

HB110 INTRODUCED



1 G3WYC6-1
2 By Representative Moore (P)
3 RFD: Boards, Agencies and Commissions
4 First Read: 21-Mar-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, 34-24-193, 34-24-194,



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29 34-24-196, 34-24-210, 34-24-210.1, 34-24-211, 34-24-212,
30 34-24-213, 34-24-214, and 34-24-217, Code of Alabama 1975, are
31 amended to read as follows:

32 "§34-24-191

33 (a) For the purposes of this article, the following
34 words and phrases shall have the meanings respectively
35 ascribed by this section:

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

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

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

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

53 ~~(2)~~ (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
54 trained or educated in the practice of physical therapy
55 outside of the United States or any of its territorial
56 possessions.



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57 ~~(3)~~ (6) IMPAIRED. The inability of a physical therapy
58 licensee to practice physical therapy with reasonable skill
59 and safety to patients by reason of illness, inebriation,
60 excessive use of drugs, narcotics, alcohol, chemicals, or
61 other substances, or as a result of any physical or mental
62 condition.

63 ~~(4)~~ (9) PHYSICAL THERAPY. The treatment of a human being
64 by the use of exercise, massage, heat, cold, water, radiant
65 energy, electricity, or sound for the purpose of correcting or
66 alleviating any physical or mental condition or preventing the
67 development of any physical or mental disability, or the
68 performance of neuromuscular-skeletal tests and measurements
69 to determine the existence and extent of body malfunction;
70 provided, that physical therapy shall be practiced only upon
71 the referral of a physician licensed to practice medicine or
72 surgery, a dentist licensed to practice dentistry, a licensed
73 chiropractor, a licensed assistant to a physician acting
74 pursuant to a valid supervisory agreement, or a licensed
75 certified registered nurse practitioner in a collaborative
76 practice agreement with a licensed physician, except as
77 otherwise provided in this chapter. Physical therapy does not
78 include radiology or electrosurgery.

79 ~~(5)~~ (7) PHYSICAL THERAPIST. A person who practices
80 physical therapy.

81 ~~(6)~~ (11) PHYSICAL THERAPY LICENSEE. A physical therapist
82 or physical therapist assistant who is licensed under this
83 article.

84 ~~(7)~~ (12) PHYSIOTHERAPIST. Synonymous with the term



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85 "physical therapist," and the term shall be used to identify
86 only those persons licensed under this article. The physical
87 therapist may use the letters "P.T." or "R.P.T." in connection
88 with his or her name or place of business to denote his or her
89 registration hereunder.

90 ~~(8)~~ (8) PHYSICAL THERAPIST ASSISTANT. A person who
91 assists in the practice of physical therapy and whose
92 activities require an understanding of physical therapy but do
93 not require professional or advanced training in the
94 anatomical, biological, and physical sciences involved in the
95 practice of physical therapy. The physical therapist assistant
96 shall practice only under the direction of a licensed physical
97 therapist.

98 ~~(9)~~ (10) PHYSICAL THERAPY AIDE. A person trained under
99 the direction of a physical therapist who performs designated
100 and supervised routine tasks related to physical therapy
101 services.

102 ~~(10)~~ (13) RESTRICTED LICENSE.

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

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

110 (b) Words importing the masculine gender shall include
111 the feminine."

112 "§34-24-193



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

115 (1) To pass upon the qualifications of applicants for
116 licensing as physical therapists ~~and licensing as or~~ physical
117 therapist assistants~~r~~.

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

119 (3) To ~~to~~ issue licenses ~~and~~ and license renewals to
120 physical therapists and physical therapist assistants
121 qualifying under this article.

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

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

139 (c) The board shall compile a list of physical
140 therapists and physical therapist assistants licensed to



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141 practice or granted a compact privilege in this state, and
142 such list shall be available to any person upon application to
143 the board and the payment of ~~such charge~~a fee as may be fixed
144 by the board.

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

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

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

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

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

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

165 ~~(e)~~ (j) (1) The board shall provide for an impaired
166 practitioner program beginning January 1, 2014.

167 ~~(1)~~ (2) The board shall promote the early
168 identification, intervention, treatment, and rehabilitation of



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169 physical therapy licensees or compact privilege holders who
170 may be impaired by reason of illness, inebriation, excessive
171 use of drugs, narcotics, alcohol, chemicals, or other
172 substances, or as a result of any physical or mental
173 condition.

174 ~~(2)~~ (3) In order to carry out this obligation, the board
175 may contract with any nonprofit corporation or medical
176 professional association for the purpose of creating,
177 supporting, and maintaining a committee to be designated the
178 Alabama Physical Therapy Wellness Committee. The committee
179 shall be selected in a manner prescribed by the board. The
180 board may expend available funds as necessary to adequately
181 provide for the operational expenses of the committee
182 including, but not limited to, the actual cost of travel,
183 office overhead, and personnel expense. The funds provided by
184 the board for the purpose of operating expenses are not
185 subject to any provision of law requiring competitive bidding.

186 ~~(3)~~ (4) The board may enter into an agreement with a
187 nonprofit corporation or medical professional association for
188 the committee to undertake those functions and
189 responsibilities specified in the agreement, which may include
190 any or all of the following:

- 191 a. Contracting with providers of treatment programs.
- 192 b. Receiving and evaluating reports of suspected
193 impairment from any source.
- 194 c. Intervening in cases of verified impairment.
- 195 d. Referring impaired physical therapy licensees or
196 compact privilege holders to treatment programs.



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197 e. Monitoring the treatment and rehabilitation of
198 impaired physical therapy licensees or compact privilege
199 holders.

200 f. Providing post-treatment monitoring and support of
201 rehabilitated impaired physical therapy licensees or compact
202 privilege holders.

203 g. Performing other activities as agreed by the board
204 and the committee.

205 ~~(4)~~ (5) The committee shall develop procedures in
206 consultation with the board for all of the following:

207 a. Periodic reporting of statistical information
208 regarding impaired physical therapy licensee program activity.

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

215 ~~(5)~~ (6) Any individual appointed to serve as a member of
216 the committee and any auxiliary personnel, consultant,
217 attorney, or other volunteer or employee of the committee
218 taking any action authorized by this article, engaging in the
219 performance of any duties on behalf of the committee, or
220 participating in any administrative or judicial proceeding
221 resulting therefrom, in the performance and operation thereof,
222 shall be immune from any liability, civil or criminal, that
223 might otherwise be incurred or imposed. Any nonprofit
224 corporation or medical professional association or other



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225 entity that contracts with or receives funds from the board
226 for the creation, support, and operation of the committee, in
227 so doing, shall be immune from any liability, civil or
228 criminal, that might otherwise be incurred or imposed.

229 ~~(6)~~ (7) All information, interviews, reports,
230 statements, memoranda, or other documents furnished to or
231 produced by the committee and any findings, conclusions,
232 recommendations, or reports resulting from any investigation,
233 intervention, treatment, or rehabilitation, or other
234 proceeding of the committee is privileged and confidential.
235 All records and proceedings of the committee pertaining to an
236 impaired physical therapy licensee or compact privilege holder
237 are confidential and shall be used by the committee and the
238 members of the committee only in the exercise of the proper
239 function of the committee and shall not be public record nor
240 available for court subpoena or for discovery proceedings. In
241 the event of a breach of contract between the committee and
242 the impaired physical therapy licensee or compact privilege
243 holder, all records pertaining to the conduct determined to
244 cause the breach of contract shall be disclosed to the board
245 upon its request for disciplinary purposes only. Nothing
246 contained in this subdivision shall apply to records made in
247 the regular course of business of a physical therapy licensee
248 and any information, document, or record otherwise available
249 from an original source is not to be construed as immune from
250 discovery or use in any civil proceeding merely because it is
251 presented or considered during proceedings of the committee.

252 ~~(7)~~ (8) The committee shall render an annual report to



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

271 ~~(8)~~ (9) If the board has reasonable cause to believe
272 that a physical therapy licensee or compact privilege holder
273 is impaired, the board may cause an evaluation of ~~the physical~~
274 ~~therapy licensee~~ that individual to be conducted by the
275 committee for the purpose of determining if there is an
276 impairment. The committee shall report the findings of its
277 evaluation to the board."

278 "§34-24-194

279 (a) Any person may file a complaint with the board
280 against any licensed physical therapist, ~~or~~ licensed physical



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

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



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309 documentation to be used in his or her behalf at the hearing.

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

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

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

333 "§34-24-196

334 (a) Each violation of Section 34-24-210 shall be
335 punishable by a fine of not less than one hundred dollars
336 (\$100) ~~\$100~~ nor more than five hundred dollars (\$500) ~~\$500~~, or



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337 by imprisonment for not less than 30 days nor more than 90
338 days, or both.

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

346 "§34-24-210

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

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

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

362 "§34-24-210.1

363 (a) Without prescription or referral, a licensed
364 physical therapist or compact privilege holder may perform an



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365 initial evaluation or consultation of a screening nature to
366 determine the need for physical therapy and may perform the
367 physical therapy and other services provided in subdivisions
368 ~~(1) to (5), inclusive, of subsection~~ (b) (1) through (5).

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

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

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

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

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

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

387 (5) To an individual for a previously diagnosed
388 condition or conditions for which physical therapy services
389 are appropriate after informing the health care provider
390 rendering the diagnosis. The diagnosis shall have been made
391 within the immediately preceding 90 days. The physical
392 therapist shall provide the health care provider who rendered



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393 the diagnosis with a plan of care for physical therapy
394 services within the first 15 days of physical therapy
395 intervention."

396 "§34-24-211

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

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



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421 background check. Costs associated with conducting a criminal
422 history background check shall be paid by the applicant."

423 "§34-24-212

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

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



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449 if so determined by the board. The board, in its discretion,
450 may waive the requirement for a jurisprudence examination.

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

470 (d) Foreign educated physical therapist. Any foreign
471 educated physical therapist who plans to practice in the state
472 must have their educational credentials evaluated by a
473 recognized educational evaluation agency and have that agency
474 send their report directly to the board. The board ~~will~~ shall
475 determine the acceptability of equivalency in educational
476 preparation. If the board ~~rules~~ determines the education to be



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477 acceptable, the routine application process will be followed.

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

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

485 "§34-24-213

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

492 "§34-24-214

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

497 (1) ~~A person~~ An individual who is qualified within the
498 meaning of this article as a physical therapist by another
499 state of the United States of America, its possessions, or the
500 District of Columbia, if the requirements for licensing or
501 registration in such state, possession, or district were at
502 the date of his or her licensing or registration by ~~such~~ that
503 state substantially equal to the requirement for the initial
504 licensing of ~~persons~~ individuals practicing physical therapy



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505 when this article became effective, August 20, 1965, or for
506 licensing by examination prepared by the professional
507 examining service as set forth in ~~the~~this article and any
508 additional requirements prescribed by the board.

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

517 "§34-24-217

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

523 (1) Practiced physical therapy other than upon the
524 referral of a physician licensed to practice medicine or
525 surgery, a dentist licensed to practice dentistry, a licensed
526 chiropractor, a licensed assistant to a physician acting
527 pursuant to a valid supervisory agreement, or a licensed
528 certified registered nurse practitioner in a valid
529 collaborative practice agreement with a licensed physician,
530 except as provided in Section 34-24-210.1, or practiced as a
531 physical therapist assistant other than under the direction of
532 a licensed physical therapist~~.~~.



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533 (2) Used drugs or ~~intoxicating liquors~~ alcoholic
534 beverages to an extent which affects his or her professional
535 competency~~;~~.

536 (3) Been convicted of a felony or of a crime involving
537 moral turpitude~~;~~.

538 (4) Obtained or attempted to obtain a license or
539 compact privilege by fraud or deception~~;~~.

540 (5) Been grossly negligent in the practice of physical
541 therapy or in acting as a physical therapist assistant~~;~~.

542 (6) Been adjudged mentally incompetent by a court of
543 competent jurisdiction~~;~~.

544 (7) Been guilty of conduct unbecoming a ~~person licensed~~
545 ~~as a physical therapist or licensed as a physical therapist~~
546 ~~assistant~~ licensee or compact privilege holder or of conduct
547 detrimental to the best interest of the public~~;~~.

548 (8) Been convicted of violating any state or federal
549 narcotic law~~;~~.

550 (9) Treated or undertaken to treat human ailments
551 otherwise than by physical therapy as defined in this
552 article~~;~~.

553 (10) Advertised unethically according to standards as
554 set by the board~~;~~ ~~or~~.

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

557 (b) For purposes of this article and notwithstanding
558 any other provision of this article or any rules ~~or~~
559 ~~regulations~~ adopted by the board, any ~~person licensed~~ licensee
560 or compact privilege holder under this article who has a bona



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

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