

Enrolled
House Bill 3824

Sponsored by Representative WALLAN; Representatives DIEHL, LEVY B

CHAPTER

AN ACT

Relating to physical therapy; creating new provisions; amending ORS 688.010, 688.015, 688.020, 688.030, 688.050, 688.055, 688.080, 688.100, 688.110, 688.135, 688.140, 688.160, 688.435, 742.400 and 811.604; repealing ORS 688.040 and 688.090; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 6 of this 2025 Act are added to and made a part of ORS 688.010 to 688.201.

SECTION 2. (1) The Oregon Board of Physical Therapy may approve by rule a national examination to determine the fitness of a person to practice as a physical therapist or physical therapist assistant. The physical therapist examination must test entry-level competence related to physical therapy theory, patient examination and evaluation, diagnosis, prognosis, treatment intervention, prevention and consultation. The physical therapist assistant examination must test for requisite knowledge and skills in the technical application of physical therapy services.

(2) In order to sit for an examination described in this section, an applicant shall:

(a) Meet nationally recognized requirements approved by the board that support the integrity of the examination; and

(b) Agree to abide by security and copyright provisions related to the examination.

(3) If the board determines that an applicant has violated subsection (2) of this section, or engaged in or attempted to engage in any conduct that subverts or undermines the integrity of the examination or validity of examination results, the board may disqualify the applicant from taking or retaking the examination.

(4) The board shall report any violation of subsection (2) of this section or conduct described in subsection (3) of this section to the Federation of State Boards of Physical Therapy or its successor organization.

SECTION 3. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Oregon Board of Physical Therapy may require the fingerprints of a person who is:

(1) Applying for a license or permit, or renewal of a license or permit, issued under ORS 688.010 to 688.201;

(2) Employed or applying for employment by the board in a position in which the person has or will have access to information that is made confidential under state or federal laws, rules or regulations; or

(3) Under investigation by the board.

SECTION 4. A physical therapist or physical therapist assistant shall report to the Oregon Board of Physical Therapy a change to the physical therapist's or physical therapist assistant's name, business or residential address, contact email address or contact telephone number within 30 days after the date of the change.

SECTION 5. (1) A physical therapist may perform dry needling, as defined by the Oregon Board of Physical Therapy by rule.

(2) The board shall adopt rules to carry out this section, including rules to establish training requirements that a physical therapist must meet in order to perform dry needling.

SECTION 6. (1) The Oregon Board of Physical Therapy may reinstate a revoked or suspended physical therapist license or physical therapist assistant license if the person whose license was revoked or suspended:

(a) Meets the requirements for initial licensure; and

(b) Satisfactorily completes any requirements or meets any conditions for reinstatement of the license stipulated in a consent order at the time the license was revoked or suspended.

(2) The board may require a person described in subsection (1) of this section to demonstrate competence to practice physical therapy or as a physical therapist assistant by one or more of the following:

(a) Under any reasonable licensure conditions imposed by the board, completing a supervised clinical practice as prescribed by the board;

(b) Completing, or demonstrating completion of, continuing competence that was required during the period when the license was revoked or suspended;

(c) Passing an examination required by the board; or

(d) Successfully completing any practice assessment tools or evaluations required by the board.

SECTION 7. ORS 688.010 is amended to read:

688.010. As used in ORS 688.010 to 688.201, unless the context requires otherwise:

(1) "Competence" means the application of knowledge, skills and behaviors by a physical therapist or physical therapist assistant required for the physical therapist or physical therapist assistant to function effectively, safely, ethically and legally within the context of the patient's role and environment.

(2) "Consultation" means the act of a physical therapist seeking assistance from, or rendering professional or expert opinion or advice to, another physical therapist or health care provider.

(3) "Continuing competency" means the continual process for a physical therapist or physical therapist assistant to maintain and document competence through ongoing self-assessment, development and implementation of a personal learning plan, and the subsequent reassessment of the personal learning plan.

(4) "On-site supervision" means supervision by a physical therapist who is:

(a) Continuously and physically on site and present in the department or health care facility where the supervised services are provided;

(b) Immediately available to the supervisee; and

(c) Continually involved in the necessary aspects of patient care.

[(1)] (5) "Physical therapist" or "physiotherapist" means a person *[who is licensed pursuant to]* licensed under ORS 688.010 to 688.201 to practice physical therapy.

[(2)] (6) "Physical therapist aide" means a person who is trained by a physical therapist or physical therapist assistant to perform designated and supervised routine tasks related to physical therapy and who works under the direct on-site supervision of a physical therapist or physical therapist assistant.

[(3)] (7) "Physical therapist assistant" means a person licensed under ORS 688.010 to 688.201 who assists a physical therapist in the administration of selected components of physical therapy **treatment** intervention. *[A physical therapist assistant works under the supervision and direction of the physical therapist.]*

[4] (8) "Physical therapy" means the care and services provided by a physical therapist or by a physical therapist assistant under the supervision and direction of a physical therapist.

[5] (9) "Practice of physical therapy" means:

(a) Examining, evaluating and testing for mechanical, physiological and developmental impairments, functional limitations and disabilities or other neuromusculoskeletal conditions in order to determine a physical therapy diagnosis or prognosis or a plan of physical therapy intervention and to assess the ongoing effects of physical therapy intervention.

(b) Alleviating impairments and functional limitations by designing, implementing, administering and modifying physical therapy interventions.

(c) Reducing the risk of injury, impairment, functional limitation and disability by physical therapy interventions that may include as a component the promotion and maintenance of health, fitness and quality of life in all age populations.

(d) Consulting or providing educational services to a patient for the purposes of paragraphs (a), (b) and (c) of this subsection.

(10) **"Supervision" means the process by which a physical therapist oversees and directs safe and effective delivery of patient care by a physical therapist assistant or physical therapist aide through appropriate verbal, written or electronic communication, while the physical therapist is physically on site or located remotely.**

SECTION 8. ORS 688.015 is amended to read:

688.015. (1) The Legislative Assembly finds and declares that providing for state administrative control, supervision, licensure and regulation of the practice of physical therapy in this state serves the purpose of protecting the public health, safety and welfare.

(2) It is the intent of the Legislative Assembly that only individuals who meet and maintain prescribed standards of competence **and conduct** may engage in the practice of physical therapy as authorized by ORS 688.010 to 688.201 and implemented by the Oregon Board of Physical Therapy.

(3) ORS 688.010 to 688.201 shall be liberally construed to promote the public interest and to accomplish the purposes of ORS 688.010 to 688.201.

SECTION 9. ORS 688.020 is amended to read:

688.020. (1) Unless a person is a licensed physical therapist or holds a **temporary** permit issued under ORS 688.110, a person *[shall]* **may not**:

(a) Practice physical therapy; or

(b) Use in connection with the name of the person the words or letters[,] "P.T.," "R.P.T.," "L.P.T.," "D.P.T.," **"physio,"** "physical therapist," "physiotherapist," **"registered physical therapist," "licensed physical therapist," "Doctor of Physical Therapy"** or any other letters, words, abbreviations or insignia indicating that the person is a physical therapist, or purports to be a physical therapist.

(2)(a) Only a person who holds a Doctor of Physical Therapy degree may use the title "Doctor of Physical Therapy" or the abbreviation "D.P.T." or other words or letters to indicate that the person has earned a Doctor of Physical Therapy degree.

(b) A person described in this subsection may not use the title of "doctor" without also clearly using language to inform the public that the person is a doctor of physical therapy.

[2] (3) Unless a person holds a license as a physical therapist assistant, a person *[shall]* **may not**:

(a) Practice as a physical therapist assistant; or

(b) Use in connection with the name of the person the words or letters[,] "L.P.T.A.," "P.T.A.," "physical therapist assistant," "licensed physical therapist assistant," or any other letters, words, abbreviations or insignia indicating that the person is a physical therapist assistant or purports to be a physical therapist assistant.

[3] (4) *[Subsections (1) and (2) of this section do]* **This section does not apply to [an individual] a person** who is authorized to practice as a physical therapist[,] or *[work as a]* physical therapist assistant[,] by compact privilege as defined in ORS 688.240.

(5) The Oregon Board of Physical Therapy may seek an injunction against a person who engages in conduct in violation of subsection (1) or (3) of this section in a court of competent jurisdiction. An injunction may be issued upon demonstration by the board that the person is likely to continue the conduct or has caused irreparable harm as a result of the conduct.

SECTION 10. ORS 688.030 is amended to read:

688.030. (1) **ORS 688.010 to 688.201 do not prohibit a person who is authorized by a health professional regulatory board to practice an occupation or profession from practicing that occupation or profession, including by performing an activity or procedure that is included in the practice of physical therapy that is within the person's scope of practice, if the person does not represent, imply or claim that the person is a physical therapist or physical therapist assistant.**

(2) **ORS 688.010 to 688.201 do not apply to a person:**

[(1) A person engaging in the domestic application of any activity included in the definition of the practice of physical therapy, if the person does not represent to anyone receiving services or to the public that the person is a physical therapist or a physical therapist assistant.]

[(2) A person using any procedure included in the practice of physical therapy if the procedure is within the scope of practice of the person and the person:]

[(a) Is licensed under a health care licensing law of this state; and]

[(b) Does not represent or imply that the person is a physical therapist or a physical therapist assistant.]

[(3) A person who is enrolled in an accredited physical therapy education program that leads to a degree as a physical therapist or a physical therapist assistant and who is satisfying supervised clinical education requirements under the direct supervision of a physical therapist.]

[(4) A person licensed in the practice of physical therapy in another jurisdiction who is, for a period not to exceed 60 days in each calendar year:]

[(a) Providing consultation from the other jurisdiction by means of telecommunications to a physical therapist in this state;]

[(b) Providing physical therapy services to an individual employed by or affiliated with a touring theater company, a performing arts company, an athletic team or an athletic organization; or]

[(c) Performing physical therapy while teaching or participating in an educational conference in this state.]

(a) Enrolled in an entry-level professional education program approved by the Oregon Board of Physical Therapy who is satisfying clinical education requirements related to the person's physical therapy education while under on-site supervision;

(b) Satisfying a clinical education requirement as required by the board under on-site supervision;

(c) Practicing as a physical therapist or physical therapist assistant in the employment of the Armed Forces of the United States, the United States Public Health Service or the United States Department of Veterans Affairs pursuant to a federal regulation authorizing the person's practice, if the person is practicing within the scope of employment;

(d) Licensed as a physical therapist or physical therapist assistant in another state, the District of Columbia or a territory of the United States and:

(A) Providing consultation to a health care provider licensed in this state;

(B) For a period of not more than 60 days in a calendar year, practicing physical therapy or assisting in the provision of physical therapy services during a declared national, state or local emergency, so long as the person has notified the board of the person's intent to practice or assist; or

(C) For a period of not more than 60 days in a calendar year, practicing physical therapy or assisting in the provision of physical therapy services if the person is displaced from the person's residence or place of employment due to a declared national, state or local emergency, so long as the person notifies the board of the person's intent to practice or assist;
or

(e) Licensed as a physical therapist or physical therapist assistant in another state, the District of Columbia or a territory of the United States, or authorized to practice physical therapy or assist in the provision of physical therapy services in another country, and, for a period of not more than 60 days in a calendar year:

(A) Teaching, demonstrating or providing physical therapy services in connection with a continuing education seminar; or

(B) Employed or contracted to provide physical therapy or assist with the provision of physical therapy services to patients affiliated with or employed by an established athletic team or organization or a performing arts company temporarily practicing, competing or performing in this state.

SECTION 11. ORS 688.050 is amended to read:

688.050. [(1) Each applicant for a license as a physical therapist shall:]

[(a) Be at least 18 years of age.]

[(b) Be of good moral character as determined by the Oregon Board of Physical Therapy.]

[(c)(A) Be a graduate of an accredited professional physical therapy education program approved by the board; or]

[(B) Have military experience or training that the board determines is substantially equivalent to the education required by subparagraph (A) of this paragraph.]

[(d) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to practice as a physical therapist or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.]

[(2) In addition to the requirements of subsection (1) of this section, an applicant for a license as a physical therapist who has been educated outside the United States shall:]

[(a) Provide evidence satisfactory to the board that the applicant's physical therapy education program is recognized or accredited and that the applicant's education is substantially equivalent to the education of physical therapists who graduated from accredited physical therapy education programs approved by the board. If the board determines that the education of an applicant who graduated from a physical therapy education program outside the United States is not substantially equivalent, the board may require the applicant to complete additional course work before the board proceeds with the application process.]

[(b) Obtain an evaluation of the applicant's educational credentials by a credentials evaluation agency approved by the board.]

[(c) Demonstrate proficiency in English if required by the board.]

[(d) Pass to the satisfaction of the board an examination approved by the board.]

[(3) If an applicant who has been educated outside the United States is a graduate of an accredited physical therapy education program approved by the board, the board may waive the requirements of subsection (2)(a) and (b) of this section.]

(1) The Oregon Board of Physical Therapy may issue a license to practice as a physical therapist to an applicant who:

(a) Applies to the board in a form and manner prescribed by the board;

(b) Is at least 18 years of age;

(c) Except as provided in subsections (2) and (3) of this section, submits proof of graduation from an accredited professional physical therapy education program accredited by a national accreditation agency and approved by the board by rule;

(d) Passes, to the satisfaction of the board, a national examination described in section 2 of this 2025 Act to determine the applicant's fitness to practice physical therapy and passes any other examinations required by the board;

(e) Pays the fee required by the board;

(f) Passes a state or nationwide criminal records check under ORS 181A.195 to the satisfaction of the board; and

(g) Meets any other requirements established by the board by rule.

(2) In addition to the requirements of subsection (1) of this section, an applicant for a license as a physical therapist who has completed a physical therapy education program, including an education program of the Armed Forces of the United States, that is not accredited by a national accreditation agency and is approved by the board by rule shall:

(a) Provide satisfactory evidence to the board that the applicant's education:

(A) Is substantially equivalent to that provided by an entry-level physical therapy education program accredited as described in subsection (1) of this section;

(B) Is approved by the board; and

(C) Prepared the applicant for engaging without restriction in the practice of physical therapy;

(b) Meet any criteria for educational requirements established by the board by rule, as demonstrated by a credentials evaluation directed by the board, and complete any additional education as the board requires;

(c) If required, pass an English proficiency examination prescribed by the board; and

(d) Complete any supervised clinical practice required by the board by rule.

(3) In addition to the requirements of subsection (2) of this section, an applicant who graduated from a physical therapy education program located in another country shall demonstrate to the satisfaction of the board that the education program is recognized by that country's ministry of education or similar body.

(4) In processing an application for licensure submitted under this section, the board shall notify the applicant of any deficiencies in the application.

(5) A physical therapist shall, on advertising and correspondence related to the physical therapist's practice, use the letters "P.T" or the term "physical therapist" to make known the person's licensure to practice physical therapy.

(6) A physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession as established by rule.

SECTION 12. ORS 688.055 is amended to read:

688.055. *[Each applicant for a license as a physical therapist assistant shall:]*

[(1) Be at least 18 years of age.]

[(2) Be of good moral character as determined by the Oregon Board of Physical Therapy.]

[(3) Be a graduate of an accredited physical therapist assistant education program approved by the board.]

[(4) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to work as a physical therapist assistant or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist assistant who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.]

(1) The Oregon Board of Physical Therapy may issue a license to practice as a physical therapist assistant to an applicant who:

(a) Applies to the board in a form and manner prescribed by the board;

(b) Is at least 18 years of age;

(c) Except as provided in subsections (2) and (3) of this section, submits proof of graduation from an accredited professional physical therapist assistant education program accredited by a national accreditation agency and approved by the board by rule;

(d) Passes, to the satisfaction of the board, a national examination described in section 2 of this 2025 Act to determine the applicant's fitness to practice as a physical therapist assistant and passes any other examinations required by the board;

(e) Pays the fee required by the board;

(f) Passes a state or nationwide criminal records check under ORS 181A.195 to the satisfaction of the board; and

(g) Meets any other requirements established by the board by rule.

(2) In addition to the requirements of subsection (1) of this section, an applicant for a license as a physical therapist assistant who has completed an education program, including an education program of the Armed Forces of the United States, that is not accredited by a national accreditation agency and is approved by the board by rule shall:

(a) Provide satisfactory evidence to the board that the applicant's education:

(A) Is substantially equivalent to that provided by an entry-level physical therapist assistant education program accredited as described in subsection (1) of this section;

(B) Is approved by the board; and

(C) Prepared the applicant to work as a physical therapist assistant;

(b) Meet any criteria for educational requirements established by the board by rule, as demonstrated by a credentials evaluation directed by the board, and complete any additional education as the board requires;

(c) If required, pass an English proficiency examination prescribed by the board; and

(d) Complete any supervised clinical practice required by the board by rule.

(3) In addition to the requirements of subsection (2) of this section, an applicant who graduated from an education program located in another country shall demonstrate to the satisfaction of the board that the education program is recognized by that country's ministry of education or similar body.

(4) In processing an application for licensure submitted under this section, the board shall notify the applicant of any deficiencies in the application.

(5) A physical therapist assistant shall adhere to the recognized standards of ethics of the physical therapy profession as established by rule.

SECTION 13. ORS 688.080 is amended to read:

688.080. (1) The Oregon Board of Physical Therapy may license as a physical therapist or [*license as a*] physical therapist assistant, without examination or verification of graduation from an education program, any person who:

(a) Applies for a license as provided in ORS [*688.040*] **688.050 or 688.055; and**

[*(b) Is of good moral character as determined by the board; and*]

[*(c) (b) On the date of [making] application, is a physical therapist or physical therapist assistant who has a [valid] current unrestricted license from [any other] another state or territory of the United States if the requirements for licensing of physical therapists or physical therapist assistants in the state or territory in which the applicant is licensed are substantially equivalent to Oregon's licensure requirements and the [applicant passed to the satisfaction of the examiner of such state or territory a written examination that is approved by the board of this state] person met the licensing requirements of the other state or territory at the time of the person's initial licensure.*

(2) [*Each applicant*] **To be licensed** under this section, an applicant shall:

(a) Pay a fee to the board at the time of [*filing the*] application[.];

(b) **Pass any examination required by the board by rule;**

(c) **Pass a state or nationwide criminal records check under ORS 181A.195 to the satisfaction of the board; and**

(d) **Meet any other requirements established by the board by rule.**

SECTION 14. ORS 688.100 is amended to read:

688.100. (1) A person [*who is*] licensed as a physical therapist or physical therapist assistant shall **apply to the Oregon Board of Physical Therapy to renew the person's license pursuant to the rules of the [Oregon Board of Physical Therapy] board.** [*A person who fails to renew the*] **If a person fails to renew the person's license on or before the expiration date specified by board rule, the person's license is lapsed and the person may not practice as a physical therapist or work as a physical therapist assistant in this state until the lapsed license is [renewed] reinstated.**

(2) The board may reinstate a lapsed license upon **completion of a renewal application and payment of all past renewal and delinquency fees, subject to the board's discretion as described in subsection (3) of this section.**

[3] *If a person's license has lapsed for more than five consecutive years, that person shall reapply for a license and pay all applicable fees. The person shall also demonstrate to the board's satisfaction competence to practice physical therapy, or shall serve an internship under a restricted license or take remedial or refresher courses, or both, at the discretion of the board. The board may also require the applicant to take an examination.*]

[4] *A person who is licensed as a physical therapist or physical therapist assistant shall report to the board a name change or any change in business or residential address, electronic mail address or contact telephone number within 30 days after the date of change.*]

(3) If a person's license to practice as a physical therapist or physical therapist assistant has lapsed for an amount of time specified by the board by rule, in order to have the license reinstated, the person shall meet the requirements for initial licensure and demonstrate, to the satisfaction of the board, competence to practice physical therapy or as a physical therapist assistant by one or more the following:

(a) Under any reasonable licensure conditions imposed by the board, completing a supervised clinical practice as prescribed by the board by rule;

(b) Completing, or demonstrating completion of, continuing competence that was required during the period of lapse;

(c) Passing an examination required by the board; or

(d) Providing proof of licensed practice as a physical therapist or physical therapist assistant in another jurisdiction during the period of lapse.

SECTION 15. ORS 688.110 is amended to read:

688.110. (1) The Oregon Board of Physical Therapy, in its discretion, may issue without examination a temporary permit to a person to practice as a physical therapist or to work as a physical therapist assistant in this state if the person files an application for license as provided in ORS [688.040 or] 688.080, and pays to the board at the time of filing the application the temporary permit fee.

(2) A person holding a temporary permit may practice physical therapy only under the direction of a physical therapist licensed under ORS 688.010 to 688.201.

(3) The temporary permit shall be granted for a period not to exceed three months. The board may renew the temporary permit at its discretion for no more than 90 days.

SECTION 16. ORS 688.135 is amended to read:

688.135. (1) A physical therapist [*licensed under ORS 688.010 to 688.201*] shall:

(a) Be responsible for managing all aspects of the physical therapy care of each patient, including:

(A) The initial patient evaluation, determination of diagnosis, prognosis and development of the plan of treatment intervention and appropriate documentation;

(B) Patient re-evaluation, with appropriate documentation; and

(C) Discharge of a patient from physical therapy with appropriate documentation that specifies the patient's response to the treatment intervention.

(b) Ensure the qualifications of all physical therapist assistants and physical therapist aides working under the direction and supervision of the physical therapist.

(c) Provide for each patient the [*therapeutic*] **treatment intervention that requires the [*expertise*] **education, skills and knowledge** of a physical therapist and determine and supervise the use of physical therapist assistants or physical therapist aides to provide care that is safe, effective and efficient.**

(2)(a) A physical therapist may delegate routine tasks to a physical therapy aide who works under the physical therapist's supervision.

(b) A physical therapist assistant shall work under a physical therapist's supervision and shall document the physical therapy care and services the physical therapist assistant provides.

(3) A physical therapist shall communicate the plan of treatment intervention with the patient, or the patient's authorized representative, and obtain informed consent from the

patient, or patient's authorized representative, to carry out the plan of treatment intervention.

[(2)] (4)(a) [*Responsibility for patient care management shall include*] **A physical therapist is responsible for** accurate documentation and billing of the physical therapy services provided. Information relating to the physical therapist-patient relationship is confidential and a physical therapist shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in ORS 192.553 to 192.581.

(b) **A physical therapist assistant is responsible for the accurate documentation and billing of services provided by the physical therapist assistant. Information relating to the physical therapist assistant-patient relationship is confidential and a physical therapist assistant shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in ORS 192.553 to 192.581.**

[(3)] (5) [*Each*] **A physical therapist and a physical therapist assistant** shall display a copy of the physical therapist's **or physical therapist assistant's** license or current renewal verification in a location accessible to public view [*at the physical therapist's place of practice or employment*].

[(4)] (6) A physical therapist may purchase, store and administer topical and aerosol medications as part of the practice of physical therapy as defined in ORS 688.010. A physical therapist shall comply with any rules adopted by the State Board of Pharmacy specifying protocols for storage of medications.

[(5)] (7) A physical therapist **and a physical therapist assistant** shall adhere to the standards of ethics [*recognized by the physical therapy profession as further established by a nationally recognized professional organization of physical therapists and as further adopted by the board*] **described in ORS 688.050 and 688.055.**

[(6)] (8) A physical therapist shall disclose to a patient any direct financial interest in products that the physical therapist endorses and recommends to the patient at the time of [*such*] **the** endorsement or recommendation. **The physical therapist shall document the** disclosure [*shall be documented*] in the patient's record.

[(7)] (9) A physical therapist may provide compensable services to an injured worker only as authorized by ORS 656.250.

[(8)] (10) Nothing in ORS 688.010 to 688.201 shall prohibit a physical therapist [*licensed under ORS 688.010 to 688.201*] from accepting a referral from a veterinarian licensed under ORS chapter 686. The referral must be in writing and specify the treatment or therapy to be provided, pursuant to ORS 686.040 (4). A physical therapist practicing under this subsection shall be held to the standard of care for veterinarians set forth in ORS chapter 686 **and as further defined by the Oregon Board of Physical Therapy.**

[(9)] (11) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a physical therapist who has reasonable cause to believe that a licensee of another **health professional regulatory** board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

SECTION 17. ORS 688.140 is amended to read:

688.140. (1) The Oregon Board of Physical Therapy, after notice and hearing as provided in ORS 688.145, may impose any or all of the following sanctions or take any of the following actions upon any of the grounds specified in subsection (2) of this section:

- (a) Refuse to license any applicant.
- (b) Refuse to renew the license of any physical therapist or physical therapist assistant.
- (c) Suspend or revoke the license of any physical therapist or physical therapist assistant.
- (d) Suspend or revoke a temporary permit issued under ORS 688.110.
- (e) Impose a civil penalty not to exceed \$5,000.
- (f) Impose probation with authority to limit or restrict a license.
- (g) Impose conditions, restrictions or limitations on practice.
- (h) Issue letters of reprimand.

(i) Impose any other appropriate sanction, including assessment of the reasonable costs of a proceeding under ORS 688.145 as a civil penalty. Costs include, but are not limited to, the costs of investigation, attorney fees, hearing officer costs and the costs of discovery.

(2) Grounds exist for the imposition of sanctions as specified in subsection (1) of this section when a person:

(a) Violates any provision of ORS 688.010 to 688.201, board rules or a written order from the board.

(b) Practices or offers to practice beyond the scope of practice of physical therapy.

(c) Obtains or attempts to obtain or renew a license or temporary permit by fraud or misrepresentation.

(d) Provides substandard care as a physical therapist through a deliberate or negligent act or failure to act, regardless of whether injury to the patient occurs.

(e) Provides substandard care as a physical therapist assistant by exceeding the authority to perform components of physical therapy interventions selected by the supervising physical therapist or through a deliberate or negligent act or failure to act, regardless of whether injury to the patient occurs.

(f) Fails as a physical therapist to supervise physical therapist assistants in accordance with board rules.

(g) Fails as a physical therapist or physical therapist assistant to supervise physical therapist aides in accordance with board rules.

(h) Subject to the provisions of ORS 670.280, has been convicted of a crime in Oregon or any other state, territory or country **if the crime poses a risk to the public's safety or welfare relative to the practice of physical therapy**. For purposes of this paragraph, conviction includes a verdict of guilty, a plea of guilty or a plea of no contest.

(i) Has an impairment as defined in ORS 676.303.

(j) Has had an application for licensure refused because of conduct or circumstances that would be grounds for sanctions by the board, or a license revoked or suspended, or other disciplinary action taken by the proper authorities of another state, territory or country.

(k) Engages in sexual misconduct. For purposes of this paragraph, sexual misconduct includes but is not limited to:

(A) Engaging in sexual conduct or soliciting a sexual relationship [*with a current patient*], whether consensual or nonconsensual, **with a patient with whom the physical therapist or physical therapist assistant has a current physical therapist-patient or physical therapist assistant-patient relationship**.

(B) Verbally, physically or through electronic means making advances, requesting favors, expressing thoughts or feelings or making gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

[(B)] (C) Intentionally exposing or viewing a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to patient diagnosis or treatment under current practice standards.

(L) Directly or indirectly requests, receives, pays or participates in dividing, transferring or assigning an unearned fee or profits by a means of a credit or other valuable consideration such as an unearned commission, discount or gratuity in connection with the furnishing of physical therapy services. This paragraph does not prohibit the members of any regularly and properly organized business entity recognized by law and comprised of physical therapists from dividing fees received for professional services among themselves as they determine.

(m) Fails to adhere to the standards of ethics of the physical therapy profession established by board rule.

(n) Obtains or attempts to obtain a fee for physical therapy services by fraud or misrepresentation.

(o) Makes misleading, deceptive or fraudulent representations in the course of providing physical therapy services.

(p) Fails to report to the board, when the person has direct knowledge of an unprofessional, incompetent or illegal act that reasonably appears to be in violation of ORS 688.010 to 688.201 or any rules of the board.

(q) Interferes with an investigation or disciplinary proceeding of the board.

(r) Aids or abets a person who is not licensed in this state to practice physical therapy.

(s) Fails to maintain adequate patient records.

(t) Fails to maintain patient confidentiality.

(u) Provides treatment intervention that is not warranted by the patient's condition or continues treatment beyond the point of reasonable benefit to the patient.

(v) Provides physical therapy services or participates in physical therapy services solely for reasons of personal or institutional financial gain.

(w) Aids or causes another person, directly or indirectly, to violate ORS 688.010 to 688.201 or rules of the board, fraudulently uses or permits the use of a license number in any way, or acts with the intent to violate ORS 688.010 to 688.201 or rules of the board.

(x) Abuses the physical therapist-patient or physical therapist assistant-patient relationship to exert undue influence or to exploit any person over whom the physical therapist or physical therapist assistant has supervisory, evaluative or other authority.

(y) Engages, or attempts to engage, in conduct that subverts or undermines the integrity of an examination described in section 2 of this 2025 Act, including but not limited to using in any manner recalled or memorized examination questions, violating security or copyright provisions related to the examination, failing to comply with examination administration procedures, communicating or attempting to communicate with other applicants during an examination or copying or sharing examination questions or portions of questions.

(3) To enforce the provisions of this section, the board is authorized to initiate an investigation and take the following actions:

(a) Receive complaints filed against persons and conduct timely investigations.

(b) Initiate its own investigation if the board has reason to believe that there may have been a violation of ORS 688.010 to 688.201.

(c) Issue a subpoena to compel the attendance of any witness or the production of any documentation relating to a matter under investigation. In addition to the board, the executive director or the executive director's designee may issue a subpoena. When the board, in the course of an investigation, requires the production of patient records for inspection and copying by subpoena, or otherwise, the records shall be produced without regard to whether patient consent has been obtained and without regard to any claim of confidentiality or privilege.

(d) Take the deposition of a witness, including a physical therapist or physical therapist assistant being investigated, in the manner provided by law in civil cases.

(e) Take emergency action to suspend a person's license or restrict the person's practice or employment pending proceedings by the board.

(f) Report to the appropriate district attorney all cases that, in the judgment of the board, warrant prosecution.

(g) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has objectively reasonable grounds to believe that the person is or may be unable to practice physical therapy with reasonable skill and safety, with the results being reported to the board. The report shall not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person.

(4) If the board finds that the information received in a complaint or an investigation does not merit disciplinary action against a person, nondisciplinary actions may ensue. The board may then take the following actions:

(a) Dismiss the complaint.

(b) Issue a confidential advisory letter to the person that is nondisciplinary and that notifies the physical therapist or physical therapist assistant that certain conduct or practices must be modified or eliminated.

(5) The board may apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of ORS 688.010 to 688.201. Injunction proceedings are in addition to, and not in lieu of, penalties or other sanctions prescribed in ORS 688.010 to 688.201.

(6) If the board receives a complaint that a person is engaged in conduct that violates ORS 688.020 (1) or (3), or on its own initiative begins an investigation, the board shall investigate to the extent necessary to determine whether the person is engaged in the alleged conduct and shall inform the person of the investigation and reason for the investigation. The board may refer the matter to the Attorney General or to the appropriate district attorney.

(7) Sexual contact that occurs between a physical therapist and patient or physical therapist assistant and patient after the termination of the physical therapist-patient or physical therapist assistant-patient relationship may constitute sexual misconduct as described in subsection (2) of this section if the sexual contact is a result of the exploitation of trust or knowledge or the influence of emotions derived from the physical therapist-patient or physical therapist assistant-patient relationship.

SECTION 18. ORS 688.160 is amended to read:

688.160. (1) The Oregon Board of Physical Therapy operates as a semi-independent state agency subject to ORS 182.456 to 182.472, for purposes of carrying out the provisions of ORS 688.010 to 688.201, **688.240** and 688.990. The board consists of eight members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Five must be physical therapists who are Oregon residents, possess unrestricted licenses to practice physical therapy in this state, have been practicing in this state for at least two years [*immediately*] preceding their appointments and have been practicing in the field of physical therapy for at least five years.

(b) One must be a licensed physical therapist assistant.

(c) Two must be public members who have an interest in consumer rights and who are not:

(A) Otherwise eligible for appointment to the board; or

(B) The spouse, domestic partner, child, parent or sibling of a physical therapist or physical therapist assistant.

(2)(a) Board members required to be physical therapists or physical therapist assistants may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by the Oregon Physical Therapy Association.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is four years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. A member is eligible for reappointment, **but may not serve for more than two successive four-year terms or for more than 10 consecutive years.**

(b) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall appoint a person to fill the vacancy for the unexpired term.

(c) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed physical therapist or a retired physical therapist who was a licensed physical therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as a physical therapist; or

(D) Is not a licensed physical therapist assistant or a retired physical therapist assistant who was a licensed physical therapist assistant in good standing at the time of retirement, if the board member was appointed to serve on the board as a retired physical therapist assistant.

(4) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(5) A board member who acts within the scope of board duties, without malice and in reasonable belief that the member's action is warranted by law, is immune from civil liability.

(6) The board shall have power to:

(a) Establish matters of policy affecting administration of ORS 688.010 to 688.201;

(b) Provide for examinations for physical therapists and physical therapist assistants[*and adopt passing scores for the examinations*];

(c) Adopt rules necessary to carry out and enforce the provisions of ORS 688.010 to 688.201 **and 688.240**;

(d) Establish standards and tests to determine the qualifications of applicants for licenses to practice physical therapy in this state;

(e) Issue licenses to persons who meet the requirements of ORS 688.010 to 688.201;

(f) Adopt rules relating to the supervision and the duties of physical therapist aides who assist in performing routine work under supervision;

(g) Adopt rules establishing minimum continuing competency requirements for all licensees;

(h) [*Exercise general supervision over*] **Regulate** the practice of physical therapy within this state;

[*i*] *Establish and collect fees for the application or examination for, or the renewal, reinstatement or duplication of, a license under ORS 688.040, 688.080 or 688.100 or for the issuance of a temporary permit under ORS 688.110; and*

[*j*] (i) Establish and collect fees to carry out and enforce the provisions of ORS 688.010 to 688.201[.] **and 688.240**;

(j) **Establish advisory committees as necessary to further the work of the board;**

(k) **Participate in a national examination, licensure and disciplinary database;**

(L) **For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, require the fingerprints of a person who is applying for the issuance or renewal of a license or permit issued by the board;**

(m)(A) **Collect, at the time of licensure issuance or renewal, data that the board determines necessary to assess the physical therapy workforce in this state;**

(B) **Develop and maintain a physical therapy workforce database; and**

(C) **Share physical therapy workforce information with the Oregon Health Authority; and**

(n) **Establish licensure endorsements or practice specialization designations.**

(7) The board shall meet [*as determined by the board*] **at least quarterly** and at any other time at the call of the board chairperson[, *who*]. **The chairperson, and any other officers necessary for the operation of the board**, shall be elected by the members of the board. All members have equal voting privileges.

(8) The board may appoint and fix the compensation of staff as necessary to carry out the operations of the board.

(9) The board shall:

(a) Maintain a current list of all persons regulated under ORS 688.010 to 688.201, including the persons' names, current business and residential addresses, telephone numbers, electronic mail addresses and license numbers.

(b) Provide information to the public regarding the procedure for filing a complaint against a physical therapist or physical therapist assistant.

(c) Publish at least annually, and in a format or place determined by the board, final disciplinary actions taken against physical therapists and physical therapist assistants and other information, including rules, in order to guide physical therapists and physical therapist assistants regulated pursuant to ORS 688.010 to 688.201 **and 688.240**.

(d) Report final disciplinary action taken by the board to a national disciplinary database recognized by the board.

(e) Report information of alleged misconduct by licensees and, as the misconduct relates to the practice of physical therapy, by unlicensed persons, other health care providers or entities to the appropriate authority, unless prohibited by law.

SECTION 19. ORS 688.435 is amended to read:

688.435. The provisions of ORS 688.405 to 688.605 do not apply to the following persons:

(1) Persons who operate dental X-ray equipment for the sole purpose of oral radiography.

(2) Students in approved schools, while practicing one of the medical imaging modalities or subspecialties under the supervision of the school's assigned clinical instructor.

(3) Specific licensed health care providers, other than physicians, who use sonographic equipment within their lawful scope of practice.

(4) Licensed physicians.

(5) Persons who use radiation for the purpose of research or education. As used in this subsection:

(a) "Education" means a program of study or training:

(A) In which a student, trainee or health care practitioner learns to practice or improve skills for a profession regulated by a health professional regulatory board, as defined in ORS 676.160; and

(B)(i) That is accredited by a national or regional post-secondary accrediting body or organization; or

(ii) That is approved or recognized by a health professional regulatory board, as defined in ORS 676.160, for purposes related to being authorized to practice a profession.

(b) "Research" means systematic investigation, including research development, testing and evaluation, designed to develop or contribute to general knowledge and that has been approved by an institutional review board that provides for the protection of human research subjects in accordance with federal regulations.

(6) Persons who use sonographic equipment for the sole purpose of ophthalmic sonography.

(7) Physical therapists, as defined in ORS 688.010, who use sonographic equipment for the sole purpose of sonography related to the practice of physical therapy, as defined in ORS 688.010.

SECTION 20. ORS 811.604, as amended by section 168, chapter 73, Oregon Laws 2024, is amended to read:

811.604. Application for issuance or renewal of a disabled person parking permit in the form of an individual placard or decal issued under ORS 811.602 shall include:

(1) A certificate, signed and dated within six months preceding the date of application, by a licensed physician, a licensed nurse practitioner [or], a licensed physician associate **or a licensed physical therapist** to the Department of Transportation that the applicant is a person with a disability or a certificate, signed and dated within six months preceding the date of application, by a licensed optometrist that the applicant is a person with a disability because of loss of vision or substantial loss of visual acuity or visual field beyond correction;

(2) The state-issued licensing number of the licensed physician, certified nurse practitioner, licensed physician associate, **licensed physical therapist** or licensed optometrist who signed the certificate described in subsection (1) of this section; and

(3) The number of a driver license, driver permit, identification card or parking identification card issued to the applicant by the department.

SECTION 21. ORS 742.400, as amended by section 152, chapter 73, Oregon Laws 2024, is amended to read:

742.400. (1) As used in this section:

(a) "Claim" means a written demand for payment from or on behalf of a covered practitioner for an injury alleged to have been caused by professional negligence that is made in a complaint filed with a court of appropriate jurisdiction.

(b) "Covered practitioner" means a:

(A) Chiropractic physician[,] **licensed under ORS 684.040 to 684.105;**

(B) Physician **licensed under ORS chapter 677** or physician associate licensed under ORS [chapter 677] **licensed under ORS 677.505 to 677.525[.];**

(C) Nurse practitioner[,] **licensed under ORS 678.375 to 678.390;**

(D) Optometrist[,] **licensed under ORS 683.010 to 683.340;**

(E) Dentist[,] **licensed under ORS chapter 679** or dental hygienist [or] **licensed under ORS 680.040 to 680.100;**

(F) Naturopathic physician[,] **licensed under ORS chapter 685; or**

(G) **Physical therapist licensed under ORS 688.040 to 688.145.**

(c) "Disposition of a claim" means:

(A) A judgment or award against the covered practitioner by a court, a jury or an arbitrator;

(B) A withdrawal or dismissal of the claim; or

(C) A settlement of the claim.

(d) "Reporter" means:

(A) A primary insurer;

(B) A public body required to defend, save harmless and indemnify an officer, employee or agent of the public body under ORS 30.260 to 30.300;

(C) An entity that self-insures or indemnifies for claims alleging professional negligence on the part of a covered practitioner; or

(D) A health maintenance organization as defined in ORS 750.005.

(2) Within 30 days after receiving notice of a claim, a reporter shall report the claim to the appropriate board, as follows:

(a) The Oregon Medical Board if the covered practitioner is a physician or physician associate [licensed under ORS chapter 677];

(b) The Oregon State Board of Nursing if the covered practitioner is a nurse practitioner;

(c) The Oregon Board of Optometry if the covered practitioner is an optometrist;

(d) The Oregon Board of Dentistry if the covered practitioner is a dentist or dental hygienist;

(e) The Oregon Board of Naturopathic Medicine if the covered practitioner is a naturopathic physician; [or]

(f) The State Board of Chiropractic Examiners if the covered practitioner is a chiropractic physician[.]; **or**

(g) The Oregon Board of Physical Therapy if the covered practitioner is a physical therapist.

(3) The report required under subsection (2) of this section shall include:

(a) The name of the covered practitioner;

(b) The name of the person that filed the claim;

(c) The date on which the claim was filed; and

(d) The reason or reasons for the claim, except that the report may not disclose any data that is privileged under ORS 41.675.

(4) Within 30 days after the date of an action taken in disposition of a claim, a reporter shall notify the appropriate board identified in subsection (2) of this section of the disposition.

(5)(a) A board that receives a report of a claim under this section shall publicly post the report on the board's website if the claim results in a judicial finding or admission of liability or a money judgment, award or settlement that involves a payment to the claimant. The board may not publicly post information about claims that did not result in a judicial finding or admission of liability or a

money judgment, award or settlement that involves a payment to the claimant but shall make the information available to the public upon request.

(b) If a board discloses information about a claim that is the subject of a report received under this section, the board shall indicate in the disclosure whether the claim resulted in a judicial finding or an admission of liability or a money judgment, an award or a settlement that involves a payment to the claimant. A board may not publicly disclose or publish any allegations or factual assertions included in the claim unless the complaint resulted in a judicial finding or an admission of liability or a money judgment, an award or a settlement that involves a payment to the claimant.

(c) For purposes of this subsection, “judicial finding” means a finding of liability by a court, a jury or an arbitrator.

(6) A board that receives a report under this section shall provide copies of the report to each health care facility licensed under ORS 441.015 to 441.119, 441.525 to 441.595, 441.815, 441.820, 441.990, 441.993, 442.342, 442.344 and 442.400 to 442.463 that employs or grants staff privileges to the covered practitioner.

(7) A person that reports in good faith concerning any matter required to be reported under this section is immune from civil liability by reason of making the report.

SECTION 22. ORS 688.040 and 688.090 are repealed.

SECTION 23. The amendments to ORS 688.160 by section 18 of this 2025 Act apply to members appointed to the Oregon Board of Physical Therapy on or after the operative date specified in section 24 of this 2025 Act.

SECTION 24. (1) Sections 2 to 6 of this 2025 Act, the amendments to ORS 688.010, 688.015, 688.020, 688.030, 688.050, 688.055, 688.080, 688.100, 688.110, 688.135, 688.140, 688.160, 688.435, 742.400 and 811.604 by sections 7 to 21 of this 2025 Act and the repeal of ORS 688.040 and 688.090 by section 22 of this 2025 Act become operative on July 1, 2027.

(2) The Oregon Board of Physical Therapy may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by sections 2 to 6 of this 2025 Act and the amendments to ORS 688.010, 688.015, 688.020, 688.030, 688.050, 688.055, 688.080, 688.100, 688.110, 688.135, 688.140, 688.160, 688.435, 742.400 and 811.604 by sections 7 to 21 of this 2025 Act and the repeal of ORS 688.040 and 688.090 by section 22 of this 2025 Act.

SECTION 25. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House April 22, 2025

Repassed by House June 27, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate June 26, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State