

Friday, March 21<sup>st</sup>  
House Political Subdivisions Committee  
SB 2169

Chairman Longmuir and members of the Political Subdivisions Committee,

My name is Heather Lundeen. I am testifying on behalf of the American Physical Therapy Association (APTA) North Dakota, of which I am a member of. I am a practicing physical therapist (PT) who graduated with my Masters and Doctorate in Physical Therapy from the University of North Dakota in 1999 and 2005 respectively and my EdD from the University of Mary in 2022. I have practiced in Bismarck for 25 years as a pediatric PT and have been a full-time faculty member at the University of Mary for the last 15 years. APTA ND is the state physical therapy association affiliated with the American Physical Therapy Association which represents over 100,000 PTs across the country. The NDPTA represents the interests of 355 licensed physical therapists and physical therapist assistants and 357 PT and PTA students in the state of ND.

I am here today to request that your committee consider Senate Bill 2169, which is a request to adopt language that explicitly adds informed consent to the ND Physical Therapy Practice Act which is a part of the Century Code.

*The physical therapist shall communicate the overall plan of care with, **and obtain informed consent** from, the patient or the patient's legally authorized representative. (text in italics exists, text in bold and underline is the addition)*

This addition aligns with the updated APTA's practice act model language and the intent of the addition is to optimize public safety. Two core principles are at the heart of informed consent: patient autonomy and shared communication and decision-making between the patient and provider. The APTA Guide for Professional Conduct, which provides interpretation for the APTA Code of Ethics for the Physical Therapist states that a PT must "respect the individual's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal." The APTA Code of Ethics states that PTs must "provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care" and "collaborate with patients and clients to empower them in decisions about their health care."

As University of Mary 3<sup>rd</sup> year student Corbin Olson stated in his testimony to the Senate Human Service Committee, "As Physical Therapists, we are trained to live in a land of ambiguity. We recognize that each patient and their specific presentation is profoundly unique, and therefore our answers to questions of PT practice are oftentimes, "It Depends." However, we recognize that

there is no room for ambiguity when it comes to informed consent for treatment, especially in physical therapy treatment which often requires a therapist to be literally hands-on.”

As highly trained healthcare professionals, physical therapists are acutely aware that we must be obtaining informed consent prior to any treatment. However, adopting this language into our North Dakota Physical Therapy Practice Act would remove any potential ambiguity and protect North Dakotans who are seeking our services. I respectfully request today, on behalf of the North Dakota Physical Therapy Association representing PTs across the state who provide therapy services to North Dakota citizens, that your committee recommend a DO PASS for SB 2169

Thank you for your time and consideration. If you have any questions, I would be happy to try to answer them for you.

Sincerely,

Dr. Heather Lundeen PT, DPT, EdD

Board Certified Pediatric Clinical Specialist