

1 HB202
2 126938-1
3 By Representatives Henry, Merrill, Greer, Beech, Drake, Todd,
4 Collins and Brown
5 RFD: Health
6 First Read: 09-MAR-11

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8 SYNOPSIS: Under existing law, the practice of physical
9 therapy is regulated by the Board of Physical
10 Therapy pursuant to the Physical Therapy Practice
11 Act.

12 This bill substantially revises and recasts
13 the Physical Therapy Practice Act as the act
14 relates to the regulation and licensure of physical
15 therapists and physical therapist assistants.

16 This bill would provide legislative intent
17 relating to the Physical Therapy Practice Act and
18 would revise definitions and the manner of
19 appointing board members.

20 This bill would provide immunity for members
21 of the board, provide further for the powers and
22 duties of the board, and specify the rights of
23 consumers to board and licensee information.

24 This bill would provide for the filing of
25 complaints with the board and would expand the
26 disciplinary powers of the board.

1 This bill would prohibit the unlawful
2 practice of physical therapy.

3 This bill would provide exemptions from
4 licensure and would revise the application process,
5 the qualifications necessary for licensure as a
6 physical therapist and a physical therapist
7 assistant, the eligibility requirements for taking
8 licensure examinations, reciprocal licensing
9 requirements, and license renewal requirements.

10 This bill would require licensees to
11 promptly report name, address, and telephone number
12 changes to the board, provide for the reinstatement
13 of lapsed and revoked licenses, specify insignias
14 to designate licensure, provide for the
15 responsibilities of a physical therapist in
16 rendering patient care, and provide grounds for the
17 denial of a license and other disciplinary action
18 against a licensee.

19 This bill would provide for licensee
20 participation in substance abuse recovery programs.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to the Physical Therapy Practice Act; to
27 amend Sections 34-24-190, 34-24-191, 34-24-192, and 34-24-193,

1 to add Sections 34-24-194 and 34-24-195, to amend and renumber
2 Sections 34-24-194, 34-24-195, and 34-24-196, and to add
3 Sections 34-24-199 and 34-24-200 to Division 1, commencing
4 with Section 34-24-190, of Article 5, Chapter 24, Title 34,
5 Code of Alabama 1975; to amend Sections 34-24-210, 34-24-211,
6 and 34-24-212, to repeal Section 34-24-213, to amend and
7 renumber Section 34-24-214, to repeal Section 34-24-215, to
8 amend and renumber Section 34-24-216, to add Sections
9 34-24-215, 34-24-216, 34-24-217, 34-24-218, and 34-24-219, and
10 to amend and renumber Section 34-24-217, of Division 2,
11 commencing with Section 34-24-210, Article 5, Chapter 24,
12 Title 34, Code of Alabama 1975; and to add Section 34-24-221
13 to provide legislative intent; to revise definitions; to
14 revise the manner of appointing members to the board and
15 provide immunity for members of the board; to provide further
16 for the powers and duties of the board; to specify the rights
17 of consumers to board and licensee information; to provide for
18 the filing of complaints with the board and expand the
19 disciplinary powers of the board; to prohibit the unlawful
20 practice of physical therapy; to provide exemptions from
21 licensure; to revise the application process and the
22 qualifications necessary for licensure as a physical therapist
23 and a physical therapist assistant; to revise the eligibility
24 requirements for taking the licensure examinations; to revise
25 the reciprocal licensing requirements; to revise the license
26 renewal requirements; to require licensees to report name,
27 address, and telephone number changes to the board within 30

1 days; to provide for the reinstatement of lapsed and revoked
2 licenses; to specify insignias for designating licensure; to
3 provide for the responsibilities of a physical therapist in
4 rendering patient care; to provide grounds for the denial of a
5 license and other disciplinary action against a licensee; and
6 to provide for licensee participation in substance abuse
7 recovery programs.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 34-24-190, 34-24-191, 34-24-192,
10 and 34-24-193, Code of Alabama 1975, are amended to read as
11 follows:

12 "§34-24-190.

13 "(a) This article may be cited as the Physical
14 Therapy Practice Act.

15 "(b) The purpose of this article is to protect the
16 public health, safety, and welfare and to provide for state
17 administrative control, supervision, licensure, and regulation
18 of the practice of physical therapy. It is the intent of the
19 Legislature that only those persons who satisfy and maintain
20 prescribed standards of competence and conduct engage in the
21 practice of physical therapy pursuant to this article.

22 "(c) This article shall be liberally construed to
23 promote the public interest and to accomplish the purposes
24 provided in this section.

25 "§34-24-191.

1 ~~"(a)~~ For the purposes of this article, the following
2 words and phrases shall have the meanings respectively
3 ascribed by this section:

4 "(1) ~~(6)~~ BOARD. The Board of Physical Therapy
5 established by Section 34-24-192.

6 "(2) CONSULTATION BY MEANS OF TELECOMMUNICATION.
7 When a physical therapist renders a professional or expert
8 opinion or advice pursuant to telecommunications or computer
9 technology from a distant location. The term includes the
10 review or transfer of patient records or related information
11 by means of audio, video, or other form of electronic data
12 communications.

13 ~~"(3) PHYSIOTHERAPIST. Synonymous with the term~~
14 ~~"physical therapist," and said term shall be used to identify~~
15 ~~only those persons registered under this article. The physical~~
16 ~~therapist may use the letters "P.T." or "R.P.T." in connection~~
17 ~~with his name or place of business to denote his registration~~
18 ~~hereunder.~~

19 "(3) DIRECTION. The action of a physical therapist
20 in delegating duties to, maintaining close communication with,
21 and overseeing the activities of a physical therapist
22 assistant on a frequent and regularly scheduled basis.

23 "(4) EXAMINATION. A national examination approved by
24 the board for the licensure of physical therapists or physical
25 therapist assistants.

26 "(5) IMPAIRED. The inability of a physical therapy
27 licensee to practice physical therapy with reasonable skill

1 and safety to patients by reason of illness, inebriation,
2 excessive use of drugs, narcotics, alcohol, chemicals, or
3 other substances, or as a result of any physical or mental
4 condition.

5 "(6) JURISDICTION OF THE UNITED STATES. Any state,
6 the District of Columbia, the Commonwealth of Puerto Rico, or
7 any territory of the United States.

8 "(7) ONSITE SUPERVISION. When the licensee is
9 continuously onsite and present in the department or facility
10 where services are being provided, is immediately available to
11 the person being supervised, and maintains continuing
12 involvement in appropriate aspects of each treatment session.

13 "(8) ~~(2)~~ PHYSICAL THERAPIST. A person who practices
14 physical therapy is licensed to practice physical therapy
15 pursuant to this article. The term is synonymous with the term
16 physiotherapist.

17 "(9) ~~(4)~~ PHYSICAL THERAPIST ASSISTANT. A person who
18 assists in the practice of physical therapy and whose
19 activities require an understanding of physical therapy but do
20 not require professional or advanced training in the
21 anatomical, biological and physical sciences involved in the
22 practice of physical therapy. The is licensed pursuant to this
23 article to assist the physical therapist in the practice of
24 physical therapy. A physical therapist assistant shall
25 practice only under the direction of a ~~registered~~ licensed
26 physical therapist.

1 "(10) (1) PHYSICAL THERAPY. The ~~treatment of a human~~
2 being by the use of exercise, massage, heat, cold, water,
3 radiant energy, electricity or sound for the purpose of
4 correcting or alleviating any physical or mental condition or
5 preventing the development of any physical or mental
6 disability, or the performance of neuromuscular-skeletal tests
7 and measurements to determine the existence and extent of body
8 malfunction; provided, that physical therapy shall be
9 practiced only upon the referral of a physician licensed to
10 practice medicine or surgery and a dentist licensed to
11 practice dentistry and shall not include radiology or
12 electrosurgery. care, services, and treatment provided by or
13 under the direction and supervision of a physical therapist.
14 The term is synonymous with the term physiotherapy.

15 "(11) (5) PHYSICAL THERAPY TECHNICIAN. Synonymous
16 with the term "physical therapist assistant," and said term
17 shall be used to identify only those persons licensed under
18 this article. The physical therapist assistant may use the
19 letters "L.P.T.A." in connection with his name to denote his
20 being licensed hereunder AIDE. A person trained under the
21 direction of a physical therapist who performs designated and
22 supervised routine tasks related to physical therapy services.

23 "(12) PHYSICAL THERAPY LICENSEE. A physical
24 therapist or physical therapist assistant who is licensed
25 pursuant to this article.

26 "(13) PRACTICE OF PHYSICAL THERAPY.

27 "a. The term includes all of the following:

1 "1. Examining, evaluating, and testing persons who
2 have mechanical, physiological, and developmental impairments,
3 functional limitations, and disabilities or other health and
4 movement-related conditions to determine a diagnosis,
5 prognosis, and plan of physical therapy treatment and to
6 assess the ongoing effects of intervention.

7 "2. Alleviating impairments, functional limitations,
8 and disabilities by designing, implementing, and modifying
9 treatment interventions that may include, but are not limited
10 to, all of the following:

11 "(i) Therapeutic exercise.

12 "(ii) Movement-related functional training in
13 self-care across environments.

14 "(iii) Manual therapy techniques.

15 "(iv) Therapeutic massage.

16 "(v) Prescriptive application and, as appropriate,
17 fabrication of assistive, adaptive, protective, and supportive
18 devices and equipment.

19 "(vi) Prescriptive application and adaptation of
20 prosthetics.

21 "(vii) Airway clearance techniques.

22 "(viii) Integumentary protection and repair
23 techniques.

24 "(ix) Debridement and wound care.

25 "(x) Physical agents or modalities.

26 "(xi) Mechanical and electrotherapeutic modalities.

27 "(xii) Patient-related instruction.

1 "3. Reducing the risk of injury, impairment,
2 functional limitation, and disability through the promotion
3 and maintenance of fitness, health, and wellness in all age
4 populations.

5 "4. Engaging in administration, consultation,
6 education, and research.

7 "b. The term does not include the making of a
8 medical diagnosis.

9 ~~"(7) FOREIGN TRAINED PHYSICAL THERAPIST. A person~~
10 ~~trained or educated in the practice of physical therapy~~
11 ~~outside of the United States or any of its territorial~~
12 ~~possessions.~~

13 "(14) RESTRICTED LICENSE.

14 "a. For a physical therapist, a license on which the
15 board has placed restrictions or conditions, or both, as to
16 the scope of practice, place of practice, supervision of
17 practice, duration of licensed status, or type or condition of
18 patient to whom the physical therapist may provide services.

19 "b. For a physical therapist assistant, a license on
20 which the board has placed any restriction.

21 "(15) TESTING. Standard methods and techniques used
22 to gather data about a patient including, but not limited to,
23 the use of electrodiagnostic and eletrophysiologic tests and
24 measures.

25 ~~"(b) Words importing the masculine gender shall~~
26 ~~include the feminine.~~

27 "§34-24-192.

1 "~~(a) Composition; appointment and terms of members.~~
2 The Board of Physical Therapy shall consist of seven members.
3 appointed by the Governor as follows:

4 "(1) Four members shall be physical therapists who
5 are residents of this state, have practiced in this state for
6 not less than three years immediately preceding appointment,
7 and have unrestricted licenses to practice physical therapy in
8 this state. Each physical therapist appointee to the board
9 shall have had no disciplinary action taken against him or her
10 by a physical therapy board in any state in the three years
11 immediately preceding appointment. The four physical therapist
12 members shall be nominated from the congressional districts
13 within the state.

14 "(2) Two, ~~two~~ members shall be physical therapist
15 assistants who are residents of this state, have practiced in
16 this state for not less than three years immediately preceding
17 appointment, and have unrestricted licenses to practice
18 physical therapy under the direction of a physical therapist
19 in this state. Each physical therapist assistant appointment
20 to the board shall have had no disciplinary action taken
21 against him or her by a physical therapy board in any state in
22 the three years immediately preceding appointment. The
23 physical therapist assistants shall be nominated from the
24 northern and southern areas of the state.

25 "(3) One member shall be a consumer member who is a
26 resident of this state who has an interest in consumer rights,
27 is not affiliated with any health care profession, and does

1 not have any financial interest in any health care profession,
2 and one member shall be a consumer. The consumer member shall
3 be nominated from the state at large.

4 (b) The members shall be appointed by the Governor
5 from a list of up to five persons nominated for each place on
6 the board by the current licensees and certified to him or her
7 by the board. ~~The four physical therapist members shall be~~
8 ~~nominated from the congressional districts. The physical~~
9 ~~therapist assistant members shall be nominated from the~~
10 ~~northern and southern areas of the state. The consumer member~~
11 ~~shall be nominated from the state at large.~~ For the purpose of
12 preparing the list of ~~five names~~ nominees for each position on
13 the board, the board shall request nominations from vacant or
14 potentially vacant congressional districts. In the event that
15 five names are not received, the board shall request
16 nominations from the state at large. The board shall conduct
17 an annual meeting at which all physical therapists and
18 physical therapist assistants holding a current license as
19 identified under this article shall have the right to attend,
20 nominate, and vote. The board may regulate and prescribe the
21 date, hour, and place of the meeting, the method of
22 nomination, and the manner of voting. At least 30 days prior
23 to the meeting the board shall mail notices to each current
24 licensee, at the address ~~shown on his or her current~~
25 ~~registration~~ on record with the board, notifying him or her of
26 the exact date, hour, and place of the meeting, the purpose of
27 the meeting, and of his or her right to attend and vote. A

1 majority of board members shall constitute a quorum for the
2 transaction of business. The membership of the board shall be
3 inclusive and reflect the racial, gender, geographic,
4 urban/rural, and economic diversity of the state. Whenever
5 possible, ~~a~~ no two physical therapist members of the board
6 shall be residents of the same congressional district and the
7 two physical therapist assistant members may not be residents
8 of the same region shall not be represented by two physical
9 therapists.

10 ~~"(c) Board~~ The board members shall be appointed for
11 serve staggered terms of five years each, so that at least one
12 member's term expires each year. As each member's term
13 expires, the board shall provide a method of nominating
14 members to the board so that each congressional district in
15 the state is potentially represented on the board whenever
16 possible. No ~~person~~ board member shall be appointed for serve
17 more than two ~~consecutive~~ successive five-year terms or for
18 more than 14 consecutive years. The service of a board member
19 may be extended at the completion of his or her five-year term
20 until reappointed by the Governor or until a new board member
21 is appointed to his or her position on the board.

22 ~~"(b) Qualifications of members.~~ Each physical
23 therapist or physical therapist assistant board member shall
24 possess all the following qualifications:

25 ~~"(1) Be a resident and citizen of this state.~~

1 ~~"(2) Have practiced physical therapy, or acted as a~~
2 ~~physical therapist assistant, within the State of Alabama for~~
3 ~~the three years preceding his or her appointment.~~

4 ~~"(3) Have no disciplinary action against his or her~~
5 ~~license for the three years preceding his or her appointment.~~

6 ~~"(c) Vacancies. In the event of a vacancy within one~~
7 ~~year of the annual meeting at which the list containing his or~~
8 ~~her name was compiled, the Governor shall fill the vacancy by~~
9 ~~selecting another name from the remaining names on the list~~
10 ~~prepared pursuant to subsection (a). Any vacancy, other than~~
11 ~~one occurring prior to the next annual meeting after the~~
12 ~~initial appointment is made, shall be filled by appointment of~~
13 ~~the Governor from a list of five nominees submitted by the~~
14 ~~current licensees of the board.~~

15 ~~"(d) Officers; compensation and expenses of members.~~
16 ~~The board shall designate one of its members as chair, one as~~
17 ~~secretary, and one as treasurer. Members of the board shall~~
18 ~~receive a fee for every day actually spent in the performance~~
19 ~~of their duties and in addition thereto shall be reimbursed~~
20 ~~according to the state travel policy for their other expenses~~
21 ~~in the same amounts and under the same conditions as state~~
22 ~~employees are reimbursed. The exact amount of the~~
23 ~~above-mentioned fee shall be fixed by the board.~~

24 "(d) Board members may receive compensation in an
25 amount established by the board and shall receive per diem and
26 travel expenses in the same amount as provided state employees

1 for attending meetings of the board and for representing the
2 board in official activities as approved by the board.

3 "(e) A board member who acts within the scope of
4 board duties, without malice and in the reasonable belief that
5 his or her actions are warranted by law, shall be immune from
6 civil liability for those acts.

7 "(f) Upon request of the board, the Governor may
8 remove any member of the board for misconduct, incompetence,
9 or neglect of duty.

10 "§34-24-193.

11 ~~"(a) It shall be the duty of the board to pass upon~~
12 ~~the qualifications of applicants for registration as physical~~
13 ~~therapists and licensing as physical therapist assistants, to~~
14 ~~conduct examinations, to issue licenses and renewals to~~
15 ~~physical therapists and physical therapist assistants~~
16 ~~qualifying under this article and in a proper case to suspend~~
17 ~~or revoke the registration or license of such persons. The~~
18 ~~board may adopt rules and regulations not inconsistent with~~
19 ~~law as it may deem necessary for the performance of its~~
20 ~~duties; however, the board shall not issue any rules or~~
21 ~~regulations that require a physical therapist assistant to be~~
22 ~~within sight of a consulting physical therapist or a physical~~
23 ~~therapist supervisor while working under the direction of that~~
24 ~~physical therapist or issue any rules, regulations, or orders~~
25 ~~inconsistent with Section 34-24-217(b). The board shall~~
26 ~~maintain a register listing the name of every living physical~~
27 ~~therapist and physical therapist assistant registered or~~

1 licensed in this state, his or her last known place of
2 business and last known place of residence, and the date and
3 number of his or her license. The board shall compile a list
4 of physical therapists and physical therapist assistants
5 registered or licensed to practice in this state, and such
6 list shall be available to any person upon application to the
7 board and the payment of such charge as may be fixed by the
8 board. Subject to the provisions of Section 34-24-195, the
9 board shall have the power to make such expenditures and
10 employ such personnel as it may deem necessary for the
11 administration of the provisions of this article.

12 ~~"(b) The board is hereby specifically authorized to~~
13 ~~establish and collect a fee for certifying to other boards or~~
14 ~~entities that a licensee is a member in good standing with the~~
15 ~~Alabama board.~~

16 ~~"(c) The board is hereby authorized to discipline~~
17 ~~its licensees by the adoption and collection of administrative~~
18 ~~finer, not to exceed one thousand dollars (\$1,000) per~~
19 ~~violation, and it is further authorized to institute any legal~~
20 ~~proceedings necessary to effect compliance with this chapter.~~

21 "The board shall do all of the following:

22 "(1) Evaluate the qualifications of applicants for
23 licensure.

24 "(2) Provide for the examination of physical
25 therapists and physical therapist assistants.

26 "(3) Issue and renew the licenses of persons who
27 satisfy the qualifications for licensure.

1 "(4) Regulate the practice of physical therapy
2 through the interpretation and enforcement of this article and
3 rules promulgated by the board pursuant to this article.

4 "(5) Upon request, issue advisory opinions regarding
5 application of this article and rules promulgated by the board
6 pursuant to this article.

7 "(6) Adopt and revise rules consistent with this
8 article and pursuant to the Alabama Administrative Procedure
9 Act, Chapter 22, Title 41.

10 "(7) Meet at least once each quarter in compliance
11 with the Alabama Open Meetings Act, Chapter 25A, Title 36, and
12 maintain an official record of all meetings.

13 "(8) Establish a mechanism for assessing the
14 continuing professional competence of licensees.

15 "(9) Establish and collect fees in amounts
16 sufficient to sustain the necessary operation and pay the
17 expenses of the board.

18 "(10) Elect officers from among the membership of
19 the board as necessary for the operation of the board and for
20 fulfilling obligations of the board. Officers shall serve in
21 their positions for terms of one year.

22 "(11) Provide for the timely orientation and
23 training of new professional and public appointees to the
24 board regarding licensing, disciplinary procedures, this
25 article, and board rules, policies, and procedures.

26 "(12) Maintain a list of current information
27 relating to each licensee. The information shall include, but

1 not be limited to, the name, current business address, current
2 residential address, email address, telephone numbers,
3 driver's license number, last known place of business, last
4 known place of residence, and the date and number of any
5 license issued by the board.

6 "(13) Provide information to the public regarding
7 the complaint process.

8 "(14) Employ any necessary personnel to perform the
9 administrative functions of the board. Board personnel shall
10 receive compensation in an amount established by the board and
11 shall receive per diem and travel expenses in the same amount
12 as provided state employees.

13 "(15) Enter into contracts for services as necessary
14 for the implementation and enforcement of this article and
15 rules promulgated by the board pursuant to this article.

16 "(16) Report any final disciplinary action taken
17 against a licensee to a national disciplinary database
18 recognized by the board, or as otherwise required by law.

19 "(17) Report any information alleging unlawful
20 conduct by a licensee, an unlicensed person, another health
21 care provider, or health care entity to the appropriate
22 county, state, or federal authority.

23 "(18) Publish, at least annually, a list of final
24 disciplinary actions taken against licensees.

25 "(19) Publish, at least annually, previously
26 unpublished board rulings, board opinions, and board

1 interpretations of statutes or rules relating to the practice
2 of physical therapy.

3 "(20) Participate in or conduct performance audits
4 of the board.

5 "(21) Hire and establish the responsibilities and
6 compensation of an executive director.

7 "(22) Provide for an impaired practitioner program."

8 Section 2. Sections 34-24-194, 34-24-195, and
9 34-24-196 of the Code of Alabama 1975, are amended and
10 renumbered to read as follows:

11 ~~"§34-24-194~~ §34-24-196.

12 "(a) Any person may file a complaint with the board
13 against any ~~registered~~ licensed physical therapist or licensed
14 physical therapist assistant in the state charging the person
15 with a violation of this article. The complaint shall set
16 forth specifications of charges in sufficient detail to
17 disclose to the accused fully and completely the alleged acts
18 of misconduct for which he or she is charged. When a complaint
19 is filed, the ~~secretary of the board~~ executive director shall
20 mail a copy thereof to the accused by registered mail at his
21 or her address of record, with a written notice of the time
22 and place of a hearing of the complaint, advising the accused
23 that he or she may be present in person and by counsel if he
24 or she so desires to offer testimony and evidence in his or
25 her defense.

26 "(b) The board may issue subpoenas and compel the
27 attendance of any witness or the production of any book,

1 writing, or other documentation in the possession, custody, or
2 control of any person. Any person refusing to produce any
3 book, writing, or other documentation or to appear to testify,
4 without legal excuse, at a hearing of the board, after having
5 been served with a subpoena issued by the board requiring the
6 person to appear, produce any book, writing, or other form of
7 documentation or testify at the hearing, shall be guilty of
8 contempt. Upon certification of the act of contempt by the
9 board to the judge of the circuit court in whose jurisdiction
10 the hearing is held or is to be held, the judge shall punish
11 the contempt as though committed before the judge. The accused
12 party shall, on application to the board, be furnished by the
13 board with a subpoena for any witness in his or her behalf or
14 for the production of any book, writing, or other
15 documentation to be used in his or her behalf at the hearing.

16 "(c) At the hearing, the board shall receive
17 evidence upon the subject matter under consideration and shall
18 ~~accord~~ provide the accused person a full and fair opportunity
19 to be heard in his or her defense. The board shall not be
20 bound by strict or technical rules of evidence, but shall
21 consider all evidence fully and fairly, ~~except,~~ that, all oral
22 testimony considered by the board ~~must~~ shall be under oath. If
23 the board is convinced that the ~~registered~~ licensed physical
24 therapist or the licensed physical therapist assistant has
25 violated this article, ~~it~~ the board may ~~revoke his or her~~
26 license take disciplinary action as provided by Section
27 34-24-198.

1 "(d) The action of the board in revoking or refusing
2 to issue a license may be reviewed by the Circuit Court of
3 Montgomery County by a writ of mandamus, accompanied by a bond
4 to be approved by the court, to determine whether the board
5 acted arbitrarily, capriciously, or illegally. The review
6 procedure provided in this subsection shall not suspend the
7 action of the board in the revocation or refusal of a license.

8 "~~§34-24-195~~ §34-24-197.

9 "All fees collected by the board shall be paid into
10 the State Treasury and credited to a special fund designated
11 as the "Physical Therapist Fund." There is hereby appropriated
12 to the board all funds appropriated, or otherwise made
13 available, to ~~said the~~ board by the Legislature of Alabama,
14 the Congress of the United States, or by any other source for
15 the purpose of carrying out this article, and the board shall
16 have power to direct the disbursement of all money collected
17 hereunder. All expenditures authorized shall be paid for out
18 of ~~said the~~ fund on vouchers certified by the ~~chairman of the~~
19 ~~board~~ executive director.

20 "~~§34-24-196~~ §34-24-198.

21 "~~(a) Each violation of Section 34-24-210 shall be~~
22 ~~punishable by a fine of not less than \$100.00 nor more than~~
23 ~~\$500.00, or by imprisonment for not less than 30 days nor more~~
24 ~~than 90 days, or both.~~

25 "~~(b) Any person who knowingly makes a false~~
26 ~~statement in his application for registration or license under~~
27 ~~this article or in response to any inquiry by the board shall~~

1 ~~be fined not less than \$100.00 nor more than \$500.00 or by~~
2 ~~imprisonment for not less than 30 days nor more than 90 days,~~
3 ~~or both.~~

4 "Upon proof of any grounds listed in Section
5 34-24-220, the board may take any one or more of the following
6 disciplinary actions:

7 "(1) Issue a censure.

8 "(2) Restrict a license and require the licensee to
9 report regularly to the board on matters related to the
10 reasons for the restricted license.

11 "(3) Suspend a license for the period of time
12 prescribed by the board.

13 "(4) Revoke a license.

14 "(5) Refuse to issue or renew a license.

15 "(6) Impose a civil penalty.

16 "(7) Accept the voluntary surrender of a license
17 based upon an order of consent of the board."

18 Section 3. Sections 34-24-194 and 34-24-195 are
19 added to the Code of Alabama 1975, to read as follows:

20 §34-24-194.

21 (a) The board shall provide public access to the
22 following routinely updated information:

23 (1) A list of licensees that includes the name,
24 place of employment, address of record, telephone number of
25 record, professional license number, date of licensure,
26 expiration date of licensure, and current license status of
27 each licensee.

1 (2) A list of final disciplinary actions taken by
2 the board.

3 (3) The address, website, E-mail address, and
4 telephone number of the board.

5 (b) Each licensee shall conspicuously display a copy
6 of his or her license in a location accessible to public view
7 or, upon the request of a patient or agent of the board,
8 immediately produce a copy.

9 (c) A licensee shall provide information to his or
10 her patients on current procedures for filing a complaint with
11 the board against a licensee.

12 (d) Any person may file a complaint with the board
13 against a licensee or against any other person reasonably
14 believed by the complainant to be in violation of this article
15 or rules promulgated by the board pursuant to this article.

16 (e) The home address, personal E-mail address, and
17 home telephone number of a physical therapist or physical
18 therapist assistant is not a public record and shall be kept
19 confidential by the board unless the information is the only
20 information of record on file with the board.

21 (f) A patient shall have freedom of choice in the
22 selection of physical therapy services and products.

23 (g) Information relating to a physical
24 therapist-patient relationship is confidential and may not be
25 communicated to a third party, who is not involved in the care
26 of the patient, without the prior written authorization of the
27 patient. The physical therapist-patient privilege does not

1 extend to those instances where a physical therapist is
2 otherwise required by law to report the information. All
3 records used or resulting from a consultation by means of
4 telecommunication are part of the file of a patient and
5 subject to all applicable confidentiality requirements.

6 (h) All information relating to the receipt and
7 investigation of a complaint filed with the board against a
8 licensee or other person pursuant to subsection (d) shall be
9 confidential until the information is disclosed in the course
10 of the investigation, in any subsequent proceeding, or until
11 disclosure is otherwise required by law. Patient records,
12 reports, documents, and photographs, including, but not
13 limited to, clinical records, files, and other reports or oral
14 statements relating to diagnostic findings or the treatment of
15 patients and information received and records or reports kept
16 by the board as a result of an investigation made pursuant to
17 this article, shall not be available to the public and shall
18 be kept confidential by the board.

19 §34-24-195.

20 (a) To enforce this article, the board may do all of
21 the following:

22 (1) Receive complaints filed against licensees and
23 conduct timely investigations relating to those complaints.

24 (2) Conduct an investigation at any time, and on its
25 own initiative, without the receipt of a written complaint if
26 the board has reason to believe that a violation of this

1 article, or any rule promulgated by the board pursuant to this
2 article, has occurred.

3 (3) Issue subpoenas to compel the attendance of
4 witnesses or the production of documents relative to a case.

5 (4) Take emergency action ordering the summary
6 suspension of a license or restricting the practice of a
7 physical therapist pending further proceedings by the board.

8 (5) Take emergency action ordering the summary
9 suspension of a license or restricting the practice of a
10 physical therapist assistant, under the direction of a
11 physical therapist, pending further proceedings by the board.

12 (6) Appoint a hearing officer to conduct a hearing.
13 Upon the conclusion of a hearing, the hearing officer shall
14 prepare and submit to the board findings of fact, conclusions
15 of law, and a recommendation for board action. The board shall
16 review and vote upon the recommendation of the hearing
17 officer.

18 (7) Require the examination of a physical therapist
19 to determine his or her mental or physical ability to practice
20 physical therapy.

21 (b) If, after investigation, the board finds that
22 the information received in a complaint does not merit
23 disciplinary action against a licensee, the board may take
24 either of the following actions:

25 (1) Dismiss the complaint.

26 (2) Issue an advisory letter to the licensee. The
27 advisory letter shall notify the licensee that the evidence

1 does not merit disciplinary action and shall encourage the
2 licensee to become more familiar with applicable portions of
3 this article and rules promulgated by the board pursuant to
4 this article.

5 Section 4. Sections 34-24-199 and 34-24-200 are
6 added to the Code of Alabama 1975, to read as follows:

7 §34-24-199.

8 (a) Except as otherwise provided in Section
9 34-24-210, it is unlawful for any person, business entity, or
10 employee, agent, or representative of either, not licensed as
11 a physical therapist or physical therapist assistant under
12 this article, to engage in the practice of physical therapy.
13 Any person who violates this subsection or Section 34-24-218
14 shall be guilty of a Class B misdemeanor, punished as provided
15 by law, and subject to any additional board action authorized
16 by this article.

17 (b) The board, to the extent necessary, may
18 investigate any person or business entity to determine whether
19 the person or business entity is engaged in the unlawful
20 practice of physical therapy. If an investigation determines
21 that a person or business entity is unlawfully practicing
22 physical therapy, the board shall inform the person or the
23 business entity of the alleged violation. The board may refer
24 the matter for prosecution regardless of whether the person or
25 business entity discontinues the unlawful practice.

26 (c) The board may apply to any court of competent
27 jurisdiction for an order enjoining any person or business

1 entity from violating this article or any rule promulgated by
2 the board pursuant to this article. Injunction proceedings
3 under this subsection shall be in addition to, and not in lieu
4 of, all penalties and other remedies prescribed by this
5 article.

6 (d) If a person or business entity knowingly
7 violates this article or any rule promulgated pursuant to this
8 article, fraudulently uses or permits the use of a license
9 number, or knowingly aids or requires another person to
10 violate this article or rules promulgated pursuant to this
11 article, the board may impose upon such person a civil
12 penalty. Any civil penalty collected pursuant to this
13 subsection shall be deposited into the Physical Therapist
14 Fund.

15 §34-24-200.

16 (a) Every licensee, person, corporation, insurance
17 company, health care organization, health care facility, and
18 state or local government agency shall report to the board any
19 agency determination or court conviction regarding a licensee
20 that may constitute a violation of this article or any rule
21 promulgated by the board pursuant to this article.

22 (b) Any licensee, person, corporation, insurance
23 company, health care organization, health care facility, or
24 state or local government agency that in good faith reports to
25 the board or participates in any investigation or subsequent
26 disciplinary process conducted by the board shall be immune
27 from civil liability for that act.

1 (c) The board may not disclose the identity of any
2 licensee, person, corporation, insurance company, health care
3 organization, health care facility, or state or local
4 government agency that provides information unless such
5 information is essential to proceedings conducted pursuant to
6 this article or otherwise required by a court of law.

7 Section 5. Sections 34-24-210, 34-24-211, and
8 34-24-212 of the Code of Alabama 1975, are amended to read as
9 follows:

10 "§34-24-210.

11 "~~(a) Registration required. No person shall practice~~
12 ~~nor hold himself out to be able to practice physical therapy~~
13 ~~in this state unless he is registered in accordance with the~~
14 ~~provisions of this article.~~

15 "~~(b) License required. No person shall act nor hold~~
16 ~~himself out as being able to act as a physical therapist~~
17 ~~assistant unless he is licensed in accordance with the~~
18 ~~provisions of this article.~~

19 "~~(c) Other healing arts not affected. Nothing in~~
20 ~~this article shall prohibit any person licensed to practice~~
21 ~~any other of the healing arts in this state under any other~~
22 ~~law from engaging in the practice for which he is licensed.~~

23 "(a) The unlawful practice prohibition provided in
24 Section 34-24-199 does not apply to a person licensed under
25 any other law of this state to the extent that he or she is
26 practicing within the scope of that professional license and

1 does not represent, imply, advertise, or claim to be a
2 physical therapist or a provider of physical therapy.

3 "(b) The following persons are exempt from the
4 license requirements of this article when engaged in the
5 following activities:

6 "(1) A person in an entry level professional
7 education program approved by the board, who is satisfying
8 supervised clinical education requirements related to his or
9 her physical therapist education, while under the onsite
10 supervision of a physical therapist.

11 "(2) A person in an entry level professional
12 education program approved by the board, who is satisfying
13 supervised clinical education requirements related to his or
14 her physical therapist assistant education, while under the
15 onsite supervision of a physical therapist or physical
16 therapist assistant.

17 "(3) A physical therapist who is practicing in the
18 United States Armed Services, Public Health Service, or
19 Veterans Administration pursuant to federal regulations for
20 state licensure of health care providers.

21 "(4) A physical therapist who is licensed in another
22 jurisdiction of the United States, or possesses the
23 credentials to practice physical therapy in another country,
24 if he or she is teaching, demonstrating, or providing physical
25 therapy services in connection with teaching or participating
26 in an educational seminar in this state for not more than 60
27 days in a calendar year.

1 "(5) A physical therapist who is licensed in another
2 jurisdiction of the United States, if he or she is providing
3 consultation by means of telecommunication to a physical
4 therapist licensed under this article.

5 "(6) A physical therapist who is licensed in another
6 jurisdiction of the United States, or possesses the
7 credentials to practice physical therapy in another country,
8 if he or she by contract or employment is providing physical
9 therapy to persons affiliated with or employed by established
10 athletic teams, athletic organizations, or performing arts
11 companies that are temporarily practicing, competing, or
12 performing in this state for not more than 60 days in a
13 calendar year.

14 "(7) A physical therapist who is licensed in another
15 jurisdiction of the United States and who enters this state to
16 provide physical therapy during a declared local, state, or
17 national disaster or emergency. This exemption applies for not
18 longer than the 60 days immediately following the declaration
19 of the disaster or emergency. To be eligible for this
20 exemption, the physical therapist shall notify the board of
21 his or her intent to temporarily practice in this state.

22 "(8) A physical therapist licensed in another
23 jurisdiction of the United States who is forced to leave his
24 or her residence or place of employment due to a declared
25 local, state, or national disaster or emergency and, because
26 of such displacement, seeks to practice physical therapy in
27 this state. This exemption applies for not longer than the 60

1 days immediately following the declaration of the disaster or
2 emergency. To be eligible for this exemption, the physical
3 therapist shall notify the board of his or her intent to
4 temporarily practice in this state.

5 "(c) A physical therapist assistant who is licensed
6 in another jurisdiction of the United States and is assisting
7 a physical therapist engaged in exempt activities pursuant to
8 subdivision (2), (3), (5), (6), or (7) of subsection (b) is
9 also exempt from licensure under this article pursuant to the
10 applicable subdivision.

11 "§34-24-211.

12 ~~"An applicant for registration as a physical~~
13 ~~therapist or for a license as a physical therapist assistant~~
14 ~~shall file a written application on forms provided by the~~
15 ~~board together with fee as set by the board, no part of which~~
16 ~~shall be returned. The applicant shall present evidence~~
17 ~~satisfactory to the board that he or she is of good moral~~
18 ~~character and has completed a program of physical therapy~~
19 ~~education appropriate for training a physical therapist or a~~
20 ~~physical therapist assistant, as the case may be, approved by~~
21 ~~the board or a nationally recognized accrediting agency. Each~~
22 ~~applicant shall also be a citizen of the United States or, if~~
23 ~~not a citizen of the United States, a person who is legally~~
24 ~~present in the United States with appropriate documentation~~
25 ~~from the federal government.~~

26 "(a) An applicant for licensure as a physical
27 therapist who has completed his or her physical therapy

1 education within the United States shall do all of the
2 following:

3 "(1) Complete the application process, including the
4 payment of any fees.

5 "(2) Submit professional references that are
6 satisfactory to the board.

7 "(3) Submit proof of graduation from a professional
8 physical therapy education program accredited by a national
9 accreditation agency approved by the board.

10 "(4) Pass any examination approved and required by
11 the board.

12 "(5) Satisfy all requirements established by rule of
13 the board, as applicable.

14 "(b) An applicant for licensure as a physical
15 therapist who has completed his or her physical therapy
16 education outside of the United States shall do all of the
17 following:

18 "(1) Complete the application process, including the
19 payment of any fees.

20 "(2) Submit professional references that are
21 satisfactory to the board.

22 "(3) Provide satisfactory evidence to the board that
23 his or her physical therapy education is substantially
24 equivalent to the physical therapy education provided by an
25 accredited entry level program approved by the board.
26 Graduation from a professional education program located
27 outside of the United States that is accredited by the same

1 accrediting agency that the board approves for programs
2 located within the United States shall constitute evidence of
3 substantial equivalency. In all other instances, the term
4 substantially equivalent shall require an applicant for
5 licensure, who has completed his or her physical therapy
6 education outside of the United States, to prove to the board
7 all of the following:

8 "a. That the completed physical therapy education
9 program adequately prepared the applicant to engage in the
10 practice of physical therapy without restriction.

11 "b. That the school of physical therapy attended is
12 recognized by the applicable ministry of education.

13 "c. That, pursuant to a credentials evaluation
14 directed by the board, the applicant satisfies uniform
15 criteria for educational requirements pursuant to rules
16 promulgated by the board.

17 "d. That the applicant has completed any additional
18 education required by the board.

19 "(4) If the native language of the applicant is not
20 English, successfully completes an English proficiency
21 examination approved by the board.

22 "(5) Pass any examination approved and required by
23 the board.

24 "(6) Satisfy all requirements established by rule of
25 the board, as applicable.

26 "(c) An applicant for licensure as a physical
27 therapist assistant shall do all of the following:

1 "(1) Complete the application process, including the
2 payment of any fees.

3 "(2) Submit professional references that are
4 satisfactory to the board.

5 "(3) Submit proof of graduation from a physical
6 therapist assistant education program accredited by a national
7 accreditation agency approved by the board.

8 "(4) Pass any examination approved and required by
9 the board.

10 "(5) Satisfy all requirements established by rule of
11 the board, as applicable.

12 "§34-24-212.

13 ~~"(a) Generally. The board shall give an appropriate~~
14 ~~examination to every applicant who complies with Section~~
15 ~~34-24-211 and who pays the fee prescribed for the examination.~~
16 ~~Examinations shall be held within the state at least once each~~
17 ~~year, at such times and places as the board determines. A~~
18 ~~practical or demonstration examination may be required at the~~
19 ~~discretion of the board when an applicant is retaking a~~
20 ~~written examination after previously having failed such an~~
21 ~~examination.~~

22 ~~"(b) Physical therapist. The examination given~~
23 ~~applicants for registration as a physical therapist shall be a~~
24 ~~written examination, approved by the board. Such examination~~
25 ~~shall test the applicant's knowledge of the basic and clinical~~
26 ~~sciences as they relate to physical therapy, physical therapy~~
27 ~~theory and procedures and such other subjects as the board may~~

1 ~~deem useful to test the applicant's fitness to practice~~
2 ~~physical therapy. A practical or demonstration examination may~~
3 ~~be required if so determined by the board.~~

4 ~~"(c) Physical therapist assistant. The examination~~
5 ~~given applicants for licensing as physical therapist assistant~~
6 ~~will be a written examination, approved by the board. Such~~
7 ~~examination shall test the applicant's knowledge of the basic~~
8 ~~and clinical sciences as they relate to physical therapy,~~
9 ~~physical therapy theory and procedures, and such other~~
10 ~~subjects as the board may deem useful to test the applicant's~~
11 ~~fitness to act as a physical therapist assistant. A practical~~
12 ~~or demonstration examination may be required if so determined~~
13 ~~by the board.~~

14 ~~"(d) Foreign trained physical therapist. Any foreign~~
15 ~~trained physical therapist who plans to practice in the state~~
16 ~~must have their educational credentials evaluated by a~~
17 ~~recognized educational evaluation agency and have that agency~~
18 ~~send their report directly to the board. The board will~~
19 ~~determine the acceptability of equivalency in educational~~
20 ~~preparation. If the board rules the education to be acceptable~~
21 ~~the routine application process will be followed.~~

22 "(a) The board shall approve the eligibility of an
23 applicant before the applicant takes any examination offered
24 by the board.

25 "(b) The physical therapist examination shall be a
26 national examination that tests whether the examinee has the

1 requisite knowledge and skills required of entry level
2 physical therapist practitioners.

3 "(c) The physical therapist assistant examination
4 shall be a national examination that tests whether the
5 examinee has the requisite knowledge and skills required of
6 entry level physical therapist assistant practitioners.

7 "(d) If the board determines that an applicant has
8 engaged, or has attempted to engage, in conduct that subverts
9 or undermines the integrity of the examination process, the
10 board may disqualify the applicant from taking or retaking an
11 examination for a specified period of time."

12 Section 6. Sections 34-24-213 and 34-24-215, Code of
13 Alabama 1975, providing for the issuance of licenses for
14 applicants passing examination and for temporary licenses,
15 respectively, are repealed.

16 Section 7. Sections 34-24-214 and 34-24-216 of the
17 Code of Alabama 1975, are amended and renumbered to read as
18 follows:

19 ~~§34-24-214~~ §34-24-213.

20 ~~"On payment to the board of a fee set by the board~~
21 ~~and the submission of a written application on forms provided~~
22 ~~by the board, the board shall issue a license without~~
23 ~~examination to:~~

24 ~~"(1) A person who is qualified within the meaning of~~
25 ~~this article as a physical therapist by another state of the~~
26 ~~United States of America, its possessions or the District of~~
27 ~~Columbia, if the requirements for licensing or registration in~~

1 such state, possession or district were at the date of his
2 licensing or registration by such state substantially equal to
3 the requirement for the initial licensing of persons
4 practicing physical therapy when this article became
5 effective, August 20, 1965, or for licensing by examination
6 prepared by the professional examining service as set forth in
7 the article and any additional requirements prescribed by the
8 board.

9 "(2) A person who is qualified within the meaning of
10 this article as a physical therapist assistant by another
11 state of the United States of America, its possessions or the
12 District of Columbia, if the requirements for licensing in
13 such state, possession or district were at the date of his
14 licensing by such state substantially equal to the
15 requirements set forth in this article.

16 "The board shall issue a license to any physical
17 therapist or physical therapist assistant who has a current
18 unrestricted license from another jurisdiction of the United
19 States if the applicant satisfies all of the following
20 requirements:

21 "(1) Completes the application process, including
22 the payment of any fees.

23 "(2) Submits professional references that are
24 satisfactory to the board.

25 "(3) Submits proof of graduation from a physical
26 therapist or physical therapist assistant education program

1 accredited by a national accreditation agency approved by the
2 board.

3 "(4) Provides an official copy of his or her score
4 on a licensure examination approved by the board.

5 "(5) Satisfies all requirements established by rule
6 of the board, as applicable.

7 ~~"§34-24-216 §34-24-214.~~

8 ~~"(a) All licenses issued by the board to physical~~
9 ~~therapists and physical therapist assistants shall expire on~~
10 ~~the first day of October of the year next succeeding the~~
11 ~~issuance thereof. A license may be renewed on the payment, on~~
12 ~~or before November first of each year, to the board of a fee~~
13 ~~set by the board. A license which has expired may, within five~~
14 ~~years of its expiration date, be renewed on the payment to the~~
15 ~~board of a fee set by the board for each year or part thereof~~
16 ~~during which the license was ineffective and the payment of a~~
17 ~~restoration fee set by the board. After said five-year period,~~
18 ~~a license may be obtained only by complying with the~~
19 ~~provisions hereinabove relating to the issuance of an original~~
20 ~~license.~~

21 ~~"(b) The board shall adopt a program of continuing~~
22 ~~education for its licensees not later than October 1, 1991.~~
23 ~~After such date, successful completion of the annual~~
24 ~~continuing education program shall be a requisite for the~~
25 ~~renewal of licenses issued pursuant to this chapter.~~

1 ~~"(c) Provided, however, under the provisions of this~~
2 ~~chapter, continuing education shall not result in a passing or~~
3 ~~failing grade.~~

4 "(a) A physical therapist applying for renewal of
5 his or her license shall:

6 "(1) Complete and submit a renewal application,
7 including the payment of any fees, to the board.

8 "(2) Submit to the board satisfactory evidence of
9 continuing competence.

10 "(b) A physical therapist assistant applying for
11 renewal of his or her license shall:

12 "(1) Complete and submit a renewal application,
13 including the payment of any fees, to the board.

14 "(2) Submit to the board satisfactory evidence of
15 continuing competence."

16 Section 8. Sections 34-24-215, 34-24-216, 34-24-217,
17 34-24-218, and 34-24-219 are added to the Code of Alabama
18 1975, to read as follows:

19 §34-24-215.

20 Each licensee shall report to the board any change
21 in his or her name, home address, primary business address,
22 E-mail address, or telephone number within 30 days of the
23 change.

24 §34-24-216.

25 (a) The board may reinstate a lapsed license upon
26 the completion and submission of a reinstatement application,
27 including the payment of any fees, to the board.

1 (b) If a license has lapsed for five or more years,
2 the applicant for reinstatement shall satisfy all applicable
3 requirements for the renewal of a license as provided in
4 Section 34-24-214 and shall demonstrate to the board his or
5 her competence to practice physical therapy pursuant to one or
6 more of the following means:

7 (1) Practice for a specified time under a restricted
8 license.

9 (2) Complete prescribed remedial courses.

10 (3) Successfully complete any examinations approved
11 and required by the board.

12 (4) Submit proof to the board of licensed practice
13 in another jurisdiction during the period of lapse in this
14 state.

15 (c) The board may reinstate a revoked license upon
16 completion of the requirements in Section 34-24-213 and
17 evidence of satisfactory completion of all requirements for
18 reinstatement as stipulated in a consent order at the time of
19 revocation. The board may further require that the applicant
20 for reinstatement of a revoked license demonstrate to the
21 board his or her competence to practice physical therapy
22 pursuant to one or more of the means specified in subdivisions
23 (1) to (4), inclusive, of subsection (b).

24 §34-24-217.

25 Physical therapists and physical therapist
26 assistants shall adhere to the recognized standards of ethics

1 of the physical therapy profession as established by rule of
2 the board.

3 §34-24-218.

4 (a) A physical therapist shall use the letters "PT"
5 immediately following his or her name to designate licensure
6 under this article.

7 (b) A person or business entity, or the employees,
8 agents, or representatives of either, shall not use in
9 connection with his, her, or its name or activity the words
10 "physical therapy," "physical therapist," "physiotherapy,"
11 "physiotherapist," "registered physical therapist," "doctor of
12 physical therapy," the letters "PT," "DPT," "LPT," "RPT,"
13 "CPT," or any other words, abbreviations, or insignias
14 indicating or implying that physical therapy is provided or
15 supplied, unless such services are provided by or under the
16 direction of a physical therapist licensed under this article.
17 A person or business entity may not advertise or otherwise
18 promote another person as being a physical therapist or
19 physiotherapist unless the person so advertised or promoted is
20 licensed as a physical therapist under this article. No person
21 or business entity may offer, provide, or bill any other
22 person for services characterized as physical therapy or
23 physiotherapy unless the person performing the services is a
24 person licensed as a physical therapist under this article.

25 (c) A physical therapist assistant shall use the
26 letters "PTA" immediately following his or her name to
27 designate licensure under this article.

1 (d) A person may not use the title "physical
2 therapist assistant" or the letters "PTA," "LPTA," or any
3 other words, abbreviations, or insignias in connection with
4 his or her name to indicate or imply that he or she is a
5 physical therapist assistant unless he or she is licensed as a
6 physical therapist assistant under this article.

7 (e) The prohibitions in subsections (b) and (d) do
8 not apply to any person exempted from licensure pursuant to
9 subsection (b) of Section 34-24-210.

10 (f) Any person or business entity found in violation
11 of subsection (b) or (d) is guilty of a Class B misdemeanor,
12 punishable as provided by law, and subject to any additional
13 board action authorized by this article including, but not
14 limited to, a civil penalty in an amount not to exceed five
15 thousand dollars (\$5,000) per violation. In addition, the
16 board may seek an injunction against any conduct in violation
17 of subsection (b) or (d) in any court of competent
18 jurisdiction. For purposes of this section, in seeking an
19 injunction the board need only show that the defendant
20 violated subsection (b) or (d) to establish irreparable injury
21 or a likelihood of a continuation of the violation.

22 §34-24-219.

23 (a) The responsibilities of a physical therapist
24 shall include managing all aspects of the physical therapy
25 care of a patient. A physical therapist shall provide all of
26 the following:

1 (1) The initial evaluation and documentation
2 relating to each patient.

3 (2) Periodic reevaluation and documentation relating
4 to each patient.

5 (3) The documented discharge information relating to
6 each patient, including the response of the patient to
7 treatment intervention at the time of discharge.

8 (b) Patient care management performed by a physical
9 therapist shall include accurate documentation and billing
10 information for all services provided.

11 (c) A physical therapist shall verify the
12 qualifications of each physical therapist assistant practicing
13 under his or her direction.

14 (d) For each patient, on each date of service, a
15 physical therapist shall provide all of the treatment
16 intervention that requires the expertise of the physical
17 therapist and shall determine the use of a physical therapist
18 assistant for the delivery of care that is safe, effective,
19 and efficient. A physical therapist assistant shall work under
20 the direction of a physical therapist. A physical therapist
21 assistant may document the care that he or she provides to a
22 patient.

23 Section 9. Section 34-24-217 of the Code of Alabama
24 1975, is amended and renumbered to read as follows:

25 "~~§34-24-217~~ §34-24-220.

26 "~~(a) The board shall refuse to issue a license to~~
27 ~~any person and, after notice and hearing in accordance with~~

1 ~~its regulations and rules, shall suspend or revoke the license~~
2 ~~of any person who has:~~

3 ~~"(1) Practiced physical therapy other than upon the~~
4 ~~referral of a physician licensed to practice medicine or~~
5 ~~surgery, and a dentist licensed to practice dentistry; or~~
6 ~~practiced as a physical therapist assistant other than under~~
7 ~~the direction of a registered physical therapist;~~

8 ~~"(2) Used drugs or intoxicating liquors to an extent~~
9 ~~which affects his or her professional competency;~~

10 ~~"(3) Been convicted of a felony or of a crime~~
11 ~~involving moral turpitude;~~

12 ~~"(4) Obtained or attempted to obtain a license by~~
13 ~~fraud or deception;~~

14 ~~"(5) Been grossly negligent in the practice of~~
15 ~~physical therapy or in acting as a physical therapist~~
16 ~~assistant;~~

17 ~~"(6) Been adjudged mentally incompetent by a court~~
18 ~~of competent jurisdiction;~~

19 ~~"(7) Been guilty of conduct unbecoming a person~~
20 ~~registered as a physical therapist or licensed as a physical~~
21 ~~therapist assistant or of conduct detrimental to the best~~
22 ~~interest of the public;~~

23 ~~"(8) Been convicted of violating any state or~~
24 ~~federal narcotic law;~~

25 ~~"(9) Treated or undertaken to treat human ailments~~
26 ~~otherwise than by physical therapy as defined in this article;~~

1 ~~"(10) Advertised unethically according to standards~~
2 ~~as set by the board; or~~

3 ~~"(11) Failed or refused to obey any lawful order or~~
4 ~~regulation of the board.~~

5 "(a) All of the following are grounds for the denial
6 of a license or disciplinary action by the board:

7 "(1) The violation of any provision of this article,
8 rule promulgated by the board pursuant to this article, or
9 written order of the board.

10 "(2) Obtaining or attempting to obtain a license by
11 fraud or misrepresentation.

12 "(3) Attempting to engage in conduct that subverts
13 or undermines the integrity of the examination or the
14 examination process including, but not limited to, utilizing
15 in any manner recalled or memorized examination questions from
16 or with any person or entity, failing to comply with all
17 examination center security procedures, communicating or
18 attempting to communicate with other examinees during an
19 examination, or copying or sharing examination questions or
20 portions of examination questions.

21 "(4) Practicing or offering to practice beyond the
22 scope of the practice of physical therapy.

23 "(5) Acting in a manner that is inconsistent with
24 generally accepted standards of physical therapy practice,
25 regardless of whether such action results in any actual injury
26 to a patient.

1 "(6) Failing to adhere to the recognized standards
2 of ethics of physical therapy practice as established by rule
3 of the board.

4 "(7) Failing to complete continuing competence
5 requirements as established by rule of the board.

6 "(8) Failing to maintain adequate patient records.
7 For the purposes of this subdivision, adequate patient records
8 are legible records that contain, at a minimum, sufficient
9 information relating to the care and treatment of a patient.

10 "(9) Failing to adequately provide direction to a
11 physical therapist assistant.

12 "(10) Failing to report to the board any direct
13 knowledge of unprofessional, incompetent, or illegal acts that
14 may violate this article or any rule promulgated by the board
15 pursuant to this article.

16 "(11) Engaging in sexual misconduct as defined by
17 rule of the board.

18 "(12) Having an application for licensure refused,
19 revoked, or suspended or a license revoked, suspended, or
20 other disciplinary action taken against a licensee by the
21 proper authorities of another state, territory, or country.

22 "(13) Being convicted of or pleading guilty to a
23 felony in the courts of this state or any other state,
24 territory, or country. For purposes of this subdivision, a
25 conviction shall include a deferred conviction, deferred
26 prosecution, deferred sentence, a finding or verdict of guilt,

1 an admission of guilt, an Alfred plea, or a plea of nolo
2 contendere.

3 "(14) Aiding or abetting in the unlicensed practice
4 of physical therapy.

5 "(15) Directly or indirectly requesting, receiving,
6 or participating in the dividing, transferring, assigning,
7 rebating, or refunding of an unearned fee or profiting by
8 means of a credit or other valuable consideration, such as an
9 unearned commission, discount, or gratuity in connection with
10 the furnishing of physical therapy services. This subdivision
11 does not prohibit the members of a regularly and properly
12 organized business entity, consisting of physical therapists
13 or physical therapists and physical therapist assistants, from
14 dividing fees received for professional services among
15 themselves as agreed by the members of the business entity.

16 "(16) Promoting any unnecessary device, treatment
17 intervention, or service that results in the financial gain of
18 the licensee or a third party.

19 "(17) Providing treatment intervention that is
20 unwarranted by the condition of the patient or continuing
21 treatment beyond the point of reasonable benefit.

22 "(18) Participating in the underutilization or
23 overutilization of physical therapy services for personal or
24 institutional financial gain.

25 "(19) Charging fraudulent fees for services, whether
26 or not actually performed.

1 "(20) Making misleading, deceptive, untrue, or
2 fraudulent representations in violation of this article, any
3 rule promulgated by the board pursuant to this article, or in
4 the practice of the profession.

5 "(21) Practicing physical therapy with mental or
6 physical abilities impaired by the use of a controlled
7 substance or other habit forming drug, chemical, alcohol, or
8 other cause.

9 "(22) Practicing physical therapy with a mental or
10 physical condition that impairs the ability of the licensee to
11 practice with skill and safety.

12 "(23) Practicing physical therapy after being
13 adjudged mentally incompetent by a court of competent
14 jurisdiction.

15 "(24) Interfering with an investigation,
16 disciplinary proceeding, or other legal action by failing to
17 cooperate, through the willful misrepresentation of facts or
18 the use of threats or harassment against any patient or
19 witness to prevent the patient or witness from providing
20 evidence in the investigation, disciplinary proceeding, or
21 legal action.

22 "(25) Failing to maintain patient confidentiality
23 without documented authorization of the patient, or unless
24 otherwise required by law.

25 "(b) For purposes of this article and
26 notwithstanding any other provision of this article or any
27 rules or regulations adopted by the board, any person licensed

1 or registered under this article who has a bona fide
2 employment or independent contract with a physician, a
3 physician group, or an entity with which a physician has a
4 legal compensation arrangement, including fair market value
5 wages, compensation, benefits, or rents for services or
6 property provided, or in which a physician has a legal
7 financial interest, including any direct or indirect ownership
8 or investment interest, shall not be deemed to be engaged in
9 conduct unbecoming a person licensed or registered under this
10 article, or to be engaged in conduct detrimental to the best
11 interest of the public, or to be in violation of any other
12 provision of this article by virtue of any of the above
13 relationships, and shall not be subject to licensure denial,
14 suspension, revocation, or any other disciplinary action or
15 penalty under this article: (1) by virtue of such employment
16 or contract, or (2) by virtue of the provision of physical
17 therapy services pursuant to a referral from the employing or
18 contracting physician, or from a physician with a legal
19 compensation arrangement with or a legal financial interest in
20 the employing or contracting physician group."

21 Section 10. Section 34-24-221 is added to the Code
22 of Alabama of 1975, to read as follows:

23 §34-24-221.

24 "(a) It shall be the duty and obligation of the
25 State Board of Physical Therapy to promote the early
26 identification, intervention, treatment, and rehabilitation of
27 physical therapy licensees who may be impaired by reason of

1 illness, inebriation, excessive use of drugs, narcotics,
2 alcohol, chemicals, or other substances, or as a result of any
3 physical or mental condition.

4 "(b) In order to carry out this obligation, the
5 State Board of Physical Therapy may contract with any
6 nonprofit corporation or medical professional association for
7 the purpose of creating, supporting, and maintaining a
8 committee to be designated the Alabama Physical Therapy
9 Wellness Committee. The committee shall be selected in a
10 manner prescribed by the board. The board may expend available
11 funds as necessary to adequately provide for the operational
12 expenses of the Alabama Physical Therapy Wellness Committee,
13 including, but not limited to, the actual cost of travel,
14 office overhead, and personnel expenses. The funds provided by
15 the board for the purpose of operating expenses shall not be
16 subject to any provision of law requiring competitive bidding.

17 "(c) The Board of Physical Therapy may enter into an
18 agreement with a nonprofit corporation or medical professional
19 association for the Alabama Physical Therapy Wellness
20 Committee to undertake those functions and responsibilities
21 specified in the agreement which may include any or all of the
22 following:

23 "(1) Contracting with providers of treatment
24 programs.

25 "(2) Receiving and evaluating reports of suspected
26 impairment from any source.

27 "(3) Intervening in cases of verified impairment.

1 "(4) Referring impaired physical therapy licensees
2 to treatment programs.

3 "(5) Monitoring the treatment and rehabilitation of
4 impaired physical therapy licensees.

5 "(6) Providing post-treatment monitoring and support
6 of rehabilitated impaired physical therapy licensees.

7 "(7) Performing other activities as agreed upon by
8 the Board of Physical Therapy and the Alabama Physical Therapy
9 Wellness Committee.

10 "(d) The Alabama Physical Therapy Wellness Committee
11 shall develop procedures in consultation with the Board of
12 Physical Therapy for the following:

13 "(1) Periodic reporting of statistical information
14 regarding impaired physical therapy licensees program
15 activity.

16 "(2) Periodic disclosure and joint review of the
17 information as the board deems appropriate regarding reports
18 received, contracts or investigations made, and the
19 disposition of each report, provided, however, that the
20 committee shall not disclose any personally identifiable
21 information except as provided in this article.

22 "(e) Any individual who shall be duly appointed to
23 serve as a member of the Alabama Physical Therapy Wellness
24 Committee and any auxiliary personnel, consultants, attorneys,
25 or other volunteers or employees of the committee taking any
26 action authorized by this article, engaging in the performance
27 of any duties on behalf of the committee, or participating in

1 any administrative or judicial proceeding resulting therefrom
2 shall, in the performance and operation thereof, be immune
3 from any liability, civil or criminal, that might otherwise be
4 incurred or imposed. Any nonprofit corporation or medical
5 professional association or other entity that contracts with
6 or receives funds from the State Board of Physical Therapy for
7 the creation, support, and operation of the Alabama Physical
8 Therapy Wellness Committee shall, in so doing, be immune from
9 any liability, civil or criminal, that might otherwise be
10 incurred or imposed.

11 "(f) All information, interviews, reports,
12 statements, memoranda, or other documents furnished to or
13 produced by the Alabama Physical Therapy Wellness Committee
14 and any findings, conclusions, recommendations, or reports
15 resulting from the investigations, interventions, treatment,
16 or rehabilitation, or other proceedings of such committee, are
17 declared to be privileged and confidential. All records and
18 proceedings of the committee pertaining to the impaired
19 physical therapy licensee shall be confidential and shall be
20 used by the committee and the members thereof only in the
21 exercise of the proper function of the committee and shall not
22 be public records nor available for court subpoena or for
23 discovery proceedings. In the event of a breach of contract
24 between the committee and the impaired physical therapy
25 licensee, any and all records pertaining to the conduct
26 determined to cause the breach of contract will be disclosed
27 to the regulatory board upon its request for disciplinary

1 purposes only. Nothing contained herein shall apply to records
2 made in the regular course of business of a physical therapy
3 licensee, and information, documents, or records otherwise
4 available from original sources are not to be construed as
5 immune from discovery or use in any civil proceedings merely
6 because they were presented or considered during the
7 proceedings of the Alabama Physical Therapy Wellness
8 committee.

9 "(g) The Alabama Physical Therapy Wellness Committee
10 shall render an annual report to the State Board of Physical
11 Therapy concerning the operations and proceedings of the
12 committee for the proceeding year. The committee shall report
13 to the board any physical therapy licensee who in the opinion
14 of the committee is unable to perform physical therapy duties
15 with reasonable skill and safety to patients by reason of
16 illness, inebriation, excessive use of drugs, narcotics,
17 alcohol, chemicals, or other substances, or as a result of any
18 physical or mental condition when it appears that the physical
19 therapy licensee is currently in need of intervention,
20 treatment, or rehabilitation and the licensee has failed or
21 refused to participate in programs of treatment, or
22 rehabilitation recommended by the committee. A report to the
23 Alabama Physical Therapy Wellness Committee shall be deemed to
24 be a report to the Board of Physical Therapy for the purposes
25 of any mandated reporting of physical therapy licensee
26 impairment otherwise provided for by law.

1 "(h) If the Board of Physical Therapy has reasonable
2 cause to believe that a physical therapy licensee is impaired,
3 the board may cause an evaluation of the physical therapy
4 licensee to be conducted by the Alabama Physical Therapy
5 Wellness Committee for the purpose of determining if there is
6 an impairment. The Alabama Physical Therapy Wellness Committee
7 shall report the findings of its evaluation to the Board of
8 Physical Therapy."

9 Section 11. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.