

SB25 INTRODUCED



1 NRGJOT-1
2 By Senator Albritton
3 RFD: State Governmental Affairs
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23



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SYNOPSIS:

Interstate licensure compacts are legislatively enacted contractual agreements between states to allow various health professionals with compact privileges to provide services to individuals in other states.

Alabama enacted the Physical Therapy Licensure Compact on March 18, 2021, Act 2021-115.

This bill would grant the Board of Physical Therapy jurisdiction over physical therapists and physical therapy assistants licensed in other states who have compact privileges to practice in this state.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Board of Physical Therapy; to amend Sections 34-24-191, 34-24-193, 34-24-194, 34-24-196, 34-24-210, 34-24-210.1, 34-24-211, 34-24-212, 34-24-213, 34-24-214, and 34-24-217, Code of Alabama 1975; to give the board authority over certain physical therapy professionals licensed in other states.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-24-191, Relating to the Board of



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29 Physical Therapy; to amend Sections 34-24-191, 34-24-193,
30 34-24-194, 34-24-196, 34-24-210, 34-24-210.1, 34-24-211,
31 34-24-212, 34-24-213, 34-24-214, and 34-24-217, Code of
32 Alabama 1975; to give the board authority over certain
33 physical therapy professionals licensed in other states. ,
34 Code of Alabama 1975, are amended to read as follows:

35 "§34-24-191

36 (a) For the purposes of this article, the following
37 words and phrases shall have the meanings respectively
38 ascribed by this section:

39 (1) BOARD. The Board of Physical Therapy established by
40 Section 34-24-192.

41 (2) COMMISSION. The Physical Therapy Compact
42 Commission, the national administrative body whose membership
43 consists of all states that have enacted the interstate
44 compact.

45 (3) COMPACT PRIVILEGE. The authorization granted by a
46 remote state to allow a licensee from another state to
47 practice as a physical therapist or work as a physical
48 therapist assistant in the remote state under its laws and
49 rules. The practice of physical therapy occurs in the state
50 where the patient/client is located at the time of the
51 patient/client encounter.

52 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
53 a physical therapist or physical therapist assistant in a
54 compact state who has been granted a compact privilege by the
55 Commission.

56 ~~(2)~~ (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person



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57 trained or educated in the practice of physical therapy
58 outside of the United States or any of its territorial
59 possessions.

60 ~~(3)~~ (6) IMPAIRED. The inability of a physical therapy
61 licensee to practice physical therapy with reasonable skill
62 and safety to patients by reason of illness, inebriation,
63 excessive use of drugs, narcotics, alcohol, chemicals, or
64 other substances, or as a result of any physical or mental
65 condition.

66 ~~(4)~~ (9) PHYSICAL THERAPY. The treatment of a human being
67 by the use of exercise, massage, heat, cold, water, radiant
68 energy, electricity, or sound for the purpose of correcting or
69 alleviating any physical or mental condition or preventing the
70 development of any physical or mental disability, or the
71 performance of neuromuscular-skeletal tests and measurements
72 to determine the existence and extent of body malfunction;
73 provided, that physical therapy shall be practiced only upon
74 the referral of a physician licensed to practice medicine or
75 surgery, a dentist licensed to practice dentistry, a licensed
76 chiropractor, a licensed assistant to a physician acting
77 pursuant to a valid supervisory agreement, or a licensed
78 certified registered nurse practitioner in a collaborative
79 practice agreement with a licensed physician, except as
80 otherwise provided in this chapter. Physical therapy does not
81 include radiology or electrosurgery.

82 ~~(5)~~ (7) PHYSICAL THERAPIST. A person who practices
83 physical therapy.

84 ~~(6)~~ (11) PHYSICAL THERAPY LICENSEE. A physical therapist



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85 or physical therapist assistant who is licensed under this
86 article.

87 ~~(7)~~ (12) PHYSIOTHERAPIST. Synonymous with the term
88 "physical therapist," and the term shall be used to identify
89 only those persons licensed under this article. The physical
90 therapist may use the letters "P.T." or "R.P.T." in connection
91 with his or her name or place of business to denote his or her
92 registration hereunder.

93 ~~(8)~~ (8) PHYSICAL THERAPIST ASSISTANT. A person who
94 assists in the practice of physical therapy and whose
95 activities require an understanding of physical therapy but do
96 not require professional or advanced training in the
97 anatomical, biological, and physical sciences involved in the
98 practice of physical therapy. The physical therapist assistant
99 shall practice only under the direction of a licensed physical
100 therapist.

101 ~~(9)~~ (10) PHYSICAL THERAPY AIDE. A person trained under
102 the direction of a physical therapist who performs designated
103 and supervised routine tasks related to physical therapy
104 services.

105 ~~(10)~~ (13) RESTRICTED LICENSE.

106 a. For a physical therapist, a license on which the
107 board has placed restrictions or conditions, or both, as to
108 the scope of practice, place of practice, supervision of
109 practice, duration of licensed status, or type or condition of
110 patient to whom the physical therapist may provide services.

111 b. For a physical therapist assistant, a license on
112 which the board has placed any restriction.



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113 (b) Words importing the masculine gender shall include
114 the feminine."

115 "§34-24-193

116 (a) ~~It shall be the duty of t~~ The board ~~to~~ shall have
117 the following duties:

118 (1) To pass upon the qualifications of applicants for
119 licensing as physical therapists ~~and licensing as or~~ physical
120 therapist assistants~~r~~.

121 (2) To ~~to~~ conduct examinations~~r~~.

122 (3) To ~~to~~ issue licenses ~~and~~ and license renewals to
123 physical therapists and physical therapist assistants
124 qualifying under this article.

125 (4) To ~~and in a proper case to~~ suspend or revoke as
126 necessary the license or compact privilege of such ~~persons~~
127 individuals.

128 (b) The board ~~may~~ shall adopt rules ~~and regulations~~ not
129 inconsistent with law as it may deem necessary for the
130 performance of its duties~~r~~, however~~r~~, the board shall not ~~issue~~
131 adopt any rules ~~or regulations~~ that require a physical
132 therapist assistant to be within sight of a consulting
133 physical therapist or a physical therapist supervisor while
134 working under the direction of that physical therapist, or
135 ~~issue~~ adopt any rules~~r~~, ~~regulations~~, or issue any orders
136 inconsistent with Section 34-24-217(b). The board shall
137 maintain a listing of the name of every living physical
138 therapist and physical therapist assistant licensed or granted
139 a compact privilege in this state, his or her last known place
140 of business and last known place of residence, and the date



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141 and number of his or her license.

142 (c) The board shall compile a list of physical
143 therapists and physical therapist assistants licensed to
144 practice or granted a compact privilege in this state, and
145 such list shall be available to any person upon application to
146 the board and the payment of ~~such charge~~ a fee as may be fixed
147 by the board.

148 (d) The board may establish and collect a fee for the
149 issuance of a compact privilege.

150 (e) Subject to the provisions of Section 34-24-195, the
151 board ~~shall have the power to~~ may make such expenditures and
152 employ such personnel as it may deem necessary for the
153 administration of ~~the provisions of~~ this article.

154 (f) The board shall hire and establish the
155 responsibilities and salary of an executive director.

156 ~~(b)~~ (g) The board ~~is hereby specifically authorized to~~
157 may establish and collect a fee for certifying to other boards
158 or entities that a licensee is a member in good standing with
159 the Alabama board.

160 ~~(e)~~ (h) The board may collect a fee from providers of
161 continuing education programs.

162 ~~(d)~~ (i) The board ~~is hereby authorized to~~ may discipline
163 its licensees and compact privilege holders by the adoption
164 and collection of administrative fines, not to exceed one
165 thousand dollars (\$1,000) per violation, and ~~it is further~~
166 ~~authorized to~~ may institute any legal proceedings necessary to
167 effect compliance with this chapter.

168 ~~(e)~~ (j) (1) The board shall provide for an impaired



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169 practitioner program beginning January 1, 2014.

170 ~~(1)~~ (2) The board shall promote the early
171 identification, intervention, treatment, and rehabilitation of
172 physical therapy licensees or compact privilege holders who
173 may be impaired by reason of illness, inebriation, excessive
174 use of drugs, narcotics, alcohol, chemicals, or other
175 substances, or as a result of any physical or mental
176 condition.

177 ~~(2)~~ (3) In order to carry out this obligation, the board
178 may contract with any nonprofit corporation or medical
179 professional association for the purpose of creating,
180 supporting, and maintaining a committee to be designated the
181 Alabama Physical Therapy Wellness Committee. The committee
182 shall be selected in a manner prescribed by the board. The
183 board may expend available funds as necessary to adequately
184 provide for the operational expenses of the committee
185 including, but not limited to, the actual cost of travel,
186 office overhead, and personnel expense. The funds provided by
187 the board for the purpose of operating expenses are not
188 subject to any provision of law requiring competitive bidding.

189 ~~(3)~~ (4) The board may enter into an agreement with a
190 nonprofit corporation or medical professional association for
191 the committee to undertake those functions and
192 responsibilities specified in the agreement, which may include
193 any or all of the following:

- 194 a. Contracting with providers of treatment programs.
- 195 b. Receiving and evaluating reports of suspected
196 impairment from any source.



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197 c. Intervening in cases of verified impairment.

198 d. Referring impaired physical therapy licensees or
199 compact privilege holders to treatment programs.

200 e. Monitoring the treatment and rehabilitation of
201 impaired physical therapy licensees or compact privilege
202 holders.

203 f. Providing post-treatment monitoring and support of
204 rehabilitated impaired physical therapy licensees or compact
205 privilege holders.

206 g. Performing other activities as agreed by the board
207 and the committee.

208 ~~(4)~~ (5) The committee shall develop procedures in
209 consultation with the board for all of the following:

210 a. Periodic reporting of statistical information
211 regarding impaired physical therapy licensee program activity.

212 b. Periodic disclosure and joint review of all
213 information the board deems appropriate regarding reports
214 received, contracts or investigations made, and the
215 disposition of each report. The committee may not disclose any
216 personally identifiable information except as otherwise
217 provided in this article.

218 ~~(5)~~ (6) Any individual appointed to serve as a member of
219 the committee and any auxiliary personnel, consultant,
220 attorney, or other volunteer or employee of the committee
221 taking any action authorized by this article, engaging in the
222 performance of any duties on behalf of the committee, or
223 participating in any administrative or judicial proceeding
224 resulting therefrom, in the performance and operation thereof,



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225 shall be immune from any liability, civil or criminal, that
226 might otherwise be incurred or imposed. Any nonprofit
227 corporation or medical professional association or other
228 entity that contracts with or receives funds from the board
229 for the creation, support, and operation of the committee, in
230 so doing, shall be immune from any liability, civil or
231 criminal, that might otherwise be incurred or imposed.

232 ~~(6)~~ (7) All information, interviews, reports,
233 statements, memoranda, or other documents furnished to or
234 produced by the committee and any findings, conclusions,
235 recommendations, or reports resulting from any investigation,
236 intervention, treatment, or rehabilitation, or other
237 proceeding of the committee is privileged and confidential.
238 All records and proceedings of the committee pertaining to an
239 impaired physical therapy licensee or compact privilege holder
240 are confidential and shall be used by the committee and the
241 members of the committee only in the exercise of the proper
242 function of the committee and shall not be public record nor
243 available for court subpoena or for discovery proceedings. In
244 the event of a breach of contract between the committee and
245 the impaired physical therapy licensee or compact privilege
246 holder, all records pertaining to the conduct determined to
247 cause the breach of contract shall be disclosed to the board
248 upon its request for disciplinary purposes only. Nothing
249 contained in this subdivision shall apply to records made in
250 the regular course of business of a physical therapy licensee
251 and any information, document, or record otherwise available
252 from an original source is not to be construed as immune from



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253 discovery or use in any civil proceeding merely because it is
254 presented or considered during proceedings of the committee.

255 ~~(7)~~ (8) The committee shall render an annual report to
256 the board concerning the operations and proceedings of the
257 committee for the preceding year. The committee shall report
258 to the board any physical therapy licensee or compact
259 privilege holder who in the opinion of the committee is unable
260 to perform physical therapy duties with reasonable skill and
261 safety to patients by reason of illness, inebriation,
262 excessive use of drugs, narcotics, alcohol, chemicals, or
263 other substances, or as a result of any physical or mental
264 condition when it appears that the physical therapy licensee
265 or compact privilege holder is currently in need of
266 intervention, treatment, or rehabilitation and the ~~licensee~~
267 individual has failed or refused to participate in any program
268 of treatment or rehabilitation recommended by the committee. A
269 report to the Alabama Physical Therapy Wellness Committee
270 shall be deemed a report to the board for the purposes of any
271 mandated reporting of ~~physical therapy licensee impairment~~ of
272 a licensee or compact privilege holder otherwise provided for
273 by law.

274 ~~(8)~~ (9) If the board has reasonable cause to believe
275 that a physical therapy licensee or compact privilege holder
276 is impaired, the board may cause an evaluation of ~~the physical~~
277 ~~therapy licensee~~ that individual to be conducted by the
278 committee for the purpose of determining if there is an
279 impairment. The committee shall report the findings of its
280 evaluation to the board."



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281 "§34-24-194

282 (a) Any person may file a complaint with the board
283 against any licensed physical therapist, ~~or~~ licensed physical
284 therapist assistant, or compact privilege holder in the state
285 charging the person with a violation of this article. The
286 complaint shall set forth specifications of charges in
287 sufficient detail to disclose to the accused fully and
288 completely the alleged acts of misconduct for which he or she
289 is charged. When a complaint is filed, the executive director
290 of the board shall mail a copy thereof to the accused by
291 registered mail at his or her address of record, with a
292 written notice of the time and place of a hearing of the
293 complaint, advising the accused that he or she may be present
294 in person and by counsel if he or she so desires to offer
295 testimony and evidence in his or her defense.

296 (b) The board may issue subpoenas and compel the
297 attendance of any witness or the production of any book,
298 writing, or other documentation in the possession, custody, or
299 control of any person. Any person refusing to produce any
300 book, writing, or other documentation or to appear to testify,
301 without legal excuse, at a hearing of the board, after having
302 been served with a subpoena issued by the board requiring the
303 person to appear, produce any book, writing, or other form of
304 documentation or testify at the hearing, shall be guilty of
305 contempt. Upon certification of the act of contempt by the
306 board to the judge of the circuit court in whose jurisdiction
307 the hearing is held or is to be held, the judge shall punish
308 the contempt as though committed before the judge. The accused



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309 party shall, on application to the board, be furnished by the
310 board with a subpoena for any witness in his or her behalf or
311 for the production of any book, writing, or other
312 documentation to be used in his or her behalf at the hearing.

313 (c) At the hearing, the board shall receive evidence
314 upon the subject matter under consideration and shall accord
315 the accused ~~person~~ individual a full and fair opportunity to
316 be heard in his or her defense. The board shall not be bound
317 by strict or technical rules of evidence, but shall consider
318 all evidence fully and fairly except, that all oral testimony
319 considered by the board must be under oath. If the board is
320 convinced that the ~~licensed physical therapist or the licensed~~
321 ~~physical therapist assistant~~ licensee or compact privilege
322 holder has violated this article, it may revoke his or her
323 license.

324 (d) The action of the board in revoking or refusing to
325 issue a license or compact privilege may be reviewed by the
326 Circuit Court of Montgomery County by a writ of mandamus,
327 accompanied by a bond to be approved by the court, to
328 determine whether the board acted arbitrarily, capriciously,
329 or illegally. The review procedure provided in this subsection
330 shall not suspend the action of the board in the revocation or
331 refusal of a license.

332 (e) The board may restrict a license or compact
333 privilege and may require ~~the licensee~~ a licensee or compact
334 privilege holder to report regularly to the board on matters
335 related to the reasons for the restricted license."

336 "§34-24-196



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337 (a) Each violation of Section 34-24-210 shall be
338 punishable by a fine of not less than one hundred dollars
339 (\$100)~~\$100~~ nor more than five hundred dollars (\$500)~~\$500~~, or
340 by imprisonment for not less than 30 days nor more than 90
341 days, or both.

342 (b) Any ~~person~~individual who knowingly makes a false
343 statement in his or her application for ~~registration or a~~
344 license or compact privilege under this article, or in
345 response to any inquiry by the board, shall be fined not less
346 than one hundred dollars (\$100)~~\$100~~ nor more than five hundred
347 dollars (\$500)~~\$500~~ or by imprisonment for not less than 30
348 days nor more than 90 days, or both."

349 "§34-24-210

350 (a) License or compact privilege required. No ~~person~~
351 individual shall practice nor hold himself or herself out to
352 be able to practice physical therapy in this state unless he
353 or she is licensed or has been granted a compact privilege in
354 accordance with this ~~article~~ chapter.

355 (b) License or compact privilege required. No ~~person~~
356 individual shall act nor hold himself or herself out as being
357 able to act as a physical therapist assistant unless he or she
358 is licensed or has been granted a compact privilege in
359 accordance with this article.

360 (c) Other healing arts not affected. Nothing in this
361 article shall prohibit any ~~person~~ individual licensed to
362 practice any other of the healing arts in this state under any
363 other law from engaging in the practice for which he or she is
364 licensed."



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365 "§34-24-210.1

366 (a) Without prescription or referral, a licensed
367 physical therapist or compact privilege holder may perform an
368 initial evaluation or consultation of a screening nature to
369 determine the need for physical therapy and may perform the
370 physical therapy and other services provided in subdivisions
371 ~~(1) to (5), inclusive, of subsection~~ (b) (1) through (5).

372 Implementation of physical therapy shall otherwise be based on
373 the referral of a person licensed to practice medicine,
374 surgery, dentistry, chiropractic, licensed assistant to a
375 physician acting pursuant to a valid supervising agreement, or
376 a licensed certified registered nurse practitioner in a valid
377 collaborative practice agreement with a licensed physician.

378 (b) The physical therapy and other services referred to
379 in subsection (a), which may be performed without prescription
380 or referral, include and are limited to the following:

381 (1) To a child with a diagnosed developmental
382 disability pursuant to the plan of care for the child.

383 (2) To a patient of a home health care agency pursuant
384 to the plan of care for the patient.

385 (3) To a patient in a nursing home pursuant to the plan
386 of care for the patient.

387 (4) Related to conditioning or to providing education
388 or activities in a wellness setting for the purpose of injury
389 prevention, reduction of stress, or promotion of fitness.

390 (5) To an individual for a previously diagnosed
391 condition or conditions for which physical therapy services
392 are appropriate after informing the health care provider



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393 rendering the diagnosis. The diagnosis shall have been made
394 within the immediately preceding 90 days. The physical
395 therapist shall provide the health care provider who rendered
396 the diagnosis with a plan of care for physical therapy
397 services within the first 15 days of physical therapy
398 intervention."

399 "§34-24-211

400 (a) An applicant for licensure as a physical therapist
401 or ~~for a license~~ as a physical therapist assistant shall file
402 a written application on forms provided by the board together
403 with a fee as set by the board, no part of which shall be
404 ~~returned~~refundable. The applicant shall present evidence
405 satisfactory to the board that he or she is of good moral
406 character and has completed a program of physical therapy
407 education appropriate for training a physical therapist or a
408 physical therapist assistant, ~~as the case may be,~~ approved by
409 the board or a nationally recognized accrediting agency. Each
410 applicant shall also be a citizen of the United States or, if
411 not a citizen of the United States, a person who is legally
412 present in the United States with appropriate documentation
413 from the federal government.

414 (b) On and after June 1, 2021, an applicant for
415 licensure as a physical therapist or a physical therapist
416 assistant shall submit to the board, on a form sworn to by the
417 applicant, his or her name, date of birth, Social Security
418 number, and two complete sets of fingerprints for completion
419 of a criminal history background check. The board shall submit
420 the fingerprints to the Alabama State Law Enforcement Agency



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421 for a state criminal history background check. The
422 fingerprints shall be forwarded by the agency to the Federal
423 Bureau of Investigation for a national criminal history
424 background check. Costs associated with conducting a criminal
425 history background check shall be paid by the applicant."

426 "§34-24-212

427 (a) Generally. The board shall give an appropriate
428 physical therapy examination and a jurisprudence examination
429 to every applicant who complies with Section 34-24-211 and who
430 pays the fee prescribed for the examination. Examinations
431 shall be held within the state at least once each year, at
432 such times and places as the board determines. A practical or
433 demonstration examination may be required at the discretion of
434 the board when an applicant is retaking a written examination
435 after previously having failed such an examination.

436 (b) Physical therapist. The physical therapy
437 examination given applicants for licensure as a physical
438 therapist shall be a written examination, approved by the
439 board. ~~Such examination shall~~ to test the applicant's
440 knowledge of the basic and clinical sciences as they relate to
441 the practice of physical therapy, physical therapy theory and
442 procedures, and such other subjects as the board may deem
443 useful to test the applicant's fitness to practice physical
444 therapy. The board shall also administer a jurisprudence
445 examination to applicants for licensure as a physical
446 therapist, which shall be a written examination approved by
447 the board to test the applicant's knowledge of the laws and
448 rules of the State of Alabama as they relate to the practice



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449 of physical therapy and such other subjects as the board may
450 deem useful to test the applicant's knowledge of applicable
451 law. A practical or demonstration examination may be required
452 if so determined by the board. The board, in its discretion,
453 may waive the requirement for a jurisprudence examination.

454 (c) Physical therapist assistant. The physical therapy
455 examination given applicants for licensure as physical
456 therapist assistant ~~will~~shall be a written examination,
457 approved by the board. ~~Such examination shall~~ to test the
458 applicant's knowledge of the basic and clinical sciences as
459 they relate to the practice of physical therapy, physical
460 therapy theory and procedures, and such other subjects as the
461 board may deem useful to test the applicant's fitness to act
462 as a physical therapist assistant. The board shall also
463 administer a jurisprudence examination to applicants for
464 licensure as a physical therapist assistant, which shall be a
465 written examination approved by the board to test the
466 applicant's knowledge of the laws and rules of the State of
467 Alabama as they relate to the practice of physical therapy and
468 such other subjects as the board may deem useful to test the
469 applicant's knowledge of applicable law. A practical or
470 demonstration examination may be required if so determined by
471 the board. The board, in its discretion, may waive the
472 requirement for a jurisprudence examination.

473 (d) Foreign educated physical therapist. Any foreign
474 educated physical therapist who plans to practice in the state
475 must have their educational credentials evaluated by a
476 recognized educational evaluation agency and have that agency



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477 send their report directly to the board. The board ~~will~~ shall
478 determine the acceptability of equivalency in educational
479 preparation. If the board ~~rules~~ determines the education to be
480 acceptable, the routine application process will be followed.

481 (e) Compact privilege applicants. Individuals
482 purchasing a compact privilege for the State of Alabama shall
483 pass the jurisprudence examination required of licensed
484 physical therapists of licensed physical therapist assistants
485 before the privilege is issued by the Commission.

486 (f) By January 1, 2024, the board shall adopt rules to
487 implement this chapter."

488 "§34-24-213

489 The board shall issue a license to each applicant who
490 passes the appropriate examination for licensure as a physical
491 therapist or licensure as a physical therapist assistant in
492 accordance with standards fixed by it and who is not
493 disqualified to receive a license under the provisions of
494 Section 34-24-217."

495 "§34-24-214

496 ~~On~~ Upon payment to the board of a fee set by the board
497 and the submission of a written application on forms provided
498 by the board, the board shall issue a license without
499 examination to:

500 (1) ~~A person~~ An individual who is qualified within the
501 meaning of this article as a physical therapist by another
502 state of the United States of America, its possessions, or the
503 District of Columbia, if the requirements for licensing or
504 registration in such state, possession, or district were at



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505 the date of his or her licensing or registration by ~~such~~ that
506 state substantially equal to the requirement for the initial
507 licensing of ~~persons~~ individuals practicing physical therapy
508 when this article became effective, August 20, 1965, or for
509 licensing by examination prepared by the professional
510 examining service as set forth in ~~the~~ this article and any
511 additional requirements prescribed by the board.

512 (2) ~~A person~~ An individual who is qualified within the
513 meaning of this article as a physical therapist assistant by
514 another state of the United States of America, its
515 possessions, or the District of Columbia, if the requirements
516 for licensing in such state, possession, or district were at
517 the date of his or her licensing by ~~such~~ that state
518 substantially equal to the requirements set forth in this
519 article."

520 "§34-24-217

521 (a) The board shall refuse to issue a license to any
522 ~~person~~ individual and, after notice and hearing in accordance
523 with its ~~regulations and~~ rules, shall suspend or revoke the
524 license or compact privilege of any ~~person~~ individual who has
525 done any of the following:

526 (1) Practiced physical therapy other than upon the
527 referral of a physician licensed to practice medicine or
528 surgery, a dentist licensed to practice dentistry, a licensed
529 chiropractor, a licensed assistant to a physician acting
530 pursuant to a valid supervisory agreement, or a licensed
531 certified registered nurse practitioner in a valid
532 collaborative practice agreement with a licensed physician,



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533 except as provided in Section 34-24-210.1, or practiced as a
534 physical therapist assistant other than under the direction of
535 a licensed physical therapist~~†~~.

536 (2) Used drugs or ~~intoxicating liquors~~ alcoholic
537 beverages to an extent which affects his or her professional
538 competency~~†~~.

539 (3) Been convicted of a felony or of a crime involving
540 moral turpitude~~†~~.

541 (4) Obtained or attempted to obtain a license or
542 compact privilege by fraud or deception~~†~~.

543 (5) Been grossly negligent in the practice of physical
544 therapy or in acting as a physical therapist assistant~~†~~.

545 (6) Been adjudged mentally incompetent by a court of
546 competent jurisdiction~~†~~.

547 (7) Been guilty of conduct unbecoming a ~~person licensed~~
548 ~~as a physical therapist or licensed as a physical therapist~~
549 ~~assistant~~ licensee or compact privilege holder or of conduct
550 detrimental to the best interest of the public~~†~~.

551 (8) Been convicted of violating any state or federal
552 narcotic law~~†~~.

553 (9) Treated or undertaken to treat human ailments
554 otherwise than by physical therapy as defined in this
555 article~~†~~.

556 (10) Advertised unethically according to standards as
557 set by the board~~†~~ ~~or~~.

558 (11) Failed or refused to obey any lawful order or
559 regulation of the board.

560 (b) For purposes of this article and notwithstanding



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561 any other provision of this article or any rules ~~or~~
562 ~~regulations~~ adopted by the board, any ~~person-licensed~~licensee
563 or compact privilege holder under this article who has a bona
564 fide employment or independent contract with a physician, a
565 physician group, or an entity with which a physician has a
566 legal compensation arrangement, including fair market value
567 wages, compensation, benefits, or rents for services or
568 property provided, or in which a physician has a legal
569 financial interest, including any direct or indirect ownership
570 or investment interest, shall not be deemed to be engaged in
571 conduct unbecoming a ~~person-licensed~~licensee or compact
572 privilege holder under this article, or to be engaged in
573 conduct detrimental to the best interest of the public, or to
574 be in violation of any other provision of this article by
575 virtue of any of the above relationships, and shall not be
576 subject to licensure or compact privilege denial, suspension,
577 revocation, or any other disciplinary action or penalty under
578 this article: (1) by virtue of such employment or contract, or
579 (2) by virtue of the provision of physical therapy services
580 pursuant to a referral from the employing or contracting
581 physician, or from a physician with a legal compensation
582 arrangement with or a legal financial interest in the
583 employing or contracting physician group."

584 Section 2. This act shall become effective on the first
585 day of the third month following its passage and approval by
586 the Governor, or its otherwise becoming law.