

2020 State Legislative Report



Introduction

The 2020 legislative session was one for the history books. Most state legislatures adjourned abruptly as the COVID-19 crisis spread in the spring, and many held special legislative sessions during the summer and fall to wrap up unfinished business and address substantial revenue shortfalls stemming from the pandemic.

As states implemented restrictions to curb the spread of COVID-19, governors, state health departments, licensure boards, and commercial, federal, and nonfederal insurers issued emergency rules and regulations that expanded the ability of physical therapists and physical therapist assistants to provide therapy services via telehealth. Additionally, emergency rules were issued both by the Centers for Medicare & Medicaid Services and by many states to provide for payment of physical therapy and other health care services delivered via telehealth by Medicare, state Medicaid programs, and commercial insurers.

As a result of COVID-19-related shutdowns, many bills and final regulations planned for the 2020 session were put on hold. However, state chapters also scored valuable legislative wins on direct access, fair copays, telehealth, the Physical Therapy Compact, practice act updates, and more.

2020 Legislative Highlights

Athletic Trainers

Bills to license athletic trainers or expand athletic trainer scope of practice were introduced in a number of states, including Alabama, Arizona, California, Illinois, Kentucky, Maryland, Minnesota, Missouri, and Ohio.

Arizona's bill, which would have expanded the athletic trainer scope of practice to include dry needling, passed the Senate but languished in a House committee.

Efforts in California to provide for state licensure of athletic trainers and establish the California Board of Athletic Training ultimately languished in a Senate committee.

In Alabama, Illinois, Minnesota, and Missouri, bills aimed at eliminating the words "athlete" from the athletic trainer practice act, which would allow athletic trainers to treat virtually anyone whether they are engaged in athletics or not, were introduced. Our state chapters successfully opposed those bills.

In Kentucky, however, athletic trainers were successful in expanding their scope of practice, and now the medical board is in the process of developing regulations, as directed by SB 125. Both APTA and the Kentucky Chapter continue to have concerns over proposed credentialing standards, oversight, and scope of practice that appear far more expansive and less regulated than promised during the debate over the bill's passage.

APTA Maryland was successful in preserving language that limits the definition of "athlete" and "athletic training" in HB 576. The bill passed the House of Delegates unanimously with amended language offered by APTA Maryland, but the bill died upon adjournment without Senate action.

Direct Access

Legislation to expand patients' direct access to physical therapist services was introduced in Alabama, Minnesota, Missouri, and Tennessee. While the bills in Alabama, Minnesota, and Missouri did not pass, Tennessee achieved more liberal direct access provisions as part of a broader update of their PT Practice Act. SB 1960 was signed into law on July 15 by Republican Gov. Bill Lee.

Dry Needling

Bills that would allow PTs to perform dry needling were introduced in Florida, Hawaii, Idaho, and New Jersey. Republican Florida Gov. Rick Scott signed SB 792 into law on June 29, capping off a years-long campaign by APTA Florida to update their practice act to reflect modern standards of practice, including the ability of PTs to perform dry needling. The Florida Board of Physical Therapy is developing the dry needling regulations required by SB 792, and it is expected that the regulations will be promulgated in December.

In Idaho, HB 339, which permits PTs to perform dry needling, was passed unanimously by the state legislature and was signed into law by Republican Gov. Brad Little on March 10. The statute became effective July 1.

Unfortunately, efforts to permit dry needling by PTs in Hawaii failed after acupuncturists raised objections in committee about physical therapists infringing on the acupuncture scope of practice, despite dry needling also being part of the PT scope of practice. In New Jersey, efforts to allow PTs to perform dry needling failed in committee votes.

Fair Copays

Legislation that would prohibit insurers from charging PT copays greater than those for a visit to a primary care physician was introduced in Georgia, New York, Ohio, Rhode Island, and Vermont. Fair copay laws reduce cost barriers for patients and make physical therapy services more accessible.

Georgia's legislation, SB 28, was signed by Republican Gov. Brian Kemp on July 16, and APTA Georgia is now working with the Office of the Insurance Commissioner to develop enforcement regulations for the new fair copay statute.

Fair copay bills in New York, Ohio, Rhode Island, and Vermont were unsuccessful this year.

PT Compact

Bills that would allow states to join the Physical Therapy Compact were introduced in several states in 2020, and other bills that were introduced in 2019 were carried over to 2020. The District of Columbia, Pennsylvania, South Dakota, and Wisconsin passed compact legislation, bringing the number of states in the compact to 30. Several states are expected to introduce compact legislation during the 2021 legislative session.

Telehealth

The COVID-19 pandemic has led to a rapid expansion in the ability of PTs, PTAs, and myriad other health care providers to furnish patient care via telehealth. In response to the national shutdown in March, many states issued emergency rules permitting providers to deliver care via telehealth and requiring Medicaid and commercial insurer payment for services delivered via telehealth. Additionally, in April, Medicare announced rules permitting PTs to treat Medicare patients via telehealth.

While APTA continues to advocate to make the Medicare telehealth rules permanent, some state legislatures acted in special sessions to codify executive orders expanding the ability of providers to deliver care via telehealth and mandating payment parity for those services.

In Colorado, Connecticut, and New Hampshire, legislators passed legislation codifying executive orders allowing PTs and other health care providers to furnish service via telehealth, as well as mandating payment parity for telehealth services. However, due to the large presence of the insurance industry in Connecticut, the payment parity rule is set to sunset on March 15, 2021. Making payment parity permanent will be a top priority for APTA Connecticut during the 2021 session.

Additionally, many other states have expressed interest in codifying the ability of PTs to provide treatment via telehealth during their 2021 legislative, as the evidence has become clear that telehealth is an effective and efficient modality for delivering physical therapist services to patients.

2020 Bill Status

Below is a chart showing the status of all bills followed by state chapters this year:

State	Bill Number/Topic	Status
Alabama	HB 141 Athletic trainer scope of practice HB 145 Direct access SB 164 PT Compact	5/18/20 Died upon adjournment 5/18/20 Died upon adjournment 5/18/20 Died upon adjournment
Alaska	SB 131 PT sign off for handicapped placards SB 47 Practice act updates	5/20/20 Died upon adjournment 5/20/20 Died upon adjournment
Arizona	HB 2532 Uniform prior authorization HB 2536 Telemedicine SB 1127 Athletic trainer/dry needling SB 1522 Health care liens	5/26/20 Died upon adjournment 5/26/20 Died upon adjournment 5/26/20 Died upon adjournment 5/26/20 Died upon adjournment
Arkansas	No bills; budget session only	
California	AB 1665 AT licensure AB 1928 Independent contractor PT exempt AB 2410 AT title protection AB 2684 PT/OT school credential SB 900 Independent contractor PT exempt SB 1054 PT Compact AB 2257 Worker classification independent contractor Governor proposed PT Medicaid cuts Animal physical therapy proposed rules	11/30/20 Died upon adjournment 11/30/20 Died upon adjournment 11/30/20 Died upon adjournment 11/30/20 Died upon adjournment 11/30/20 Died upon adjournment 5/18/20 Failed in Judiciary Committee 9/4/20 Signed by governor Not adopted by legislature Published
Colorado	HB 20 1085 Substance use disorder prevention HB 20 1230 OT practice act sunset HB 20 1264 Health care contract hospital system carrier providers HB 20 1326 Occupational credentials portability program HB 20 1330 CGIA CO govt immunity act and state hospital authority HB 20 1331 Transportation for Medicaid waiver recipients SB 20 005 Covered person cost sharing collected by carriers SB 20 043 Out-of-network provider reimbursement SB 20 102 Provider disclosure discipline sex offence SB 20 212 Telehealth coverage and payment parity	7/2/20 governor vetoed 7/11/20 Signed by governor 6/10/20 House Committee postponed indefinitely 6/25/20 Signed by governor 7/2/20 Signed by governor 6/16/20 Failed in House committee 6/13/20 Senate Appropriations Committee postponed indefinitely 3/11/20 Signed by governor 6/29/20 Signed by governor 7/06/20 Signed by governor
Connecticut	No active bills	

Delaware	No active bills	
District of Columbia	B 546 PT Compact	1/01/21 Approved by Congress
Florida	SB 792 Practice act/dry needling	6/29/20 Signed by governor
Georgia	HB 752 FBI background checks SB 28 Fair copays	8/03/20 Signed by governor 7/16/20 Signed by governor
Hawaii	SB 2225 Dry needling SB 2544 Acupuncture	7/10/20 Died upon adjournment 7/10/20 Died upon adjournment
Idaho	HB 339 Dry needling	3/10/20 Signed by governor
Illinois	SB 2429 Athletic trainer scope of practice SB 3228 PT Background check SB 3516 Traditional Asian healing SB 3834 Sexual harassment training SB 3878 Athletic trainers act SB 1420 Riding therapy SB 1198 Music therapy HB 4963 Telehealth insurance coverage HB 5510/SB 3822 Prior authorization reform act	1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment 1/12/21 Died upon adjournment
Indiana	HB 1008 Occupational license endorsement HB 1176 Professional license endorsement SB 205 First Steps program SB 427 Provisional occupational license SB 142 Allow school psychologists to make PT referrals	3/11/20 Died upon adjournment 3/18/20 Signed by governor 3/11/20 Died upon adjournment 3/18/20 Signed by governor 3/11/20 Died upon adjournment
Iowa	HF 2330 Integration of clinical services under corporate umbrella	6/14/2020 Died upon adjournment
Kansas	HB 2453 License reciprocity	5/21/20 Died in House Committee
Kentucky	SB 125 Athletic trainer scope of practice	3/27/20 Signed by governor
Louisiana	HB 371 Sports injury management for scholastic athletics	6/11/20 Signed by governor
Maine	LD 498 Medicaid reimbursement	11/16/20 Died upon adjournment
Maryland	HB 576 Athletic trainer scope of practice	3/18/20 Died upon adjournment
Massachusetts	HB 1083/SB 604 Nonopioid pain management	7/23/20 Died upon adjournment
Michigan	SB 612 Prior authorization SB 22 PT Compact HB 4108 Mandatory child abuse reporting	12/31/20 Died upon adjournment 12/31/20 Died upon adjournment 12/31/20 Died upon adjournment
Minnesota	HB 3113/HB 3345 Direct access SB 2919 Athletic trainer scope of practice SB 3569 Massage therapy licensure	5/17/20 Died upon adjournment 5/17/20 Died upon adjournment 5/17/20 Died upon adjournment
Mississippi	No active bills	
Missouri	HB 1869 Direct access HB 2590 Athletic trainer scope of practice SB 916 Health insurance coverage for PT/OT	5/30/20 Died upon adjournment 5/30/20 Died upon adjournment 5/30/20 Died upon adjournment
Montana	No 2020 session	
Nebraska	LB 956 Defined expectations for Medicaid MCOs in implementing changes re providers	8/10/20 Signed by governor

	LB 778 Regarding appropriations for the Rural Health Systems and Professional Incentive Act LB 1187 Change provisions relating to the Occupational Board Reform Act LB 1124 Adopt the Opioid Prevention and Treatment Act	8/13/20 Indefinitely postponed 8/13/20 Indefinitely postponed 8/6/2020 Signed by governor
Nevada	No 2020 session	
New Hampshire	No active bills	
New Jersey	AB 539/2316 Dry needling	Carried over to 2021 session
New Mexico	HB 228 Rural tax credits	2/20/20 Died upon adjournment
New York	A5499/S5127 Athletic trainer child abuse reporting S 5460/A 7443 Direct access S 4735/A 3070 Licensure of PTAs S 3751/A 405 Fair copays A 3594 Allow PTAs to serve injured workers thru Workers Comp Insurance	6/10/20 Died upon adjournment 6/10/20 Died upon adjournment 6/10/20 Died upon adjournment 6/10/20 Died upon adjournment 6/10/20 Died upon adjournment
North Carolina	No active bills	
North Dakota	No 2020 session	
Ohio	SB 272 PT Compact HB 484 Athletic trainer scope of practice HB 547 Fair copays	12/17/20 Died upon adjournment 12/17/20 Died upon adjournment 12/17/20 Died upon adjournment
Oklahoma	Medicaid expansion HB 1035 Insurance coverage for evidence-based pain management HB 4118 Continuing education for PTs	6/30/20 Passed via referendum 5/29/20 Died upon adjournment 5/29/20 Died upon adjournment
Oregon	HB 4102 Utilization management HB 4101 Telehealth for Medicaid	3/08/20 Died upon adjournment 3/08/20 Died upon adjournment
Pennsylvania	HB 533 Credentialing SB 862 PT Compact SB 857 Telemedicine	11/20/20 Died upon adjournment 11/25/20 Signed by governor 4/29/20 Vetoed by governor
Rhode Island	SB 7171 PT Compact SB 7229 Fair copays	12/21/20 Stripped from bill 12/18/20 Died upon adjournment
South Carolina	HB 4772 FBI background checks	9/24/20 Died upon adjournment
South Dakota	SB 60 PT Compact SB 99 Acupuncture HB 1136 Acupuncture	3/30/20 Signed by governor 3/30/20 Died upon adjournment 3/30/20 Died upon adjournment
Tennessee	SB 1743 Medicaid reimbursement for PT HB 2050/SB 1960 Practice act revisions	6/19/20 Died upon adjournment 7/15/20 Signed by governor
Texas	No 2020 legislative session	
Utah	HB 252 Athletic trainer insurance HB 313 First sub-telehealth parity	3/12/20 Died upon adjournment 3/23/20 Signed by governor
Vermont	SB 202 Fair copays HB 727 Equal reimbursement	9/25/20 Died upon adjournment 9/25/20 Died upon adjournment
Virginia	HB 409 Medicaid coverage for orthotics	2/11/2020 Died in House Appropriations

	HB 503 Orthotists and prosthetists insurance coverage HB 763 Information about required PT HB 822 Credentialing	1/28/20 Carried over to 2021 4/6/20 Signed by governor 4/7/20 Signed by governor
Washington	SB 5887 Prior authorization for applicable health carriers SB 5601 Regulating health benefit managers HB 1552 Relating to provider credentialing by health carriers SB 5385 Telehealth payment parity HB 2482/SB 6407 Spinal manipulation endorsement	3/27/20 Signed by governor 3/31/20 Partially vetoed by governor 3/17/20 Signed by governor 3/19/20 Signed by governor 3/12/20 Died upon adjournment
West Virginia	SB 548 Occupational licensing (referred for study)	3/7/20 Died upon adjournment
Wisconsin	AB 581 Relating to PT student supervision AB 648 Relating to physical health services	3/4/20 Signed by governor 4/1/20 Senate failed to concur
Wyoming	HB 0115 Forming an advisory board for practice acts SB 38 Bundling payments	3/12/20 Died upon adjournment 3/10/20 Signed by governor

Last Updated: 01/14/2021
Contact: advocacy@apta.org