

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

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

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

A BILL
TO BE ENTITLED
AN ACT

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

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.

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

4 "(1) PHYSICAL THERAPY. The treatment of a human
5 being by the use of exercise, massage, heat, cold, water,
6 radiant energy, electricity, or sound for the purpose of
7 correcting or alleviating any physical or mental condition or
8 preventing the development of any physical or mental
9 disability, or the performance of neuromuscular-skeletal tests
10 and measurements to determine the existence and extent of body
11 malfunction; ~~provided, that physical therapy shall be~~
12 ~~practiced only upon the referral of a physician licensed to~~
13 ~~practice medicine or surgery and a dentist licensed to~~
14 ~~practice dentistry and.~~ Physical therapy shall not include
15 radiology or electrosurgery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 "(b) For purposes of this article and
27 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.