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SYNOPSIS:

The Physical Therapy Practice Act defines the scope of practice of physical therapists licensed in Alabama.

This bill would allow physical therapists to conduct initial screenings of patients for non-work related injuries, infirmities, diseases, or conditions.

This bill would add a definition for "physical therapy referrer."

This bill would require that only a physical therapist meeting specific education requirements may treat patients without a referral from a physical therapy referrer.

This bill would provide for limitations on patient visits without a referral from a physical therapy referrer.

This bill would specify those acts that a physical therapist is prohibited from performing.

This bill would absolve physical therapy referrers from civil or criminal liability for physical therapy services provided without a referral, establish minimum levels of professional liability insurance for physical therapists, and prohibit a physical therapist from referring to himself or herself as a doctor or physician.



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A BILL
TO BE ENTITLED
AN ACT

Relating to the practice of physical therapy; to amend Sections 34-24-191 and 34-24-210.1, as last amended by Act 2023-480, 2023 Regular Session, Code of Alabama 1975, to allow licensed physical therapists, except for patients seeking treatment for work-related injuries, infirmities, diseases, or conditions, to conduct initial screenings of patients for non-work related injuries, infirmities, diseases, or conditions; to add the definition of "physical therapy referrer"; to require minimum educational requirements; to provide for limitation on patient visits without a referral from a physical therapy referrer; to specify acts that a physical therapist is prohibited from performing; to absolve physical therapy referrers from civil or criminal liability for physical therapy services performed without a referral; to establish minimum professional liability insurance requirements for physical therapists; and to prohibit a physical therapist from referring to himself or herself as a doctor or physician.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-24-191, Code of Alabama 1975, is amended to read as follows:

"§34-24-191

(a) For the purposes of this article, the following ~~words and phrases shall~~ terms have the following meanings



57 ~~respectively ascribed by this section:~~

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

60 (2) COMMISSION. The Physical Therapy Compact
61 Commission, the national administrative body whose membership
62 consists of all states that have enacted the interstate
63 compact.

64 (3) COMPACT PRIVILEGE. The authorization granted by a
65 remote state to allow a licensee from another state to
66 practice as a physical therapist or work as a physical
67 therapist assistant in the remote state under its laws and
68 rules. The practice of physical therapy occurs in the state
69 where the ~~patient/client~~ patient or client is located at the
70 time of the ~~patient/client~~ patient or client encounter.

71 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
72 a physical therapist or physical therapist assistant in a
73 compact state who has been granted a compact privilege by the
74 commission.

75 (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
76 trained or educated in the practice of physical therapy
77 outside of the United States or any of its territorial
78 possessions.

79 (6) IMPAIRED. The inability of a physical therapy
80 licensee to practice physical therapy with reasonable skill
81 and safety to patients by reason of illness, inebriation,
82 excessive use of drugs, narcotics, alcohol, chemicals, or
83 other substances, or as a result of any physical or mental
84 condition.



85 (7) PHYSICAL THERAPIST. A person who practices physical
86 therapy.

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

95 (9) PHYSICAL THERAPY. The treatment of a human being by
96 the use of exercise, massage, heat, cold, water, radiant
97 energy, electricity, or sound for the purpose of correcting or
98 alleviating any physical or mental condition or preventing the
99 development of any physical or mental disability, or the
100 performance of neuromuscular-skeletal tests and measurements
101 to determine the existence and extent of body malfunction;
102 ~~provided, that physical therapy shall be practiced only upon~~
103 ~~the referral of a physician licensed to practice medicine or~~
104 ~~surgery, a dentist licensed to practice dentistry, a licensed~~
105 ~~chiropractor, a licensed assistant to a physician acting~~
106 ~~pursuant to a valid supervisory agreement, or a licensed~~
107 ~~certified registered nurse practitioner in a collaborative~~
108 ~~practice agreement with a licensed physician, except as~~
109 ~~otherwise provided in this chapter,~~ as well as any other means
110 or methods taught in schools or colleges which are recognized
111 by the Alabama Board of Physical Therapy, so long as they do
112 not conflict with any other provision of this article.



113 Physical therapy does not include radiology or electrosurgery.

114 (10) PHYSICAL THERAPY AIDE. A person trained under the
115 direction of a physical therapist who performs designated and
116 supervised routine tasks related to physical therapy services.

117 (11) PHYSICAL THERAPY LICENSEE. A physical therapist or
118 physical therapist assistant who is licensed under this
119 article.

120 (12) PHYSICAL THERAPY REFERRER. A physician licensed to
121 practice medicine or surgery, a dentist licensed to practice
122 dentistry, a licensed chiropractor, a licensed assistant to a
123 physician acting pursuant to a valid supervisory agreement, or
124 a licensed certified registered nurse practitioner in a
125 collaborative practice agreement with a licensed physician.

126 ~~(12)~~ (13) PHYSIOTHERAPIST. Synonymous with the term
127 "physical therapist," and the term shall be used to identify
128 only those persons licensed under this article. The physical
129 therapist may use the letters "P.T." ~~or "R.P.T."~~ in connection
130 with his or her name or place of business to denote his or her
131 registration hereunder.

132 ~~(13)~~ (14) RESTRICTED LICENSE.

133 a. For a physical therapist, a license on which the
134 board has placed restrictions or conditions, or both, as to
135 the scope of practice, place of practice, supervision of
136 practice, duration of licensed status, or type or condition of
137 patient to whom the physical therapist may provide services.

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

140 (b) Words importing the masculine gender shall include



141 the feminine."

142 Section 2. Section 34-24-210.1, as last amended by Act
143 2023-480, 2023 Regular Session, Code of Alabama 1975, is
144 amended to read as follows:

145 "§34-24-210.1

146 ~~(a) Without prescription or referral, a licensed~~
147 ~~physical therapist or compact privilege holder may perform an~~
148 ~~initial evaluation or consultation of a screening nature to~~
149 ~~determine the need for physical therapy and may perform the~~
150 ~~physical therapy and other services provided in subdivisions~~
151 ~~(b) (1) through (5). Implementation of physical therapy shall~~
152 ~~otherwise be based on the referral of a person licensed to~~
153 ~~practice medicine, surgery, dentistry, chiropractic, licensed~~
154 ~~assistant to a physician acting pursuant to a valid~~
155 ~~supervising agreement, or a licensed certified registered~~
156 ~~nurse practitioner in a valid collaborative practice agreement~~
157 ~~with a licensed physician.~~

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

161 ~~(1) To a child with a diagnosed developmental~~
162 ~~disability pursuant to the plan of care for the child.~~

163 ~~(2) To a patient of a home health care agency pursuant~~
164 ~~to the plan of care for the patient.~~

165 ~~(3) To a patient in a nursing home pursuant to the plan~~
166 ~~of care for the patient.~~

167 ~~(4) Related to conditioning or to providing education~~
168 ~~or activities in a wellness setting for the purpose of injury~~



169 ~~prevention, reduction of stress, or promotion of fitness.~~

170 ~~(5) To an individual for a previously diagnosed~~
171 ~~condition or conditions for which physical therapy services~~
172 ~~are appropriate after informing the health care provider~~
173 ~~rendering the diagnosis. The diagnosis shall have been made~~
174 ~~within the immediately preceding 90 days. The physical~~
175 ~~therapist shall provide the health care provider who rendered~~
176 ~~the diagnosis with a plan of care for physical therapy~~
177 ~~services within the first 15 days of physical therapy~~
178 ~~intervention.~~

179 (a) A physical therapist may not treat patients without
180 a referral from a physical therapy referrer unless the
181 physical therapist possesses a doctorate in physical therapy
182 or a master's degree from an accredited institution along with
183 10 years of clinical practice experience and is licensed as a
184 physical therapist in this state having passed the examination
185 of the Federation of State Boards of Physical Therapy.

186 (b) In addition to the requirements of Section
187 34-24-216, a physical therapist shall annually complete an
188 additional two hours of continuing education focusing on the
189 professional standard of care.

190 (c) In treating a patient, the physical therapist shall
191 exercise the reasonable care, skill, and diligence as other
192 similarly situated health care providers in the same general
193 line of practice ordinarily have and exercise in a like case.

194 (d) (1) Except as otherwise provided in this section,
195 and except with respect to patients seeking treatment for
196 work-related injuries, infirmities, diseases, or conditions



197 which do not provide any basis for establishing a claim or
198 right to recover under Alabama's Workers Compensation Act,
199 Section 25-5-1 et seq., a physical therapist meeting the
200 educational requirements of subsection (a), without a
201 referral, may perform an initial screening evaluation or
202 consultation for patients with non-work related injuries,
203 infirmities, diseases, or conditions to determine the need for
204 physical therapy, establish a plan of care, and initiate
205 physical therapy services without a referral. An individual
206 seeking treatment for physical therapy services who is paying
207 cash shall have direct access without restriction.

208 (2) A physical therapist meeting the educational
209 requirements of subsection (a) may perform physical therapy on
210 a patient without a referral from a physical therapy referrer.
211 If the patient does not have a beneficial response to the
212 physical therapy in 30 calendar days, or 11 visits, whichever
213 occurs first, the patient shall be referred to a health care
214 provider as appropriate. These treatment limitations shall not
215 apply to any of the following:

216 a. A child with a diagnosed developmental disability
217 pursuant to the plan of care for the child developed by a
218 physical therapy referrer.

219 b. A patient of a home health agency pursuant to the
220 agency's plan of care for the patient.

221 c. A patient of a nursing home pursuant to the plan of
222 care for the patient developed by the medical staff of the
223 nursing home.

224 d. A patient previously diagnosed with a chronic



225 condition for which physical therapy services are appropriate
226 after informing the physical therapy referrer rendering the
227 diagnosis. The diagnosis shall have been made within the
228 immediately preceding 120 days. The physical therapist shall
229 provide the physical therapy referrer with a plan of care for
230 physical therapy services within the first 15 days of
231 treatment.

232 e. Education or activities in a wellness setting
233 relating to conditioning for the purpose of prevention of
234 injury, reduction of stress, or promotion of fitness.

235 (e) The licensed physical therapist shall immediately
236 refer a patient to other health care providers upon a
237 measurable deterioration in the patient's condition.

238 (f) A physical therapist treating a patient referenced
239 in subdivision (d)(2) without a referral from a physical
240 therapy referrer, prior to beginning treatment, shall provide
241 written disclosure to the patient that the physical
242 therapist's assessment is not a medical diagnosis and is not
243 based on any radiologic or medical imaging.

244 (g) Failure of a physical therapist to timely refer the
245 patient to a physical therapy referrer when the patient
246 exhibits or develops signs, symptoms, or conditions requiring
247 treatment beyond the scope of practice of physical therapy
248 shall constitute unprofessional conduct under the rules of the
249 board.

250 (h) A physical therapist is prohibited from doing any
251 of the following:

252 (1) Practicing medicine, osteopathy, dentistry, or



253 chiropractic medicine.

254 (2) Ordering or interpreting any form of radiologic or
255 medical imaging.

256 (3) Ordering or interpreting any diagnostic testing,
257 including clinical laboratory tests.

258 (4) Ordering any type of medical procedure.

259 (5) Ordering, prescribing, or administering any
260 prescription medication or drug; however, a physical therapist
261 may administer topical medications for which a prescription is
262 not required or for which the patient has a valid order or
263 prescription.

264 (6) Admitting or discharging a patient from any health
265 care facility licensed in this state.

266 (7) Performing physical therapy on any individual who
267 suffered a concussion within the previous 45 days, unless
268 cleared for physical therapy by a physician licensed to
269 practice medicine or osteopathy.

270 (8) Performing sports physicals on or certifying a
271 student athlete as capable of returning to play; however, a
272 physical therapist may assist in sports physicals performed by
273 licensed physicians or in assessing the extent of movement
274 dysfunctions for student athletes to return to play when no
275 other conditions exist.

276 (9) Performing physical therapy on any individual who
277 has undergone a surgical procedure for a diagnosed condition
278 within the previous 90 days without a referral from a physical
279 therapy referrer. This would not prevent an individual from
280 seeking treatment for any other treatment unrelated to the



281 surgical procedure.

282 (10) Directing or supervising more than four physical
283 therapy assistants at one time.

284 (i) No physical therapy referrer shall be civilly
285 liable for any act, omission, advice, care, or service
286 provided by a physical therapist or other individual providing
287 physical therapy services without a referral.

288 (j) For any physical therapist treating a patient
289 without a referral from a physical therapy referrer, the
290 physical therapist shall maintain professional liability
291 insurance at a limit of no less than one hundred thousand
292 dollars (\$100,000) per occurrence and three hundred thousand
293 dollars (\$300,000) aggregate. The board may adopt rules to
294 increase, but may not decrease, the minimum professional
295 liability insurance carried by a physical therapist treating a
296 patient without a referral from a physical therapy referrer.

297 (k) A physical therapist possessing a doctoral degree
298 may not utilize the terms "doctor" in any advertisements,
299 representations, or statements made to the public related to
300 the provision of physical therapy unless immediately followed
301 by "Doctor of Physical Therapy", "DPT", or "PT" in the same
302 size type and font.

303 (l) Nothing in this act shall permit a licensed
304 athletic trainer employed by a physical therapist to operate
305 outside of his or her respective scope of practice, or in
306 conflict with the Alabama Athletic Trainers Licensure Act,
307 including requirements to work under the direction of a
308 licensed physician. A physical therapist may not require a



309 licensed athletic trainer, who is employed by the physical
310 therapist to provide athletic training services, to refer
311 patients to the clinic or facility where the physical
312 therapist is employed.

313 (m) Nothing contained in this act shall be construed to
314 create a requirement that any health benefit plan, group
315 insurance plan, policy, or contract for health care services
316 that covers hospital, medical, or surgical expenses, health
317 maintenance organizations, preferred provider organizations,
318 medical service organizations, physician-hospital
319 organizations, or any person, firm, corporation, joint
320 venture, or other similar business entity that pays for,
321 purchases, or furnishes group health care services to
322 patients, insureds, or beneficiaries in this state, including
323 entities created pursuant to Article 6, of Chapter 20, Title
324 10A, commencing with Section 10A-20-6.01, provide coverage or
325 reimbursement for the services described or authorized in this
326 act."

327 Section 3. This act shall become effective on June 1,
328 2024.