

1 HB50
2 195536-1
3 By Representative Johnson
4 RFD: Health
5 First Read: 05-MAR-19
6 PFD: 02/14/2019

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8 SYNOPSIS: Under existing law, physical therapy may
9 only be performed based on a referral from a
10 licensed physician, dentist, chiropractor,
11 physician assistant, or certified registered nurse
12 practitioner, except in limited, enumerated
13 circumstances that allow a licensed physical
14 therapist to perform an initial evaluation or
15 consultation of a screening nature without a
16 referral.

17 This bill would eliminate the requirement
18 that a licensed physical therapist may only perform
19 physical therapy, except in limited circumstances,
20 based on a referral from a licensed health care
21 practitioner.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to physical therapy; to amend Sections
2 34-24-191, 34-24-210.1, and 34-24-217, Code of Alabama 1975;
3 to remove the prohibition against practicing physical therapy
4 without a referral from a licensed health care practitioner.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 34-24-191, 34-24-210.1, and
7 34-24-217, Code of Alabama 1975, are amended to read as
8 follows:

9 "§34-24-191.

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

13 "(1) BOARD. The Board of Physical Therapy
14 established by Section 34-24-192.

15 "(2) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
16 trained or educated in the practice of physical therapy
17 outside of the United States or any of its territorial
18 possessions.

19 "(3) IMPAIRED. The inability of a physical therapy
20 licensee to practice physical therapy with reasonable skill
21 and safety to patients by reason of illness, inebriation,
22 excessive use of drugs, narcotics, alcohol, chemicals, or
23 other substances, or as a result of any physical or mental
24 condition.

25 "(4) PHYSICAL THERAPY. The treatment of a human
26 being by the use of exercise, massage, heat, cold, water,
27 radiant energy, electricity, or sound for the purpose of

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, a dentist licensed to practice
8 dentistry, a licensed chiropractor, a licensed assistant to a
9 physician acting pursuant to a valid supervisory agreement, or
10 a licensed certified registered nurse practitioner in a
11 collaborative practice agreement with a licensed physician,
12 except as otherwise provided in this chapter.~~ Physical therapy
13 does not include radiology or electrosurgery.

14 "(5) PHYSICAL THERAPIST. A person who practices
15 physical therapy.

16 "(6) PHYSICAL THERAPY LICENSEE. A physical therapist
17 or physical therapist assistant who is licensed under this
18 article.

19 "(7) PHYSIOTHERAPIST. Synonymous with the term
20 "physical therapist," and the term shall be used to identify
21 only those persons licensed under this article. The physical
22 therapist may use the letters "P.T." or "R.P.T." in connection
23 with his or her name or place of business to denote his or her
24 registration hereunder.

25 "(8) PHYSICAL THERAPIST ASSISTANT. A person who
26 assists in the practice of physical therapy and whose
27 activities require an understanding of physical therapy but do

1 not require professional or advanced training in the
2 anatomical, biological, and physical sciences involved in the
3 practice of physical therapy. The physical therapist assistant
4 shall practice only under the direction of a licensed physical
5 therapist.

6 "(9) PHYSICAL THERAPY AIDE. A person trained under
7 the direction of a physical therapist who performs designated
8 and supervised routine tasks related to physical therapy
9 services.

10 "(10) RESTRICTED LICENSE.

11 "a. For a physical therapist, a license on which the
12 board has placed restrictions or conditions, or both, as to
13 the scope of practice, place of practice, supervision of
14 practice, duration of licensed status, or type or condition of
15 patient to whom the physical therapist may provide services.

16 "b. For a physical therapist assistant, a license on
17 which the board has placed any restriction.

18 "(b) Words importing the masculine gender shall
19 include the feminine.

20 "§34-24-210.1.

21 "~~(a)~~ Without prescription or referral, a licensed
22 physical therapist may perform an initial evaluation or
23 consultation of a screening nature to determine the need for
24 physical therapy and may perform ~~the~~ physical therapy. ~~and~~
25 ~~other services provided in subdivisions (1) to (5), inclusive,~~
26 ~~of subsection (b).~~ Implementation of physical therapy shall
27 ~~otherwise be based on the referral of a person licensed to~~

1 ~~practice medicine, surgery, dentistry, chiropractic, licensed~~
2 ~~assistant to a physician acting pursuant to a valid~~
3 ~~supervising agreement, or a licensed certified registered~~
4 ~~nurse practitioner in a valid collaborative practice agreement~~
5 ~~with a licensed physician.~~

6 ~~"(b) The physical therapy and other services~~
7 ~~referred to in subsection (a), which may be performed without~~
8 ~~prescription or referral, include and are limited to the~~
9 ~~following:~~

10 ~~"(1) To a child with a diagnosed developmental~~
11 ~~disability pursuant to the plan of care for the child.~~

12 ~~"(2) To a patient of a home health care agency~~
13 ~~pursuant to the plan of care for the patient.~~

14 ~~"(3) To a patient in a nursing home pursuant to the~~
15 ~~plan of care for the patient.~~

16 ~~"(4) Related to conditioning or to providing~~
17 ~~education or activities in a wellness setting for the purpose~~
18 ~~of injury prevention, reduction of stress, or promotion of~~
19 ~~fitness.~~

20 ~~"(5) To an individual for a previously diagnosed~~
21 ~~condition or conditions for which physical therapy services~~
22 ~~are appropriate after informing the health care provider~~
23 ~~rendering the diagnosis. The diagnosis shall have been made~~
24 ~~within the immediately preceding 90 days. The physical~~
25 ~~therapist shall provide the health care provider who rendered~~
26 ~~the diagnosis with a plan of care for physical therapy~~

1 ~~services within the first 15 days of physical therapy~~
2 ~~intervention.~~

3 "§34-24-217.

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

8 "(1) ~~Practiced physical therapy other than upon the~~
9 ~~referral of a physician licensed to practice medicine or~~
10 ~~surgery, a dentist licensed to practice dentistry, a licensed~~
11 ~~chiropractor, a licensed assistant to a physician acting~~
12 ~~pursuant to a valid supervisory agreement, or a licensed~~
13 ~~certified registered nurse practitioner in a valid~~
14 ~~collaborative practice agreement with a licensed physician,~~
15 ~~except as provided in Section 34-24-210.1, or practiced as a~~
16 physical therapist assistant other than under the direction of
17 a licensed physical therapist;

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

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

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

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

1 "(6) Been adjudged mentally incompetent by a court
2 of competent jurisdiction;

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

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

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

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

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

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

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

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