

HB232 ENGROSSED



1 HB232
2 4NYWIIR-2
3 By Representative Hulsey
4 RFD: Health
5 First Read: 27-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to the practice of physical therapy; to amend Sections 34-24-191 and 34-24-210.1, as last amended by Act 2023-480, 2023 Regular Session, Code of Alabama 1975, to allow licensed physical therapists, except for patients seeking treatment for work-related injuries, infirmities, diseases, or conditions, to conduct initial screenings of patients for non-work related injuries, infirmities, diseases, or conditions; to add the definition of "physical therapy referrer"; to require minimum educational requirements; to provide for limitation on patient visits without a referral from a physical therapy referrer; to specify acts that a physical therapist is prohibited from performing; to absolve physical therapy referrers from civil or criminal liability for physical therapy services performed without a referral; to establish minimum professional liability insurance requirements for physical therapists; and to prohibit a physical therapist from referring to himself or herself as a doctor or physician.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-24-191, Code of Alabama 1975, is amended to read as follows:

"§34-24-191



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29 (a) For the purposes of this article, the following
30 ~~words and phrases shall~~ terms have the following meanings
31 ~~respectively ascribed by this section:~~

32 (1) BOARD. The Board of Physical Therapy established by
33 Section 34-24-192.

34 (2) COMMISSION. The Physical Therapy Compact
35 Commission, the national administrative body whose membership
36 consists of all states that have enacted the interstate
37 compact.

38 (3) COMPACT PRIVILEGE. The authorization granted by a
39 remote state to allow a licensee from another state to
40 practice as a physical therapist or work as a physical
41 therapist assistant in the remote state under its laws and
42 rules. The practice of physical therapy occurs in the state
43 where the ~~patient/client~~ patient or client is located at the
44 time of the ~~patient/client~~ patient or client encounter.

45 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
46 a physical therapist or physical therapist assistant in a
47 compact state who has been granted a compact privilege by the
48 commission.

49 (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
50 trained or educated in the practice of physical therapy
51 outside of the United States or any of its territorial
52 possessions.

53 (6) IMPAIRED. The inability of a physical therapy
54 licensee to practice physical therapy with reasonable skill
55 and safety to patients by reason of illness, inebriation,
56 excessive use of drugs, narcotics, alcohol, chemicals, or



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57 other substances, or as a result of any physical or mental
58 condition.

59 (7) PHYSICAL THERAPIST. A person who practices physical
60 therapy.

61 (8) PHYSICAL THERAPIST ASSISTANT. A person who assists
62 in the practice of physical therapy and whose activities
63 require an understanding of physical therapy but do not
64 require professional or advanced training in the anatomical,
65 biological, and physical sciences involved in the practice of
66 physical therapy. The physical therapist assistant shall
67 practice only under the direction of a licensed physical
68 therapist.

69 (9) PHYSICAL THERAPY. The treatment of a human being by
70 the use of exercise, massage, heat, cold, water, radiant
71 energy, electricity, or sound for the purpose of correcting or
72 alleviating any physical or mental condition or preventing the
73 development of any physical or mental disability, or the
74 performance of neuromuscular-skeletal tests and measurements
75 to determine the existence and extent of body malfunction;
76 ~~provided, that physical therapy shall be practiced only upon~~
77 ~~the referral of a physician licensed to practice medicine or~~
78 ~~surgery, a dentist licensed to practice dentistry, a licensed~~
79 ~~chiropractor, a licensed assistant to a physician acting~~
80 ~~pursuant to a valid supervisory agreement, or a licensed~~
81 ~~certified registered nurse practitioner in a collaborative~~
82 ~~practice agreement with a licensed physician, except as~~
83 ~~otherwise provided in this chapter,~~ as well as any other means
84 or methods taught in schools or colleges which are recognized



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85 by the Alabama Board of Physical Therapy, so long as they do
86 not conflict with any other provision of this article.

87 Physical therapy does not include radiology or electrosurgery.

88 (10) PHYSICAL THERAPY AIDE. A person trained under the
89 direction of a physical therapist who performs designated and
90 supervised routine tasks related to physical therapy services.

91 (11) PHYSICAL THERAPY LICENSEE. A physical therapist or
92 physical therapist assistant who is licensed under this
93 article.

94 (12) PHYSICAL THERAPY REFERRER. A physician licensed to
95 practice medicine or surgery, a dentist licensed to practice
96 dentistry, a licensed chiropractor, a licensed assistant to a
97 physician acting pursuant to a valid supervisory agreement, or
98 a licensed certified registered nurse practitioner in a
99 collaborative practice agreement with a licensed physician.

100 ~~(12)~~ (13) PHYSIOTHERAPIST. Synonymous with the term
101 "physical therapist," and the term shall be used to identify
102 only those persons licensed under this article. The physical
103 therapist may use the letters "P.T." ~~or "R.P.T."~~ in connection
104 with his or her name or place of business to denote his or her
105 registration hereunder.

106 ~~(13)~~ (14) RESTRICTED LICENSE.

107 a. For a physical therapist, a license on which the
108 board has placed restrictions or conditions, or both, as to
109 the scope of practice, place of practice, supervision of
110 practice, duration of licensed status, or type or condition of
111 patient to whom the physical therapist may provide services.

112 b. For a physical therapist assistant, a license on



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113 which the board has placed any restriction.

114 (b) Words importing the masculine gender shall include
115 the feminine."

116 Section 2. Section 34-24-210.1, as last amended by Act
117 2023-480, 2023 Regular Session, Code of Alabama 1975, is
118 amended to read as follows:

119 "§34-24-210.1

120 ~~(a) Without prescription or referral, a licensed~~
121 ~~physical therapist or compact privilege holder may perform an~~
122 ~~initial evaluation or consultation of a screening nature to~~
123 ~~determine the need for physical therapy and may perform the~~
124 ~~physical therapy and other services provided in subdivisions~~
125 ~~(b) (1) through (5). Implementation of physical therapy shall~~
126 ~~otherwise be based on the referral of a person licensed to~~
127 ~~practice medicine, surgery, dentistry, chiropractic, licensed~~
128 ~~assistant to a physician acting pursuant to a valid~~
129 ~~supervising agreement, or a licensed certified registered~~
130 ~~nurse practitioner in a valid collaborative practice agreement~~
131 ~~with a licensed physician.~~

132 ~~(b) The physical therapy and other services referred to~~
133 ~~in subsection (a), which may be performed without prescription~~
134 ~~or referral, include and are limited to the following:~~

135 ~~(1) To a child with a diagnosed developmental~~
136 ~~disability pursuant to the plan of care for the child.~~

137 ~~(2) To a patient of a home health care agency pursuant~~
138 ~~to the plan of care for the patient.~~

139 ~~(3) To a patient in a nursing home pursuant to the plan~~
140 ~~of care for the patient.~~



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141 ~~(4) Related to conditioning or to providing education~~
142 ~~or activities in a wellness setting for the purpose of injury~~
143 ~~prevention, reduction of stress, or promotion of fitness.~~

144 ~~(5) To an individual for a previously diagnosed~~
145 ~~condition or conditions for which physical therapy services~~
146 ~~are appropriate after informing the health care provider~~
147 ~~rendering the diagnosis. The diagnosis shall have been made~~
148 ~~within the immediately preceding 90 days. The physical~~
149 ~~therapist shall provide the health care provider who rendered~~
150 ~~the diagnosis with a plan of care for physical therapy~~
151 ~~services within the first 15 days of physical therapy~~
152 ~~intervention.~~

153 (a) A physical therapist may not treat patients without
154 a referral from a physical therapy referrer unless the
155 physical therapist possesses a doctorate in physical therapy
156 or a master's degree from an accredited institution along with
157 10 years of clinical practice experience and is licensed as a
158 physical therapist in this state having passed the examination
159 of the Federation of State Boards of Physical Therapy.

160 (b) In addition to the requirements of Section
161 34-24-216, a physical therapist shall annually complete an
162 additional two hours of continuing education focusing on the
163 professional standard of care.

164 (c) In treating a patient, the physical therapist shall
165 exercise the reasonable care, skill, and diligence as other
166 similarly situated health care providers in the same general
167 line of practice ordinarily have and exercise in a like case.

168 (d) (1) Except as otherwise provided in this section,



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169 and except with respect to patients seeking treatment for
170 work-related injuries, infirmities, diseases, or conditions
171 which do not provide any basis for establishing a claim or
172 right to recover under Alabama's Workers Compensation Act,
173 Section 25-5-1 et seq., a physical therapist meeting the
174 educational requirements of subsection (a), without a
175 referral, may perform an initial screening evaluation or
176 consultation for patients with non-work related injuries,
177 infirmities, diseases, or conditions to determine the need for
178 physical therapy, establish a plan of care, and initiate
179 physical therapy services without a referral. An individual
180 seeking treatment for physical therapy services who is paying
181 cash shall have direct access without restriction.

182 (2) A physical therapist meeting the educational
183 requirements of subsection (a) may perform physical therapy on
184 a patient without a referral from a physical therapy referrer.
185 If the patient does not have a beneficial response to the
186 physical therapy in 30 calendar days, or 11 visits, whichever
187 occurs first, the patient shall be referred to a health care
188 provider as appropriate. These treatment limitations shall not
189 apply to any of the following:

190 a. A child with a diagnosed developmental disability
191 pursuant to the plan of care for the child developed by a
192 physical therapy referrer.

193 b. A patient of a home health agency pursuant to the
194 agency's plan of care for the patient.

195 c. A patient of a nursing home pursuant to the plan of
196 care for the patient developed by the medical staff of the



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197 nursing home.

198 d. A patient previously diagnosed with a chronic
199 condition for which physical therapy services are appropriate
200 after informing the physical therapy referrer rendering the
201 diagnosis. The diagnosis shall have been made within the
202 immediately preceding 120 days. The physical therapist shall
203 provide the physical therapy referrer with a plan of care for
204 physical therapy services within the first 15 days of
205 treatment.

206 e. Education or activities in a wellness setting
207 relating to conditioning for the purpose of prevention of
208 injury, reduction of stress, or promotion of fitness.

209 (e) The licensed physical therapist shall immediately
210 refer a patient to other health care providers upon a
211 measurable deterioration in the patient's condition.

212 (f) A physical therapist treating a patient referenced
213 in subdivision (d)(2) without a referral from a physical
214 therapy referrer, prior to beginning treatment, shall provide
215 written disclosure to the patient that the physical
216 therapist's assessment is not a medical diagnosis and is not
217 based on any radiologic or medical imaging.

218 (g) Failure of a physical therapist to timely refer the
219 patient to a physical therapy referrer when the patient
220 exhibits or develops signs, symptoms, or conditions requiring
221 treatment beyond the scope of practice of physical therapy
222 shall constitute unprofessional conduct under the rules of the
223 board.

224 (h) A physical therapist is prohibited from doing any



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225 of the following:

226 (1) Practicing medicine, osteopathy, dentistry, or
227 chiropractic medicine.

228 (2) Ordering or interpreting any form of radiologic or
229 medical imaging.

230 (3) Ordering or interpreting any diagnostic testing,
231 including clinical laboratory tests.

232 (4) Ordering any type of medical procedure.

233 (5) Ordering, prescribing, or administering any
234 prescription medication or drug; however, a physical therapist
235 may administer topical medications for which a prescription is
236 not required or for which the patient has a valid order or
237 prescription.

238 (6) Admitting or discharging a patient from any health
239 care facility licensed in this state.

240 (7) Performing physical therapy on any individual who
241 suffered a concussion within the previous 45 days, unless
242 cleared for physical therapy by a physician licensed to
243 practice medicine or osteopathy.

244 (8) Performing sports physicals on or certifying a
245 student athlete as capable of returning to play; however, a
246 physical therapist may assist in sports physicals performed by
247 licensed physicians or in assessing the extent of movement
248 dysfunctions for student athletes to return to play when no
249 other conditions exist.

250 (9) Performing physical therapy on any individual who
251 has undergone a surgical procedure for a diagnosed condition
252 within the previous 90 days without a referral from a physical



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253 therapy referrer. This would not prevent an individual from
254 seeking treatment for any other treatment unrelated to the
255 surgical procedure.

256 (10) Directing or supervising more than four physical
257 therapy assistants at one time.

258 (i) No physical therapy referrer shall be civilly
259 liable for any act, omission, advice, care, or service
260 provided by a physical therapist or other individual providing
261 physical therapy services without a referral.

262 (j) For any physical therapist treating a patient
263 without a referral from a physical therapy referrer, the
264 physical therapist shall maintain professional liability
265 insurance at a limit of no less than one hundred thousand
266 dollars (\$100,000) per occurrence and three hundred thousand
267 dollars (\$300,000) aggregate. The board may adopt rules to
268 increase, but may not decrease, the minimum professional
269 liability insurance carried by a physical therapist treating a
270 patient without a referral from a physical therapy referrer.

271 (k) A physical therapist possessing a doctoral degree
272 may not utilize the terms "doctor" in any advertisements,
273 representations, or statements made to the public related to
274 the provision of physical therapy unless immediately followed
275 by "Doctor of Physical Therapy", "DPT", or "PT" in the same
276 size type and font.

277 (l) Nothing in this act shall permit a licensed
278 athletic trainer employed by a physical therapist to operate
279 outside of his or her respective scope of practice, or in
280 conflict with the Alabama Athletic Trainers Licensure Act,



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281 including requirements to work under the direction of a
282 licensed physician. A physical therapist may not require a
283 licensed athletic trainer, who is employed by the physical
284 therapist to provide athletic training services, to refer
285 patients to the clinic or facility where the physical
286 therapist is employed.

287 (m) Nothing contained in this act shall be construed to
288 create a requirement that any health benefit plan, group
289 insurance plan, policy, or contract for health care services
290 that covers hospital, medical, or surgical expenses, health
291 maintenance organizations, preferred provider organizations,
292 medical service organizations, physician-hospital
293 organizations, or any person, firm, corporation, joint
294 venture, or other similar business entity that pays for,
295 purchases, or furnishes group health care services to
296 patients, insureds, or beneficiaries in this state, including
297 entities created pursuant to Article 6, of Chapter 20, Title
298 10A, commencing with Section 10A-20-6.01, provide coverage or
299 reimbursement for the services described or authorized in this
300 act."

301 Section 3. This act shall become effective on June 1,
302 2024.



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House of Representatives

Read for the first time and referred27-Feb-24
to the House of Representatives
committee on Health

Read for the second time and placed04-Apr-24
on the calendar:
0 amendments

Read for the third time and passed09-Apr-24
as amended
Yeas 95
Nays 3
Abstains 5

John Treadwell
Clerk