

1 HB444  
2 206363-2  
3 By Representative Johnson  
4 RFD: Health  
5 First Read: 12-MAR-20

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8 SYNOPSIS: Under existing law, physical therapy may  
9 only be performed based on a referral from a  
10 licensed physician, dentist, chiropractor,  
11 physician assistant, or certified registered nurse  
12 practitioner, except in limited, enumerated  
13 circumstances that allow a licensed physical  
14 therapist to perform an initial evaluation or  
15 consultation of a screening nature without a  
16 referral.

17 This bill would further provide for a  
18 licensed physical therapist to perform physical  
19 therapy.

20  
21 A BILL  
22 TO BE ENTITLED  
23 AN ACT

24  
25 Relating to physical therapy; to amend Sections  
26 34-24-191, 34-24-210.1, and 34-24-217, Code of Alabama 1975;

1 to further provide for the delivery of physical therapy  
2 services.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 34-24-191, 34-24-210.1, and  
5 34-24-217, Code of Alabama 1975, are amended to read as  
6 follows:

7 "§34-24-191.

8 "(a) For the purposes of this article, the following  
9 words and phrases shall have the meanings respectively  
10 ascribed by this section:

11 "(1) BOARD. The Board of Physical Therapy  
12 established by Section 34-24-192.

13 "(2) FOREIGN EDUCATED PHYSICAL THERAPIST. A person  
14 trained or educated in the practice of physical therapy  
15 outside of the United States or any of its territorial  
16 possessions.

17 "(3) IMPAIRED. The inability of a physical therapy  
18 licensee to practice physical therapy with reasonable skill  
19 and safety to patients by reason of illness, inebriation,  
20 excessive use of drugs, narcotics, alcohol, chemicals, or  
21 other substances, or as a result of any physical or mental  
22 condition.

23 "(4) PHYSICAL THERAPY. The treatment of a human  
24 being by the use of exercise, massage, heat, cold, water,  
25 radiant energy, electricity, or sound for the purpose of  
26 correcting or alleviating any physical or mental condition or  
27 preventing the development of any physical or mental

1 disability, or the performance of neuromuscular-skeletal tests  
2 and measurements to determine the existence and extent of body  
3 malfunction; provided, that physical therapy shall be  
4 practiced only upon the referral of a physician licensed to  
5 practice medicine or surgery, a dentist licensed to practice  
6 dentistry, a licensed chiropractor, a licensed assistant to a  
7 physician acting pursuant to a valid supervisory agreement, or  
8 a licensed certified registered nurse practitioner in a  
9 collaborative practice agreement with a licensed physician,  
10 except as otherwise provided in this chapter. Physical therapy  
11 does not include radiology or electrosurgery.

12 "(5) PHYSICAL THERAPIST. A person who practices  
13 physical therapy.

14 "(6) PHYSICAL THERAPY LICENSEE. A physical therapist  
15 or physical therapist assistant who is licensed under this  
16 article.

17 "(7) PHYSIOTHERAPIST. Synonymous with the term  
18 "physical therapist," and the term shall be used to identify  
19 only those persons licensed under this article. The physical  
20 therapist may use the letters "P.T." or "R.P.T." in connection  
21 with his or her name or place of business to denote his or her  
22 registration hereunder.

23 "(8) PHYSICAL THERAPIST ASSISTANT. A person who  
24 assists in the practice of physical therapy and whose  
25 activities require an understanding of physical therapy but do  
26 not require professional or advanced training in the  
27 anatomical, biological, and physical sciences involved in the

1 practice of physical therapy. The physical therapist assistant  
2 shall practice only under the direction of a licensed physical  
3 therapist.

4 "(9) PHYSICAL THERAPY AIDE. A person trained under  
5 the direction of a physical therapist who performs designated  
6 and supervised routine tasks related to physical therapy  
7 services.

8 "(10) RESTRICTED LICENSE.

9 "a. For a physical therapist, a license on which the  
10 board has placed restrictions or conditions, or both, as to  
11 the scope of practice, place of practice, supervision of  
12 practice, duration of licensed status, or type or condition of  
13 patient to whom the physical therapist may provide services.

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

16 "(b) Words importing the masculine gender shall  
17 include the feminine.

18 "§34-24-210.1.

19 "(a) Without prescription or referral, a licensed  
20 physical therapist may perform an initial evaluation or  
21 consultation of a screening nature to determine the need for  
22 physical therapy and may perform the physical therapy and  
23 other services provided in subdivisions (1) to ~~(5)~~ (7),  
24 inclusive, of subsection (b). Implementation of physical  
25 therapy shall otherwise be based on the referral of a person  
26 licensed to practice medicine, surgery, dentistry,  
27 chiropractic, licensed assistant to a physician acting

1 pursuant to a valid supervising agreement, or a licensed  
2 certified registered nurse practitioner in a valid  
3 collaborative practice agreement with a licensed physician.

4 "(b) The physical therapy and other services  
5 referred to in subsection (a), which may be performed without  
6 prescription or referral, include and are limited to the  
7 following:

8 "(1) To a child with a diagnosed developmental  
9 disability pursuant to the plan of care for the child.

10 "(2) To a patient of a home health care agency  
11 pursuant to the plan of care for the patient.

12 "(3) To a patient in a nursing home pursuant to the  
13 plan of care for the patient.

14 "(4) Related to conditioning or to providing  
15 education or activities in a wellness setting for the purpose  
16 of injury prevention, reduction of stress, or promotion of  
17 fitness.

18 "(5) To an individual for a previously diagnosed  
19 condition or conditions for which physical therapy services  
20 are appropriate after informing the health care provider  
21 rendering the diagnosis. The diagnosis shall have been made  
22 within the immediately preceding ~~90~~ 120 days. The physical  
23 therapist shall provide the health care provider who rendered  
24 the diagnosis with a plan of care for physical therapy  
25 services within the first 15 days of physical therapy  
26 intervention.

1           "(6) To an individual with a diagnosed chronic  
2           condition for which intermittent physical therapy services are  
3           appropriate. The individual must be under active management  
4           for the chronic condition by a person licensed to practice  
5           medicine, surgery, dentistry, chiropractic, licensed assistant  
6           to a physician acting pursuant to a valid supervising  
7           agreement, or a license certified registered nurse  
8           practitioner in a valid collaborative practice agreement with  
9           a licensed physician.

10           "(7) To an individual for restoring strength,  
11           endurance, coordination, or range of motion, so long as the  
12           patient does not initially present with new on-set pain,  
13           illness, or injury.

14           "§34-24-217.

15           "(a) The board shall refuse to issue a license to  
16 any person and, after notice and hearing in accordance with  
17 its regulations and rules, shall suspend or revoke the license  
18 of any person who has:

19           "(1) Practiced physical therapy other than upon the  
20 referral of a physician licensed to practice medicine or  
21 surgery, a dentist licensed to practice dentistry, a licensed  
22 chiropractor, a licensed assistant to a physician acting  
23 pursuant to a valid supervisory agreement, or a licensed  
24 certified registered nurse practitioner in a valid  
25 collaborative practice agreement with a licensed physician,  
26 except as provided in Section 34-24-210.1, or practiced as a

1 physical therapist assistant other than under the direction of  
2 a licensed physical therapist;

3 "(2) Used drugs or intoxicating liquors to an extent  
4 which affects his or her professional competency;

5 "(3) Been convicted of a felony or of a crime  
6 involving moral turpitude;

7 "(4) Obtained or attempted to obtain a license by  
8 fraud or deception;

9 "(5) Been grossly negligent in the practice of  
10 physical therapy or in acting as a physical therapist  
11 assistant;

12 "(6) Been adjudged mentally incompetent by a court  
13 of competent jurisdiction;

14 "(7) Been guilty of conduct unbecoming a person  
15 licensed as a physical therapist or licensed as a physical  
16 therapist assistant or of conduct detrimental to the best  
17 interest of the public;

18 "(8) Been convicted of violating any state or  
19 federal narcotic law;

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

22 "(10) Advertised unethically according to standards  
23 as set by the board; or

24 "(11) Failed or refused to obey any lawful order or  
25 regulation of the board.

26 "(b) For purposes of this article and  
27 notwithstanding any other provision of this article or any



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

22 Section 2. Nothing contained in this act shall be  
23 construed to create a requirement that any health benefit  
24 plan, group insurance plan, policy, or contract for health  
25 care services that covers hospital, medical, or surgical  
26 expenses, health maintenance organizations, preferred provider  
27 organizations, medical service organizations,

1 physician-hospital organizations, or any other person, firm,  
2 corporation, joint venture, or other similar business entity  
3 that pays for, purchases, or furnishes group health care  
4 services to patients, insureds, or beneficiaries in this  
5 state, including entities created pursuant to Article 6,  
6 commencing with Section 10A-20-6.01, of Chapter 20, Title 10A,  
7 Code of Alabama 1975, provide coverage or reimbursement for  
8 the services described or authorized in this act.

9 Section 3. 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.