

PUBLIC CHAPTER NO. 115

HOUSE BILL NO. 270

By Representative Mumpower

Substituted for: Senate Bill No. 466

By Senator Watson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 63, Chapter 13 and Section 68-11-222, relative to the regulation of the practice of physical therapy and the practice of occupational therapy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-13-103, is amended by deleting subdivision (3) in its entirety and substituting instead the following:

(3) "Board" means:

(A) As used in Part 2 of this chapter, the board of occupational therapy; and

(B) As used in Part 3 of this chapter, the board of physical therapy;

SECTION 2. Tennessee Code Annotated, Section 63-13-104, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 63-13-105, is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 63-13-106, is amended by deleting such section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 63-13-107, is amended by deleting such section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 63-13-108, is amended by deleting such section in its entirety.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 13, Part 2, is amended by substituting the word "board" for the word "committee" wherever the word "committee" appears in such part.

SECTION 8. Tennessee Code Annotated, Section 63-13-209 is amended in subsection (a) by adding the following language as a new appropriately number subdivision:

(18) Disciplinary action against a person licensed to practice occupational therapy by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 13, Part 2, is amended by adding the following new section thereto:

63-13-216.

(a) There is hereby created a board of occupational therapy, which shall perform the same functions and have the same duties and responsibilities as were performed by the committee of occupational therapy prior to the enactment of this act.

(b) The board shall consist of five (5) members appointed by the governor, each of whom shall be a resident of this state. Three (3) members of the board shall be licensed occupational therapists who have had at least five (5) years' experience in the actual practice or teaching of occupational therapy immediately preceding their appointment. One (1) member of the board shall be a licensed occupational therapy assistant who has had at least five (5) years' experience in the actual practice of occupational therapy or teaching of an occupational therapy assistant curriculum immediately preceding the appointment. One (1) member of the board shall be a person who is not engaged in the practice of occupational therapy and who is not professionally or commercially associated with the health care industry.

(c) The Tennessee Occupational Therapy Association may submit to the governor a list of at least three (3) nominees for each appointment or vacancy to be filled pursuant to this section. The governor may make the appointment from such list.

(d) The occupational therapists and the occupational therapy assistant who are serving on the committee of occupational therapy at the time of passage of this act shall continue to serve as members of the board until the expiration of their terms.

(e) The board shall organize annually and select a chair and a secretary. Meetings shall be held as frequently as may be required.

(f) A quorum of the board shall consist of at least three (3) members.

(g) The division shall provide administrative, investigatory, and clerical services to the board.

(h) Each member of the board shall be reimbursed for actual expenses incurred in the performance of official duties on the board and, in addition thereto, shall be entitled to a per diem of one hundred dollars (\$100) for each day's service in conducting the business of the board. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i) All regular appointments to the board shall be for terms of three (3) years each. Each member shall serve until a successor is appointed. Vacancies shall be filled by appointment of the governor for the remainder of the unexpired term.

(j) The governor may, at the request of the board, remove any member of the board for misconduct, incompetence, or neglect of duty.

(k) In making appointments to the board, the governor shall strive to ensure such at least one (1) member is sixty (60) years of age or older, such at least one (1) member is a racial minority, and such the gender balance of the board reflects the gender balance of the state's population.

(l) The board shall have the power and duty:

(1) To promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, all rules such are reasonably necessary for the performance of its duties and the proper administration of this part;

(2) To grant, in the board's name, all licenses approved by the board; and

(3) To collect and receive all fees, fines, and monies owed pursuant to the provisions of this part and to pay the same into the general fund of the state.

(m) After the effective date of this act, the board shall assume and fulfill all powers and duties previously assigned to the committee of occupational therapy, and the rules heretofore adopted by the committee of occupational therapy shall become the rules of the board without further action by the board.

SECTION 10. Tennessee Code Annotated, Title 63, Chapter 13, Part 3, is amended by substituting the word "board" for the word "committee" wherever the word "committee" appears.

SECTION 11. Tennessee Code Annotated, Title 63, Chapter 13, Part 3, is amended by adding the following new section thereto:

63-13-318.

(a) There is hereby created a board of physical therapy, which shall perform the same functions and have the same duties and responsibilities such were performed by the committee of physical therapy prior to the passage of this act.

(b) The board shall consist of five (5) members appointed by the governor, each of whom shall be a resident of this state. Three (3) members of the board shall be licensed physical therapists who have had at least five (5) years' experience in the actual practice or teaching of physical therapy immediately preceding their appointment. One (1) member of the board shall be a licensed physical therapist assistant who has had at least five (5) years' experience in the actual performance of physical therapy procedures and related tasks or teaching of a physical therapist assistant curriculum immediately preceding the appointment. One (1) member of the board shall be a person who is not engaged in the practice of physical therapy and who is not professionally or commercially associated with the health care industry.

(c) The Tennessee Physical Therapy Association may submit to the governor a list of at least three (3) nominees for each appointment or vacancy to be filled pursuant to this section. The governor may make the appointment from such list.

(d) The physical therapists and the physical therapist assistant who are serving on the committee of physical therapy at the time of passage of this act shall continue to serve as members of the board until the expiration of their terms.

(e) The board shall organize annually and select a chair and a secretary. Meetings shall be held as frequently as may be required.

(f) A quorum of the board shall consist of at least three (3) members.

(g) The division shall provide administrative, investigatory, and clerical services to the board.

(h) Each member of the board shall be reimbursed for actual expenses incurred in the performance of official duties on the board and, in addition thereto, shall be entitled to a per diem of one hundred dollars (\$100) for each day's service in conducting the business of the board. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i) All regular appointments to the board shall be for terms of three (3) years each. Each member shall serve until a successor is appointed. Vacancies shall be filled by appointment of the governor for the remainder of the unexpired term.

(j) The governor may, at the request of the board, remove any member of the board for misconduct, incompetence, or neglect of duty.

(k) In making appointments to the board, the governor shall strive to ensure such at least one (1) member is sixty (60) years of age or older, such at least one (1) member is a racial minority, and such the gender balance of the board reflects the gender balance of the state's population.

(l) After the effective date of this act, the board shall assume and fulfill all powers and duties previously assigned to the committee of physical therapy, and the rules heretofore adopted by the committee of physical therapy shall become the rules of the board without further action by the board.

SECTION 12. Tennessee Code Annotated, Section 68-11-222(b), is amended by deleting in its entirety subdivision (6) and by adding the following new subdivisions thereto:

- () Board of occupational therapy, created under § 63-13-216;
- () Board of physical therapy, created under § 63-13-318;

SECTION 13. Tennessee Code Annotated, Section 4-29-228(a), is amended by deleting in its entirety subdivision (30).

SECTION 14. Tennessee Code Annotated, Section 4-29-230(a), is amended by adding the following as new subdivisions:

- () Board of occupational therapy, created by § 63-13-216;
- () Board of physical therapy, created by § 63-13-318;

SECTION 15. This act shall take effect on July 1, 2007, the public welfare requiring it.

PASSED: April 23, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 8th day of May 2007



PHIL BREDEESEN, GOVERNOR