

1 HB410
2 137321-2
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 23-FEB-12

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8 SYNOPSIS: Under existing law, neither a licensed
9 assistant to a physician, a certified registered
10 nurse practitioner, nor a licensed chiropractor may
11 refer a patient to a physical therapist.

12 This bill would authorize a licensed
13 assistant to a physician, a certified registered
14 nurse practitioner, and a licensed chiropractor to
15 refer a patient to a physical therapist.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Sections 34-21-85, 34-24-122, and
22 34-24-292, Code of Alabama 1975, to authorize a licensed
23 assistant to a physician, a certified registered nurse
24 practitioner, and a licensed chiropractor to refer patients to
25 licensed physical therapists for treatment.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-21-85, 34-24-122, and
2 34-24-292, Code of Alabama 1975, are amended to read as
3 follows:

4 "§34-21-85.

5 "(a) The joint committee shall be the state
6 authority designated to recommend rules and regulations to the
7 State Board of Medical Examiners and the Board of Nursing for
8 the purpose of regulating the collaborative practice of
9 physicians and certified registered nurse practitioners and
10 certified nurse midwives. No person may practice as a
11 certified registered nurse practitioner or a certified nurse
12 midwife in this state unless that person possesses a
13 certificate of qualification issued by the Board of Nursing
14 and practices under written protocols approved by the State
15 Board of Medical Examiners and the Board of Nursing and signed
16 by a qualified collaborating physician or physicians and
17 certified registered nurse practitioner or certified nurse
18 midwife or is exempt from the requirement of a written
19 protocol according to rules promulgated by the State Board of
20 Medical Examiners and the Board of Nursing. The joint
21 committee shall recommend to the State Board of Medical
22 Examiners and the Board of Nursing rules and regulations
23 designed to govern the collaborative relationship between
24 physicians and certified registered nurse practitioners and
25 certified nurse midwives certified by the Board of Nursing to
26 engage in these areas of advanced practice nursing. These
27 rules and regulations shall be finally adopted by July 1,

1 1996. These rules and regulations and any and all additions,
2 deletions, corrections, or changes thereto shall be considered
3 rules and regulations requiring publication under the Alabama
4 Administrative Procedure Act; however, the following shall not
5 be considered rules or regulations under the Administrative
6 Procedure Act:

7 "(1) Protocols for use by certified registered nurse
8 practitioners and certified nurse midwives certified to engage
9 in these two areas of advanced practice nursing in
10 collaboration with a physician; and

11 "(2) The formulary of legend drugs that may be
12 prescribed by certified registered nurse practitioners and
13 certified nurse midwives authorized to do so.

14 "(b) A certified registered nurse practitioner who
15 is in an active collaborative practice with a physician
16 licensed to practice medicine may refer patients to licensed
17 physical therapists for treatment notwithstanding the
18 provisions of Section 34-24-191.

19 "§34-24-122.

20 "(a) Chiropractors who have complied with the
21 provisions of this article shall have the right to treat
22 patients according to specific chiropractic methods and shall
23 observe state, county, and municipal public health
24 regulations, reporting to the proper health officers the same
25 as other practitioners. Chiropractors shall not prescribe or
26 administer medicine to patients, perform surgery, nor practice
27 obstetrics or osteopathy.

1 "(b) A chiropractor licensed under this article may
2 refer patients to licensed physical therapists for treatment
3 notwithstanding the provisions of Section 34-24-191.

4 "§34-24-292.

5 "(a) Notwithstanding any other provision of law, a
6 licensed assistant to a physician may perform medical services
7 when the services are rendered under the supervision of a
8 licensed physician or physicians approved by the board;
9 except, that no medical services may be performed under this
10 article except under the supervision of an ophthalmologist in
11 the office in which the physician normally actually practices
12 his or her profession and nowhere else in any of the following
13 areas:

14 "(1) The measurement of the powers or range of human
15 vision or the determination of the accommodation and
16 refractive state of the human eye or the scope of its
17 functions in general or the fitting or adaptation of lenses or
18 frames for the aid thereof.

19 "(2) The prescribing or directing the use of or
20 using any optical device in connection with ocular exercises,
21 visual training, or orthoptics.

22 "(3) The prescribing of contact lenses for or the
23 fitting or adaptation of contact lenses to the human eye.
24 Nothing in this section shall preclude the performance of
25 routine visual screening.

26 "(b) In the performance of any medical service
27 contemplated by this article, an assistant to a physician

1 shall be conclusively presumed to be the agent, servant, or
2 employee solely of the licensed physician or physicians under
3 whose supervision he or she performs the service, and no other
4 person, firm, corporation, or other organization shall be held
5 liable or responsible for any act or omission of the assistant
6 arising out of the performance of the medical service.

7 "(c) A licensed assistant to a physician registered
8 to a licensed physician practicing under a job description
9 approved in the manner prescribed by this article may
10 prescribe legend drugs to patients, subject to both of the
11 following conditions:

12 "(1) The drug type, dosage, quantity prescribed, and
13 number of refills shall be authorized in an approved job
14 description signed by the physicians to whom the assistant is
15 registered.

16 "(2) The drug shall be on the formulary approved
17 under the guidelines of the Board of Medical Examiners.

18 "(d) Assistants to physicians may administer any
19 legend drug which they are authorized to prescribe under this
20 section. An assistant to a physician may not initiate a
21 call-in prescription in the name of his or her physician for
22 any drug, whether legend drug or controlled substance, which
23 the assistant is not authorized to prescribe under the job
24 description signed by his or her physician and approved under
25 this section, unless the drug is specifically ordered for the
26 patient by the physician either in writing or by a verbal
27 order which has been reduced to writing and which has been

1 signed by the physician within a time specified in the
2 guidelines of the Board of Medical Examiners.

3 "(e) An assistant to a physician who is supervised
4 by a physician licensed to practice medicine under this
5 article may refer patients to a licensed physical therapist
6 for treatment notwithstanding the provisions of Section
7 34-24-191"

8 Section 2. All laws or parts of laws which conflict
9 with this act are repealed.

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