

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall be added to chapter 9.94A RCW.

Passed the House April 13, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 116

{Engrossed Substitute House Bill No. 309}
PHYSICAL THERAPISTS—LICENSING

AN ACT Relating to physical therapists; amending section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010; amending section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020; amending section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030; amending section 3, chapter 64, Laws of 1961 and RCW 18.74.035; amending section 4, chapter 239, Laws of 1949 and RCW 18.74.040; amending section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070; amending section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080; amending section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090; amending section 9, chapter 64, Laws of 1961 and RCW 18.74.095; amending section 10, chapter 239, Laws of 1949 and RCW 18.74.100; amending section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120; adding new sections to chapter 18.74 RCW; repealing section 11, chapter 239, Laws of 1949 and RCW 18.74.110; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 18.74 RCW a new section to read as follows:

In order to safeguard the public safety and welfare, to protect the public from being misled by incompetent, unethical, and unauthorized persons, and to assure the highest degree of professional conduct and competency, it is the purpose of this chapter to strengthen existing regulation of persons offering physical therapy services to the public.

Sec. 2. Section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010 are each amended to read as follows:

((In this chapter,)) Unless the context otherwise requires((:)), the definitions in this section apply throughout this chapter.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, (~~(or)~~) cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures(~~(-or)~~); the performance of tests and measurements of neuro muscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, (~~and~~) the use of electricity for surgical purposes, including cauterization, and chiropractic practices as defined by RCW 18.25.005, which include the adjustment or manipulation of the articulations of the spine and its immediate articulations or mobilization of these articulations by use of a thrusting force, are not ((authorized)) included under the term "physical therapy" as used in this chapter.

~~((2))~~ (5) "Physical therapist" means a person who practices physical therapy as defined in this chapter (~~(under the prescription, and direction of a person licensed in this state to practice medicine and surgery)~~) but does not include massage operators as defined in RCW 18.108.010.

~~((3))~~ (6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

Sec. 3. Section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020 are each amended to read as follows:

The state (~~(examining committee)~~) board of physical (~~(therapists)~~) therapy is hereby created. The (~~(examining committee)~~) board shall consist of (~~(not less than three)~~) five members who shall be appointed by the governor (~~(from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each)~~). Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four members of ((said examining committee)) the board shall be ((a registered)) physical

therapists ~~((, a resident of))~~ licensed under this chapter and residing in this state, ((and)) shall have not less than five years' experience in the practice of physical therapy ((immediately preceding his appointment)), and shall be actively engaged in ((the)) practice ((of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years)) within two years of appointment. The fifth member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the ((examining committee)) board for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive ((three)) four-year terms.

~~((The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties:))~~ The director of licensing shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the ~~((examining committee))~~ board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, receive compensation ~~((in an amount))~~ for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed ~~((twenty-five))~~ fifty dollars per day.

~~((It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the director of licensing to that effect:))~~

NEW SECTION. Sec. 4. There is added to chapter 18.74 RCW a new section to read as follows:

The board has the following powers and duties:

- (1) To administer examinations to applicants for a license under this chapter.
- (2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.
- (3) To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.
- (4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

(5) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

(6) To establish rules fixing standards of professional conduct.

(7) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

(8) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

NEW SECTION. Sec. 5. There is added to chapter 18.74 RCW a new section to read as follows:

The board shall elect from its members a chairperson and vice chairperson-secretary, who shall serve for one year and until their successors are elected. The board shall meet at least once a year and upon the call of the chairperson at such times and places as the chairperson designates. Three members constitute a quorum of the full board for the transaction of any business. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 6. Section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030 are each amended to read as follows:

An applicant for (~~registration~~) a license as a physical therapist shall have the following minimum qualifications:

(1) Be of good moral character; and

(2) ~~Have obtained ((a high school education or its equivalent as determined by the examining committee; and~~

~~(3) have been graduated by a school of physical therapy approved by the examining committee. No school shall be approved unless it requires four academic years of collegiate instruction, including adequate instructions on the subjects listed in RCW 18.74.035; or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation))~~ either (a) a baccalaureate degree in physical therapy from an institution of higher learning approved by the board or (b) a baccalaureate degree from an institution of higher learning and a certificate or advanced degree from a school of physical therapy approved by the board.

The applicant shall present proof of qualification to the board in the manner and on the forms prescribed by it.

Sec. 7. Section 3, chapter 64, Laws of 1961 and RCW 18.74.035 are each amended to read as follows:

All qualified applicants for ~~((registration))~~ a license as a physical therapist shall be examined by the ~~((examining committee))~~ board at such time and place as the ~~((committee))~~ board may determine. ~~((Such))~~ The examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy ~~((: PROVIDED, That any person who applies for registration on or before September 1, 1961, and establishes to the satisfaction of the examining committee that he at the time of application, (1) Meets the qualifications for a physical therapist as set forth in RCW 18.74.030, or (2) has passed the professional examination for physical therapists given by the American Physical Therapy Association, or (3) has practiced in the state of Washington as a physical therapist as defined in this chapter for a continuous period of three years or more, and who, at the time of application, was practicing as a physical therapist in the state of Washington or who is currently registered as a physical therapist in the state of Washington, shall be issued a certificate of registration without examination)),~~ but not including the adjustment or manipulation of the spine or use of a thrusting force as mobilization. Examinations shall be held within the state at least once a year, at such time and place as the board shall determine. An applicant who fails an examination may apply for re-examination upon payment of a reexamination fee determined by the director.

Sec. 8. Section 4, chapter 239, Laws of 1949 and RCW 18.74.040 are each amended to read as follows:

The director of licensing shall ~~((register))~~ license as a physical therapist, and shall furnish a ~~((certificate of registration))~~ license to ~~((;))~~ each applicant who successfully passes the examination for ~~((registration))~~ licensure as a physical therapist.

Sec. 9. Section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050 are each amended to read as follows:

The director shall furnish a ~~((certificate of registration))~~ license upon the authority of the ~~((examining committee as follows:~~

~~((1) A certificate of registration shall be issued))~~ board to any person who applies ~~((for such registration))~~ and who has qualified under the provisions of this chapter. At the time of ~~((making such application such))~~ applying, the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, provided no person ~~((previously))~~ registered or licensed on the effective date of

this 1983 act as a physical therapist shall be required to pay an additional fee for ~~((registration))~~ a license under this chapter.

~~((2) A probational certificate of registration may be issued to any domestic trained physical therapist who has credentials acceptable to the Washington state examining committee of physical therapists and who pays the required Washington state registration fee. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration, and such certificate of registration shall expire when the examining committee publishes the results of the first Washington state examination for registration for which applicant is eligible under the regulations of the examining committee.~~

~~(3) A probational certificate of registration may be issued for a period of one year to a foreign trained physical therapist who (a) makes the required application for registration, (b) holds a diploma from a foreign school of physical therapy, (c) presents credentials as required by the Washington state examining committee of physical therapists which establish professional qualifications substantially equivalent to those required of domestic trained physical therapists, and (d) pays the required Washington state registration fee. A person holding a probational certificate may practice physical therapy solely under the supervision of a person registered as a physical therapist under this chapter. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration. Such certificate of registration shall be continued until the examining committee publishes the results of the first Washington state examination for registration held after the period for which the certificate was originally issued.~~

~~(4) A regular certificate of registration may be issued to a foreign trained physical therapist who fulfills the above requirements in subsection (3) of this section and who passes the Washington state examination for registration.~~

~~(5) A temporary certificate of registration limited to six months may be issued, without examination, to any person who submits satisfactory evidence to the examining committee that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in RCW 18.74.030.)~~

Sec. 10. Section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060 are each amended to read as follows:

Upon the recommendation of the ~~((examining committee))~~ board, the director shall ~~((register))~~ license as a physical therapist and shall furnish a ~~((certificate of registration))~~ license to any person who is a physical therapist registered or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration or license

required of the applicant were substantially equal to the requirements under this chapter ~~((and such person has practiced in such other state or territory or the District of Columbia for at least one year prior to application))~~. At the time of making application, ~~((such))~~ the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

NEW SECTION. Sec. 11. There is added to chapter 18.74 RCW a new section to read as follows:

Any person holding a valid license or certificate of registration to practice physical therapy issued by authority of this state prior to the effective date of this 1983 act shall be issued a license under this chapter.

Sec. 12. Section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070 are each amended to read as follows:

Every ~~((registered))~~ licensed physical therapist shall ~~((during the month of January;))~~ apply to the director for a renewal of ~~((his registration))~~ the license and pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended ~~((to the state treasurer. Registration that is not so made before February 1st of every year;))~~. The license of a physical therapist who fails to renew the license within thirty days of the date set by the director for renewal shall automatically lapse. ((Upon the recommendation of the examining committee the director shall revive a lapsed registration on the payment of all past unpaid renewal fees)) Within three years from the date of lapse and upon the recommendation of the board, the director may revive a lapsed license upon the payment of all past unpaid renewal fees and a penalty fee to be determined by the director. The board may require reexamination of an applicant whose license has lapsed for more than three years and who has not continuously engaged in lawful practice in another state or territory, or waive reexamination in favor of evidence of continuing education satisfactory to the board.

Sec. 13. Section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080 are each amended to read as follows:

After a hearing and upon the recommendation of the board, the director of licensing shall refuse to grant ((registration)) a license to any physical therapist or shall restrict, suspend, or revoke the ((registration)) license of any physical therapist if ((he)) the physical therapist:

- (1) ~~((is habitually drunk or is addicted to the use of narcotic drugs; (2)))~~ Has been ((convicted of)) found guilty of a felony for violating any state or federal ((narcotics)) drug or controlled substance law;
- ~~((3))~~ (2) Has been ((convicted)) found guilty of any crime involving moral turpitude;

~~((4))~~ (3) Has obtained or attempted to obtain ((registration)) a license by fraud, deceit, or material misrepresentation;

~~((5) has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or~~

~~((6))~~ (4) Is found guilty of fraud, deceit, or ((gross)) negligence or incompetency in the practice of physical therapy or in the supervision of supportive personnel engaged in physical therapy which results in serious harm to a patient, or any act derogatory to the ((standing and morals of the)) profession of physical therapy((; including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this chapter, and the undertaking to practice independent of the prescription, and direction of a person licensed in this state to practice medicine and surgery.));

(5) Has entered into a contract or arrangement which provides for the payment of an unearned fee to a person following the referral of a patient;

(6) Has knowingly engaged in an act which, before it was committed, had been determined to be beyond the scope of the practice of physical therapy; or

(7) Wilfully violated any of the provisions of this chapter or rules adopted thereunder.

Upon recommendation of the board, the department shall reissue a license that has been restricted, suspended, or revoked under this section. Application for reissuance of such license shall not be considered prior to one year from the date of the board's action and shall be made in such manner as the board may specify.

NEW SECTION. Sec. 14. There is added to chapter 18.74 RCW a new section to read as follows:

It is the duty of a physical therapist licensed under this chapter against whom a complaint is made and who is being investigated by the board to cooperate with the board as requested by it by:

(1) Furnishing papers or documents;

(2) Furnishing in writing a full and complete explanation covering the matter contained in the complaint; and

(3) Appearing before the board at the time and place designated.

Failure to comply with this section is unprofessional conduct.

NEW SECTION. Sec. 15. There is added to chapter 18.74 RCW a new section to read as follows:

(1) If a licensed physical therapist is determined by a court of competent jurisdiction to be mentally incompetent or mentally ill, the physical therapist shall automatically have his license suspended by the department upon the entry of such judgment, regardless of the pendency of an appeal.

(2) (a) If it appears to the board that there is reasonable cause to believe that a physical therapist who has not been judicially determined to be mentally incompetent or mentally ill is unable to practice physical therapy

with reasonable skill and safety to patients by reason of illness, or excessive use of intoxicating liquor, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition, a complaint in the name of the board shall be served upon the physical therapist and a notice shall be given to the physical therapist that a hearing will be held on the sole issue of the capacity of the physical therapist to adequately conduct a practice. If the board determines that the physical therapist is unable to adequately conduct a practice, the director, upon recommendation of the board, shall suspend or restrict the license of the physical therapist, or impose such conditions on the conduct of the physical therapist's practice as the board finds to be appropriate for the protection of the public.

(b) In enforcing this section, the board, upon probable cause, has authority to compel a physical therapist to submit to a mental and/or physical examination by one or more physicians and/or a psychological evaluation by one or more licensed psychologists designated by the board. In addition to any examinations ordered by the board, the physical therapist may submit psychiatric, physical, and psychological examination reports from physicians or psychologists of the physical therapist's choosing and expense. Failure of a physical therapist to submit to examination when directed constitutes grounds for immediate suspension of the physical therapist's license, whereupon a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's control. A physical therapist affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate to the board that the therapist can resume the practice of physical therapy with reasonable skill and safety to patients.

(c) For the purpose of this section, a physical therapist licensed under this chapter or who applies for a license under this chapter is deemed to consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitutes privileged communications.

(d) In a proceeding under this section, neither the record of proceedings nor the orders entered by the board may be used against a licensed physical therapist in any other proceeding.

NEW SECTION. Sec. 16. There is added to chapter 18.74 RCW a new section to read as follows:

The board shall conduct all hearings pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 17. There is added to chapter 18.74 RCW a new section to read as follows:

A person aggrieved by the refusal of the department to issue or renew a physical therapist license, by the restriction, suspension, or revocation of a physical therapist license, or by any law administered under this chapter,

has the right of appeal in the manner provided by the administrative procedure act, chapter 34.04 RCW.

Sec. 18. Section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090 are each amended to read as follows:

A person who is not ~~((registered))~~ licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so ~~((registered))~~ licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. Any person who ~~((shall))~~ practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked ~~((certificate))~~ license as provided in this chapter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the ~~((director of licensing))~~ board.

Sec. 19. Section 9, chapter 64, Laws of 1961 and RCW 18.74.095 are each amended to read as follows:

If any person violates the provisions of ~~((RCW 18.74.090))~~ this chapter, the attorney general, prosecuting attorney, the director, the board, or any citizen of the same county, may maintain an action in the name of the state to enjoin such person from practicing or holding himself out as practicing physical therapy. The injunction shall not relieve criminal prosecution but the remedy by injunction shall be in addition to the liability of such offender for criminal prosecution and the suspension or revocation of his license.

Sec. 20. Section 10, chapter 239, Laws of 1949 and RCW 18.74.100 are each amended to read as follows:

A person who obtains or attempts to obtain ~~((registration))~~ a license as a physical therapist by any wilful misrepresentation or any fraudulent representation shall be guilty of a gross misdemeanor.

Sec. 21. Section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120 are each amended to read as follows:

~~((The director of licensing is authorized to adopt reasonable rules and regulations to carry this chapter into effect and may amend and revoke such rules at his discretion.))~~ The director of licensing shall keep a record of proceedings under this chapter and a register of all persons ~~((registered))~~

licensed under it. The register shall show the name of every living (~~((registrant))~~) licensed physical therapist, his (~~((last known place of business and))~~) last known place of residence, and the date and number of his (~~((registration and certificate))~~) license as a (~~((registered))~~) physical therapist. (~~((The director of licensing shall, during the month of April of every year in which the renewal of registration is required, publish a list of registered physical therapists authorized to practice physical therapy in the state and shall, upon request, furnish a copy of that list to the prosecuting attorney of any county, to the superintendent of any hospital in the state, and to any physician licensed in this state to practice medicine and surgery. PROVIDED, That such lists shall be furnished by the director upon payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished:))~~)

NEW SECTION. Sec. 22. There is added to chapter 18.74 RCW a new section to read as follows:

This chapter does not prohibit or regulate:

(1) The practice of physical therapy by students enrolled in approved schools as may be incidental to their course of study so long as such activities do not go beyond the scope of practice defined by this chapter.

(2) Auxiliary services provided by physical therapy aides carrying out duties necessary for the support of physical therapy including those duties which involve minor physical therapy services when performed under the direct supervision of licensed physical therapists so long as such activities do not go beyond the scope of practice defined by this chapter.

(3) The practice of physical therapy by licensed or registered physical therapists of other states or countries while appearing as clinicians of bona fide educational seminars sponsored by physical therapy, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter.

(4) The practice of physical therapists in the armed services or employed by any other branch of the federal government.

NEW SECTION. Sec. 23. Section 11, chapter 239, Laws of 1949 and RCW 18.74.110 are each repealed.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 26, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.