

1 HB163
2 140927-5
3 By Representative Henry
4 RFD: Health
5 First Read: 07-FEB-12

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

15 "(2) PHYSICAL THERAPIST. A person who practices
16 physical therapy.

17 "(3) PHYSIOTHERAPIST. Synonymous with the term
18 "physical therapist," and the term shall be used to identify
19 only those persons registered 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 "(4) 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 registered
3 physical therapist.

4 "(5) PHYSICAL THERAPY TECHNICIAN. Synonymous with
5 the term "physical therapist assistant," and the term shall be
6 used to identify only those persons licensed under this
7 article. The physical therapist assistant may use the letters
8 "L.P.T.A." in connection with his or her name to denote his or
9 her being licensed hereunder.

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

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

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

18 "§34-24-217.

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

23 "(1) Practiced physical therapy other than upon the
24 referral of a physician licensed to practice medicine or
25 surgery, ~~and~~ a dentist licensed to practice dentistry, a
26 licensed chiropractor, a licensed assistant to a physician
27 acting pursuant to a valid supervisory agreement, or a

1 licensed certified registered nurse practitioner in a valid
2 collaborative practice agreement with a licensed physician,
3 except as provided in Section 34-24-210.1, or practiced as a
4 physical therapist assistant other than under the direction of
5 a registered physical therapist;

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

8 "(3) Been convicted of a felony or of a crime
9 involving moral turpitude;

10 "(4) Obtained or attempted to obtain a license by
11 fraud or deception;

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

15 "(6) Been adjudged mentally incompetent by a court
16 of competent jurisdiction;

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

21 "(8) Been convicted of violating any state or
22 federal narcotic law;

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

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

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

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

26 Section 2. Section 34-24-210.1 is added to the Code
27 of Alabama 1975, to read as follows:

1 §34-24-210.1.

2 (a) Without prescription or referral, a licensed
3 physical therapist may perform an initial evaluation or
4 consultation of a screening nature to determine the need for
5 physical therapy and may perform the physical therapy and
6 other services provided in subdivisions (1) to (5), inclusive,
7 of subsection (b). Implementation of physical therapy shall
8 otherwise be based on the referral of a person licensed to
9 practice medicine, surgery, dentistry, chiropractic, licensed
10 assistant to a physician acting pursuant to a valid
11 supervising agreement or a licensed certified registered nurse
12 practitioner in a valid collaborative practice agreement with
13 a licensed physician.

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

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

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

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

24 (4) Related to conditioning or to providing
25 education or activities in a wellness setting for the purpose
26 of injury prevention, reduction of stress, or promotion of
27 fitness.

1 (5) To an individual for a previously diagnosed
2 condition or conditions for which physical therapy services
3 are appropriate after informing the health care provider
4 rendering the diagnosis. The diagnosis shall have been made
5 within the immediately preceding 90 days. The physical
6 therapist shall provide the health care provider who rendered
7 the diagnosis with a plan of care for physical therapy
8 services within the first 15 days of physical therapy
9 intervention.

10 Section 3. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 07-FEB-12

Read for the second time and placed
on the calendar 1 amendment 22-MAR-12

Read for the third time and passed
as amended..... 17-APR-12

Yeas 90, Nays 7, Abstains 1

Greg Pappas
Clerk