

1 HB163
2 140927-6
3 By Representative Henry
4 RFD: Health
5 First Read: 07-FEB-12

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ENROLLED, An Act,

To amend Sections 34-24-191 and 34-24-217, Code of Alabama 1975, to provide for physical therapy to be practiced upon the referral of a licensed assistant to a physician acting pursuant to a valid supervisory agreement, licensed certified registered nurse practitioner in a valid collaborative practice agreement with a licensed physician, or a licensed chiropractor; and to add Section 34-24-210.1 to the Code of Alabama 1975, to provide for the circumstances under which a physical therapist may evaluate and treat a patient without a referral.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-24-191.

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

"(1) PHYSICAL THERAPY. The treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of neuromuscular-skeletal tests

1 and measurements to determine the existence and extent of body
2 malfunction; provided, that physical therapy shall be
3 practiced only upon the referral of a physician licensed to
4 practice medicine or surgery, ~~and~~ a dentist licensed to
5 practice dentistry, a licensed chiropractor, a licensed
6 assistant to a physician acting pursuant to a valid
7 supervisory agreement, or a licensed certified registered
8 nurse practitioner in a collaborative practice agreement with
9 a licensed physician, except as otherwise provided in this
10 chapter. Physical therapy does ~~and shall~~ not include radiology
11 or electrosurgery.

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

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

20 "(4) PHYSICAL THERAPIST ASSISTANT. A person who
21 assists in the practice of physical therapy and whose
22 activities require an understanding of physical therapy but do
23 not require professional or advanced training in the
24 anatomical, biological, and physical sciences involved in the
25 practice of physical therapy. The physical therapist assistant

1 shall practice only under the direction of a registered
2 physical therapist.

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

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

11 "(7) FOREIGN TRAINED PHYSICAL THERAPIST. A person
12 trained or educated in the practice of physical therapy
13 outside of the United States or any of its territorial
14 possessions.

15 "(b) Words importing the masculine gender shall
16 include the feminine.

17 "§34-24-217.

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

22 "(1) Practiced physical therapy other than upon the
23 referral of a physician licensed to practice medicine or
24 surgery, ~~and~~ a dentist licensed to practice dentistry, a
25 licensed chiropractor, a licensed assistant to a physician

1 acting pursuant to a valid supervisory agreement, or a
2 licensed certified registered nurse practitioner in a valid
3 collaborative practice agreement with a licensed physician,
4 except as provided in Section 34-24-210.1, or practiced as a
5 physical therapist assistant other than under the direction of
6 a registered physical therapist;

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

9 "(3) Been convicted of a felony or of a crime
10 involving moral turpitude;

11 "(4) Obtained or attempted to obtain a license by
12 fraud or deception;

13 "(5) Been grossly negligent in the practice of
14 physical therapy or in acting as a physical therapist
15 assistant;

16 "(6) Been adjudged mentally incompetent by a court
17 of competent jurisdiction;

18 "(7) Been guilty of conduct unbecoming a person
19 registered as a physical therapist or licensed as a physical
20 therapist assistant or of conduct detrimental to the best
21 interest of the public;

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

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

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

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

5 "(b) For purposes of this article and
6 notwithstanding any other provision of this article or any
7 rules or regulations adopted by the board, any person licensed
8 or registered under this article who has a bona fide
9 employment or independent contract with a physician, a
10 physician group, or an entity with which a physician has a
11 legal compensation arrangement, including fair market value
12 wages, compensation, benefits, or rents for services or
13 property provided, or in which a physician has a legal
14 financial interest, including any direct or indirect ownership
15 or investment interest, shall not be deemed to be engaged in
16 conduct unbecoming a person licensed or registered under this
17 article, or to be engaged in conduct detrimental to the best
18 interest of the public, or to be in violation of any other
19 provision of this article by virtue of any of the above
20 relationships, and shall not be subject to licensure denial,
21 suspension, revocation, or any other disciplinary action or
22 penalty under this article: (1) by virtue of such employment
23 or contract, or (2) by virtue of the provision of physical
24 therapy services pursuant to a referral from the employing or
25 contracting physician, or from a physician with a legal

1 compensation arrangement with or a legal financial interest in
2 the employing or contracting physician group."

3 Section 2. Section 34-24-210.1 is added to the Code
4 of Alabama 1975, to read as follows:

5 §34-24-210.1.

6 (a) Without prescription or referral, a licensed
7 physical therapist may perform an initial evaluation or
8 consultation of a screening nature to determine the need for
9 physical therapy and may perform the physical therapy and
10 other services provided in subdivisions (1) to (5), inclusive,
11 of subsection (b). Implementation of physical therapy shall
12 otherwise be based on the referral of a person licensed to
13 practice medicine, surgery, dentistry, chiropractic, licensed
14 assistant to a physician acting pursuant to a valid
15 supervising agreement or a licensed certified registered nurse
16 practitioner in a valid collaborative practice agreement with
17 a licensed physician.

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

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

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

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

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

7 (5) To an individual for a previously diagnosed
8 condition or conditions for which physical therapy services
9 are appropriate after informing the health care provider
10 rendering the diagnosis. The diagnosis shall have been made
11 within the immediately preceding 90 days. The physical
12 therapist shall provide the health care provider who rendered
13 the diagnosis with a plan of care for physical therapy
14 services within the first 15 days of physical therapy
15 intervention.

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

