

1 SB361  
2 127370-2  
3 By Senator Holtzclaw  
4 RFD: Health  
5 First Read: 06-APR-11

1 127370-2:n:03/29/2011:KMS/tj LRS2011-1418R1

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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  
16 A BILL

17 TO BE ENTITLED

18 AN ACT

19  
20 To amend Sections 34-24-191 and 34-24-217, Code of  
21 Alabama 1975, to remove the requirement that a licensed  
22 physical therapist practice his or her trade only upon the  
23 referral of a licensed physician or dentist.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§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 and measurements to determine the existence and extent of body malfunction; provided, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery and a dentist licensed to practice dentistry and. Physical therapy shall not include radiology or electrosurgery.

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

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

"(4) PHYSICAL THERAPIST ASSISTANT. A person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the

1 anatomical, biological, and physical sciences involved in the  
2 practice of physical therapy. The physical therapist assistant  
3 shall practice only under the direction of a registered  
4 physical therapist.

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

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

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

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

19 "§34-24-217.

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

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

~~practiced as a physical therapist assistant other than under the direction of a registered physical therapist;~~

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

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

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

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

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

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

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

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

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

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

"(b) For purposes of this article and notwithstanding any other provision of this article or any

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

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