

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Tullis**

A Bill

HOUSE BILL 1770

For An Act To Be Entitled

8 *"AN ACT TO REQUIRE THE DISCLOSURE BY PHYSICAL THERAPISTS*
9 *OF ANY TRANSFER, REBATE OR GRATUITY TO HEALTH CARE*
10 *PRACTITIONER FOR PATIENT REFERRAL; AND FOR OTHER*
11 *PURPOSES."*

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

15 SECTION 1. Ark. Code Ann. §17-92-308(a) is hereby amended to read as
16 follows:

17 "(a) After due notice and hearing, the board may refuse to register any
18 physical therapist or physical therapist assistant applicant and may revoke
19 the registration of any registered person who:

20 (1) Is habitually drunk or who is addicted to the use of narcotic
21 drugs;

22 (2) Has been convicted of violating any state or federal narcotic
23 law;

24 (3) Is, in the judgment of the board, guilty of immoral or
25 unprofessional conduct;

26 (4) Has been convicted of any crime involving moral turpitude;

27 (5) Is guilty, in the judgment of the board, of gross negligence
28 in his practice;

29 (6) Has obtained, or attempted to obtain, registration by fraud
30 or material misrepresentation;

31 (7) Has been declared insane by a court of competent jurisdiction
32 and has not thereafter been lawfully declared sane;

33 (8) Has treated, or undertaken to treat, ailments of human beings
34 otherwise than by physical therapy, and as authorized by this chapter, or has
35 undertaken to practice independent of the referral of a person licensed to

1 practice medicine and surgery without limitation; or-

(9) Engages, directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or gratuity with any physician or health care practitioner who referred a patient, or with any relative or business associate of the referring person without appropriate disclosure to the patient so referred. Nothing in this subdivision shall be construed as prohibiting the members of any regularly and properly organized business entity recognized by Arkansas law and comprised of physical therapists from making any division of their total fees among themselves as they determine by contract necessary to defray their joint operating costs. This subdivision shall not apply to any physical therapist employed by a licensed physician on the effective date of this subdivision during the term of such employment, nor shall it apply to physical therapy positions on the premises of Arkansas licensed hospitals and nursing homes."

16

17 SECTION 2. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

20

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

26

27 SECTION 4. All laws and parts of laws in conflict with this act are
28 hereby repealed.

29

30 /s/B. Tullis

31

32

33

34