

1 SB448
2 139651-1
3 By Senators Holtzclaw and Waggoner
4 RFD: Health
5 First Read: 22-MAR-12

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8 SYNOPSIS: Under existing law, physical therapy may
9 only be practiced pursuant to the referral of a
10 licensed physician or dentist.

11 This bill would remove the requirement that
12 a licensed physical therapist practice his or her
13 trade only upon the referral of a licensed
14 physician or dentist.

15 This bill would provide further for the
16 qualifications of an applicant for licensure as a
17 physical therapist.

18 This bill would also provide for the
19 responsibilities of a physical therapist who
20 evaluates and treats a patient without a referral.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 To amend Sections 34-24-191, 34-24-211, and
27 34-24-217, Code of Alabama 1975, to remove the requirement

1 that a licensed physical therapist practice his or her trade
2 only upon the referral of a licensed physician or dentist; to
3 provide further for the qualifications of an applicant for
4 licensure; and to provide for the responsibilities of a
5 physical therapist who evaluates and treats a patient without
6 a referral.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 34-24-191, 34-24-211, and
9 34-24-217 of the Code of Alabama 1975, are amended to read as
10 follows:

11 "§34-24-191.

12 "(a) For the purposes of this article, the following
13 words and phrases shall have the meanings respectively
14 ascribed by this section:

15 "(1) PHYSICAL THERAPY. The treatment of a human
16 being by the use of exercise, massage, heat, cold, water,
17 radiant energy, electricity, or sound for the purpose of
18 correcting or alleviating any physical or mental condition or
19 preventing the development of any physical or mental
20 disability, or the performance of neuromuscular-skeletal tests
21 and measurements to determine the existence and extent of body
22 malfunction; ~~provided, that physical therapy shall be~~
23 ~~practiced only upon the referral of a physician licensed to~~
24 ~~practice medicine or surgery and a dentist licensed to~~
25 ~~practice dentistry and.~~ Physical therapy shall not include
26 radiology or electrosurgery.

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

3 "(3) PHYSIOTHERAPIST. Synonymous with the term
4 "physical therapist," and the term shall be used to identify
5 only those persons registered under this article. The physical
6 therapist may use the letters "P.T." or "R.P.T." in connection
7 with his or her name or place of business to denote his or her
8 registration hereunder.

9 "(4) PHYSICAL THERAPIST ASSISTANT. A person who
10 assists in the practice of physical therapy and whose
11 activities require an understanding of physical therapy but do
12 not require professional or advanced training in the
13 anatomical, biological, and physical sciences involved in the
14 practice of physical therapy. The physical therapist assistant
15 shall practice only under the direction of a registered
16 physical therapist.

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

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

25 "(7) FOREIGN TRAINED PHYSICAL THERAPIST. A person
26 trained or educated in the practice of physical therapy

1 outside of the United States or any of its territorial
2 possessions.

3 "(b) Words importing the masculine gender shall
4 include the feminine.

5 "§34-24-211.

6 "An applicant for registration as a physical
7 therapist or for a license as a physical therapist assistant
8 shall file a written application on forms provided by the
9 board together with fee as set by the board, no part of which
10 shall be returned. The applicant shall present evidence
11 satisfactory to the board that he or she is of good moral
12 character and has completed a program of physical therapy
13 education appropriate for training a physical therapist or a
14 physical therapist assistant, as the case may be, approved by
15 the board or a nationally recognized accrediting agency. An
16 applicant for a license as a physical therapist shall hold a
17 master's or doctorate degree from an accredited college or
18 university or shall hold a bachelor's degree and have
19 practiced for at least four out of the immediately preceding
20 six years. Each applicant shall also be a citizen of the
21 United States or, if not a citizen of the United States, a
22 person who is legally present in the United States with
23 appropriate documentation from the federal government.

24 "§34-24-217.

25 "(a) The board shall refuse to issue a license to
26 any person and, after notice and hearing in accordance with

1 its regulations and rules, shall suspend or revoke the license
2 of any person who has:

3 ~~"(1) Practiced physical therapy other than upon the~~
4 ~~referral of a physician licensed to practice medicine or~~
5 ~~surgery, and a dentist licensed to practice dentistry; or~~
6 ~~practiced as a physical therapist assistant other than under~~
7 ~~the direction of a registered physical therapist~~ Failed to
8 immediately refer a patient to a licensed physician identified
9 by the patient if, at the time of initial evaluation or during
10 subsequent treatment by the physical therapist, the patient
11 exhibits signs or symptoms that would indicate to a reasonable
12 physical therapist that the patient has a medical condition
13 that is outside of the scope of practice of the physical
14 therapist, or the physical therapist determines physical
15 therapy is contraindicated. Such failure constitutes an act of
16 professional misconduct;

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

19 (3) Been convicted of a felony or of a crime
20 involving moral turpitude;

21 "(4) Obtained or attempted to obtain a license by
22 fraud or deception;

23 "(5) Been grossly negligent in the practice of
24 physical therapy or in acting as a physical therapist
25 assistant;

26 "(6) Been adjudged mentally incompetent by a court
27 of competent jurisdiction;

1 "(7) Been guilty of conduct unbecoming a person
2 registered as a physical therapist or licensed as a physical
3 therapist assistant or of conduct detrimental to the best
4 interest of the public;

5 "(8) Been convicted of violating any state or
6 federal narcotic law;

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

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

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

13 "(b) For purposes of this article and
14 notwithstanding any other provision of this article or any
15 rules or regulations adopted by the board, any person licensed
16 or registered under this article who has a bona fide
17 employment or independent contract with a physician, a
18 physician group, or an entity with which a physician has a
19 legal compensation arrangement, including fair market value
20 wages, compensation, benefits, or rents for services or
21 property provided, or in which a physician has a legal
22 financial interest, including any direct or indirect ownership
23 or investment interest, shall not be deemed to be engaged in
24 conduct unbecoming a person licensed or registered under this
25 article, or to be engaged in conduct detrimental to the best
26 interest of the public, or to be in violation of any other
27 provision of this article by virtue of any of the above

1 relationships, and shall not be subject to licensure denial,
2 suspension, revocation, or any other disciplinary action or
3 penalty under this article: (1) by virtue of such employment
4 or contract, or (2) by virtue of the provision of physical
5 therapy services pursuant to a referral from the employing or
6 contracting physician, or from a physician with a legal
7 compensation arrangement with or a legal financial interest in
8 the employing or contracting physician group."

9 Section 2. If a physical therapist evaluates and
10 treats a patient without the referral of the patient by a
11 person who is licensed to practice medicine, surgery, or
12 dentistry, all of the following shall apply:

13 (1) The physical therapist, upon the consent of the
14 patient, shall inform the physician or dentist of the patient
15 of the evaluation not later than seven business days after the
16 evaluation is made.

17 (2) If the physical therapist determines, based on
18 reasonable evidence, that no substantial progress has been
19 made by the patient during the 45-day period immediately
20 following the date of the initial visit of the patient with
21 the physical therapist, the physical therapist shall consult
22 with or refer the patient to a licensed physician or dentist,
23 unless the evaluation, treatment, or services are being
24 provided for fitness, wellness, or prevention purposes.

25 (3) A physical therapist practicing physical therapy
26 under this article shall refer patients to a licensed
27 physician or dentist when symptoms are present for which

1 physical therapy is a contraindication or for those cases for
2 which treatment is outside of the scope of practice of
3 physical therapy.

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