to functioning as a clinical instructor for physical therapist students.
- (f) A physical therapist assistant shall provide on-site supervision, as defined in part (b)3. of paragraph (2) of this rule, to physical therapist assistant clinical students at all times, and will be in accordance with the APTA guidelines for clinical education which suggest a minimum of one (1) year of licensed clinical experience prior to functioning as a clinical instructor for physical therapist assistant students.

Authority: T.C.A. §§ 63-13-102, 63-13-103, 63-13-104, 63-13-108, 63-13-109, 63-13-301, 63-13-303 through 63-13-307, 63-13-311, and Public Chapter 264 of the Public Acts of 1993.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Michael Varnell

Title of Officer: Associate Counsel, Department of Health

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Filed with the Department of State on: \_\_\_\_\_

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Tre Hargett  
Secretary of State