

**STATE OF FLORIDA
BOARD OF PHYSICAL THERAPY PRACTICE**

IN RE: THE PETITION FOR
DECLARATORY STATEMENT
OF BRUCE WILLS

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

THIS CAUSE came before the Board of Physical Therapy Practice (hereinafter the "Board"), on August 6, 2010 in Tampa, Florida, for consideration of a Petition for Declaratory Statement (attached hereto as Exhibit A) filed by Bruce Wills on May 25, 2010. The petitioner was present. The petition was published in the Florida Administrative Weekly on June 11, 2010. No comments by interested persons were received.

Statement of Relevant Facts

1. The Board accepts the facts as presented in the Petition for Declaratory Statement.

Grounds for Denial

2. Section 486.021, Florida Statutes clearly prohibits Physical Therapists from accepting referrals from Advanced Registered Nurse Practitioners. The Board cannot waive a statutory requirement to allow the petitioner to accept referrals from Advanced Registered Nurse Practitioners.

THEREFORE, the Petition is **DENIED**.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 20 day of August, 2010.

BOARD OF PHYSICAL THERAPY PRACTICE

Allen Hall

ALLEN HALL,
Executive Director for
MADELEINE HELLMAN, PT, MHM, Ed.D, Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL REVIEW, UNLESS WAIVED, PURSUANT TO SECTION 120.68, FLORIDA STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Bruce R. Wills, at Advanced Physical Therapy, Inc., 6050 Babcock Street, Suite 5, Palm Bay, Florida 32909; and by inter-office delivery to Allison Dudley and Dror Lewy, Assistant Attorneys General, Department of Legal Affairs, The Capitol, PL-01, Tallahassee, Fl 32399-1050 this 23rd day of August, 2010.

Sandra Soto

Deputy Agency Clerk

TO: Florida Board of Physical Therapy
4052 Bald Cypress Way, Bin C 05
Tallahassee, FL 32399-3255

FROM: Bruce R. Wills, MPT, MTC
Advanced Physical Therapy, Inc.
6050 Babcock St. Suite 5
Palm Bay, FL 32909
321-676-2055
FAX: 321-676-9928
E-Mail: advancedphysi825@bellsouth.net

May 24, 2010

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *[Signature]*
DATE 5.26.10

RE: Petition for a Declaratory Statement before the Florida Board of Physical Therapy

I bring to the Florida Board of Physical Therapy a petition for a declaratory statement which would formally and legally allow me, a licensed Florida Physical Therapist, to accept Nurse Practitioners physical therapy referrals without the need or requirement that the Nurse Practitioners referral be cosigned by a supervising practitioner of record as defined in the Florida Physical Therapy Practice Act Chapter 486 (486.021 paragraph subsection 11). This defines the following chapters as the only entities that are eligible to serve as practitioners of record for physical therapy:

Chapter 458 Department of Medicine, Physician and Physician Assistant
Chapter 459 Osteopathic Physicians
Chapter 460 Chiropractors
Chapter 461 Podiatrists
Chapter 466 Dentists

To my knowledge and with discussion with Craig Crosby, Executive Vice President of the Florida Physical Therapy Association, I was informed there is no statute, rules, or orders of which the declaratory statement is sought. Historically there have been two declaratory statements requested and granted regarding this same situation in previous years.

I am requesting this declaratory statement because I have lost several referral sources because of this problem. This has been detrimental to my private physical therapy practice. I have been told that I am the only physical therapist that requests a co signature of a practitioner of record when I receive a nurse practitioners referral. This problem has been ongoing for at least 10 years. I do not believe other physical therapists should be rewarded remuneration by practicing out side their scope of practice as defined by Florida State Law. At the same time because I follow the State Law I am effectively punished with a loss of referral sources and avenues of revenue necessary to sustain a private physical therapy practice. To the best knowledge of the FPTA- there has not been any disciplinary action taken against a Florida Physical Therapist for accepting a Nurse Practitioners referral. However I am not willing to knowingly disregard the law.

The act of accepting Nurse Practitioner referrals could also potentially blossom into insurance fraud and abuse and with involvement of a Medicare patient turn into a federal crime.

This problem has been ongoing for numerous years. The Florida Physical Therapy Association has been unsuccessful in their attempts to legislate a change to chapter 486 to either allow Physical Therapists to accept Nurse Practitioner referrals, or to do away with the definition of practitioner of record. I have also been unsuccessful in phone conversation, letter writing and personal meetings with Medical Doctors and Nurse Practitioners regarding and obtaining a co signature of a practitioner of record on the physical therapy referral.

It is therefore that I seek input from the Florida Board of Physical Therapy to grant a Declaratory Statement allowing Bruce R. Wills MPT, MTC, Florida Physical Therapist license 5799, the legal ability to accept Nurse Practitioner physical therapy referrals without a co signature of a defined practitioner of record.

Thank you for your attention to this important matter. Your assistance is greatly appreciated.

Sincerely,



Bruce R. Wills, MPT

BRW/H