

HB232 ENROLLED



1 HB232
2 4NYWIIR-3
3 By Representative Hulsey
4 RFD: Health
5 First Read: 27-Feb-24



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1 Enrolled, An Act,

2 Relating to the practice of physical therapy; to amend
3 Sections 34-24-191 and 34-24-210.1, as last amended by Act
4 2023-480, 2023 Regular Session, Code of Alabama 1975, to allow
5 licensed physical therapists, except for patients seeking
6 treatment for work-related injuries, infirmities, diseases, or
7 conditions, to conduct initial screenings of patients for
8 non-work related injuries, infirmities, diseases, or
9 conditions; to add the definition of "physical therapy
10 referrer"; to require minimum educational requirements; to
11 provide for limitation on patient visits without a referral
12 from a physical therapy referrer; to specify acts that a
13 physical therapist is prohibited from performing; to absolve
14 physical therapy referrers from civil or criminal liability
15 for physical therapy services performed without a referral; to
16 establish minimum professional liability insurance
17 requirements for physical therapists; and to prohibit a
18 physical therapist from referring to himself or herself as a
19 doctor or physician.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§34-24-191

24 (a) For the purposes of this article, the following
25 ~~words and phrases shall~~ terms have the following meanings
26 ~~respectively ascribed by this section:~~

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



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29 (2) COMMISSION. The Physical Therapy Compact
30 Commission, the national administrative body whose membership
31 consists of all states that have enacted the interstate
32 compact.

33 (3) COMPACT PRIVILEGE. The authorization granted by a
34 remote state to allow a licensee from another state to
35 practice as a physical therapist or work as a physical
36 therapist assistant in the remote state under its laws and
37 rules. The practice of physical therapy occurs in the state
38 where the ~~patient/client~~ patient or client is located at the
39 time of the ~~patient/client~~ patient or client encounter.

40 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
41 a physical therapist or physical therapist assistant in a
42 compact state who has been granted a compact privilege by the
43 commission.

44 (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
45 trained or educated in the practice of physical therapy
46 outside of the United States or any of its territorial
47 possessions.

48 (6) IMPAIRED. The inability of a physical therapy
49 licensee to practice physical therapy with reasonable skill
50 and safety to patients by reason of illness, inebriation,
51 excessive use of drugs, narcotics, alcohol, chemicals, or
52 other substances, or as a result of any physical or mental
53 condition.

54 (7) PHYSICAL THERAPIST. A person who practices physical
55 therapy.

56 (8) PHYSICAL THERAPIST ASSISTANT. A person who assists



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57 in the practice of physical therapy and whose activities
58 require an understanding of physical therapy but do not
59 require professional or advanced training in the anatomical,
60 biological, and physical sciences involved in the practice of
61 physical therapy. The physical therapist assistant shall
62 practice only under the direction of a licensed physical
63 therapist.

64 (9) PHYSICAL THERAPY. The treatment of a human being by
65 the use of exercise, massage, heat, cold, water, radiant
66 energy, electricity, or sound for the purpose of correcting or
67 alleviating any physical or mental condition or preventing the
68 development of any physical or mental disability, or the
69 performance of neuromuscular-skeletal tests and measurements
70 to determine the existence and extent of body malfunction;
71 ~~provided, that physical therapy shall be practiced only upon~~
72 ~~the referral of a physician licensed to practice medicine or~~
73 ~~surgery, a dentist licensed to practice dentistry, a licensed~~
74 ~~chiropractor, a licensed assistant to a physician acting~~
75 ~~pursuant to a valid supervisory agreement, or a licensed~~
76 ~~certified registered nurse practitioner in a collaborative~~
77 ~~practice agreement with a licensed physician, except as~~
78 ~~otherwise provided in this chapter, as well as any other means~~
79 or methods taught in schools or colleges which are recognized
80 by the Alabama Board of Physical Therapy, so long as they do
81 not conflict with any other provision of this article.

82 Physical therapy does not include radiology or electrosurgery.

83 (10) PHYSICAL THERAPY AIDE. A person trained under the
84 direction of a physical therapist who performs designated and



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85 supervised routine tasks related to physical therapy services.

86 (11) PHYSICAL THERAPY LICENSEE. A physical therapist or
87 physical therapist assistant who is licensed under this
88 article.

89 (12) PHYSICAL THERAPY REFERRER. A physician licensed to
90 practice medicine or surgery, a dentist licensed to practice
91 dentistry, a licensed chiropractor, a licensed assistant to a
92 physician acting pursuant to a valid supervisory agreement, or
93 a licensed certified registered nurse practitioner in a
94 collaborative practice agreement with a licensed physician.

95 ~~(12)~~ (13) PHYSIOTHERAPIST. Synonymous with the term
96 "physical therapist," and the term shall be used to identify
97 only those persons licensed under this article. The physical
98 therapist may use the letters "P.T." ~~or "R.P.T."~~ in connection
99 with his or her name or place of business to denote his or her
100 registration hereunder.

101 ~~(13)~~ (14) RESTRICTED LICENSE.

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

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

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

111 Section 2. Section 34-24-210.1, as last amended by Act
112 2023-480, 2023 Regular Session, Code of Alabama 1975, is



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113 amended to read as follows:

114 "§34-24-210.1

115 ~~(a) Without prescription or referral, a licensed~~
116 ~~physical therapist or compact privilege holder may perform an~~
117 ~~initial evaluation or consultation of a screening nature to~~
118 ~~determine the need for physical therapy and may perform the~~
119 ~~physical therapy and other services provided in subdivisions~~
120 ~~(b) (1) through (5). Implementation of physical therapy shall~~
121 ~~otherwise be based on the referral of a person licensed to~~
122 ~~practice medicine, surgery, dentistry, chiropractic, licensed~~
123 ~~assistant to a physician acting pursuant to a valid~~
124 ~~supervising agreement, or a licensed certified registered~~
125 ~~nurse practitioner in a valid collaborative practice agreement~~
126 ~~with a licensed physician.~~

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

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

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

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

136 ~~(4) Related to conditioning or to providing education~~
137 ~~or activities in a wellness setting for the purpose of injury~~
138 ~~prevention, reduction of stress, or promotion of fitness.~~

139 ~~(5) To an individual for a previously diagnosed~~
140 ~~condition or conditions for which physical therapy services~~



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141 ~~are appropriate after informing the health care provider~~
142 ~~rendering the diagnosis. The diagnosis shall have been made~~
143 ~~within the immediately preceding 90 days. The physical~~
144 ~~therapist shall provide the health care provider who rendered~~
145 ~~the diagnosis with a plan of care for physical therapy~~
146 ~~services within the first 15 days of physical therapy~~
147 ~~intervention.~~

148 (a) A physical therapist may not treat patients without
149 a referral from a physical therapy referrer unless the
150 physical therapist possesses a doctorate in physical therapy
151 or a master's degree from an accredited institution along with
152 10 years of clinical practice experience and is licensed as a
153 physical therapist in this state having passed the examination
154 of the Federation of State Boards of Physical Therapy.

155 (b) In addition to the requirements of Section
156 34-24-216, a physical therapist shall annually complete an
157 additional two hours of continuing education focusing on the
158 professional standard of care.

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

163 (d) (1) Except as otherwise provided in this section,
164 and except with respect to patients seeking treatment for
165 work-related injuries, infirmities, diseases, or conditions
166 which do not provide any basis for establishing a claim or
167 right to recover under Alabama's Workers Compensation Act,
168 Section 25-5-1 et seq., a physical therapist meeting the



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169 educational requirements of subsection (a), without a
170 referral, may perform an initial screening evaluation or
171 consultation for patients with non-work related injuries,
172 infirmities, diseases, or conditions to determine the need for
173 physical therapy, establish a plan of care, and initiate
174 physical therapy services without a referral. An individual
175 seeking treatment for physical therapy services who is paying
176 cash shall have direct access without restriction.

177 (2) A physical therapist meeting the educational
178 requirements of subsection (a) may perform physical therapy on
179 a patient without a referral from a physical therapy referrer.
180 If the patient does not have a beneficial response to the
181 physical therapy in 30 calendar days, or 11 visits, whichever
182 occurs first, the patient shall be referred to a health care
183 provider as appropriate. These treatment limitations shall not
184 apply to any of the following:

185 a. A child with a diagnosed developmental disability
186 pursuant to the plan of care for the child developed by a
187 physical therapy referrer.

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

190 c. A patient of a nursing home pursuant to the plan of
191 care for the patient developed by the medical staff of the
192 nursing home.

193 d. A patient previously diagnosed with a chronic
194 condition for which physical therapy services are appropriate
195 after informing the physical therapy referrer rendering the
196 diagnosis. The diagnosis shall have been made within the



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197 immediately preceding 120 days. The physical therapist shall
198 provide the physical therapy referrer with a plan of care for
199 physical therapy services within the first 15 days of
200 treatment.

201 e. Education or activities in a wellness setting
202 relating to conditioning for the purpose of prevention of
203 injury, reduction of stress, or promotion of fitness.

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

207 (f) A physical therapist treating a patient referenced
208 in subdivision (d) (2) without a referral from a physical
209 therapy referrer, prior to beginning treatment, shall provide
210 written disclosure to the patient that the physical
211 therapist's assessment is not a medical diagnosis and is not
212 based on any radiologic or medical imaging.

213 (g) Failure of a physical therapist to timely refer the
214 patient to a physical therapy referrer when the patient
215 exhibits or develops signs, symptoms, or conditions requiring
216 treatment beyond the scope of practice of physical therapy
217 shall constitute unprofessional conduct under the rules of the
218 board.

219 (h) A physical therapist is prohibited from doing any
220 of the following:

221 (1) Practicing medicine, osteopathy, dentistry, or
222 chiropractic medicine.

223 (2) Ordering or interpreting any form of radiologic or
224 medical imaging.



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225 (3) Ordering or interpreting any diagnostic testing,
226 including clinical laboratory tests.

227 (4) Ordering any type of medical procedure.

228 (5) Ordering, prescribing, or administering any
229 prescription medication or drug; however, a physical therapist
230 may administer topical medications for which a prescription is
231 not required or for which the patient has a valid order or
232 prescription.

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

235 (7) Performing physical therapy on any individual who
236 suffered a concussion within the previous 45 days, unless
237 cleared for physical therapy by a physician licensed to
238 practice medicine or osteopathy.

239 (8) Performing sports physicals on or certifying a
240 student athlete as capable of returning to play; however, a
241 physical therapist may assist in sports physicals performed by
242 licensed physicians or in assessing the extent of movement
243 dysfunctions for student athletes to return to play when no
244 other conditions exist.

245 (9) Performing physical therapy on any individual who
246 has undergone a surgical procedure for a diagnosed condition
247 within the previous 90 days without a referral from a physical
248 therapy referrer. This would not prevent an individual from
249 seeking treatment for any other treatment unrelated to the
250 surgical procedure.

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



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253 (i) No physical therapy referrer shall be civilly
254 liable for any act, omission, advice, care, or service
255 provided by a physical therapist or other individual providing
256 physical therapy services without a referral.

257 (j) For any physical therapist treating a patient
258 without a referral from a physical therapy referrer, the
259 physical therapist shall maintain professional liability
260 insurance at a limit of no less than one hundred thousand
261 dollars (\$100,000) per occurrence and three hundred thousand
262 dollars (\$300,000) aggregate. The board may adopt rules to
263 increase, but may not decrease, the minimum professional
264 liability insurance carried by a physical therapist treating a
265 patient without a referral from a physical therapy referrer.

266 (k) A physical therapist possessing a doctoral degree
267 may not utilize the terms "doctor" in any advertisements,
268 representations, or statements made to the public related to
269 the provision of physical therapy unless immediately followed
270 by "Doctor of Physical Therapy", "DPT", or "PT" in the same
271 size type and font.

272 (l) Nothing in this act shall permit a licensed
273 athletic trainer employed by a physical therapist to operate
274 outside of his or her respective scope of practice, or in
275 conflict with the Alabama Athletic Trainers Licensure Act,
276 including requirements to work under the direction of a
277 licensed physician. A physical therapist may not require a
278 licensed athletic trainer, who is employed by the physical
279 therapist to provide athletic training services, to refer
280 patients to the clinic or facility where the physical



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281 therapist is employed.

282 (m) Nothing contained in this act shall be construed to
283 create a requirement that any health benefit plan, group
284 insurance plan, policy, or contract for health care services
285 that covers hospital, medical, or surgical expenses, health
286 maintenance organizations, preferred provider organizations,
287 medical service organizations, physician-hospital
288 organizations, or any person, firm, corporation, joint
289 venture, or other similar business entity that pays for,
290 purchases, or furnishes group health care services to
291 patients, insureds, or beneficiaries in this state, including
292 entities created pursuant to Article 6, of Chapter 20, Title
293 10A, commencing with Section 10A-20-6.01, provide coverage or
294 reimbursement for the services described or authorized in this
295 act."

296 Section 3. This act shall become effective on June 1,
297 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-Apr-24, as amended.

John Treadwell
Clerk

Senate

08-May-24

Passed