

HB110 ENROLLED



1 G3WYC6-2
2 By Representative Moore (P)
3 RFD: Boards, Agencies and Commissions
4 First Read: 21-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to the Board of Physical Therapy; to amend
5 Sections 34-24-191, 34-24-193, 34-24-194, 34-24-196,
6 34-24-210, 34-24-210.1, 34-24-211, 34-24-212, 34-24-213,
7 34-24-214, and 34-24-217, Code of Alabama 1975; to give the
8 board authority over certain physical therapy professionals
9 licensed in other states.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 34-24-191, 34-24-193, 34-24-194,
12 34-24-196, 34-24-210, 34-24-210.1, 34-24-211, 34-24-212,
13 34-24-213, 34-24-214, and 34-24-217, Code of Alabama 1975, are
14 amended to read as follows:

15 "§34-24-191

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

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

21 (2) COMMISSION. The Physical Therapy Compact
22 Commission, the national administrative body whose membership
23 consists of all states that have enacted the interstate
24 compact.

25 (3) COMPACT PRIVILEGE. The authorization granted by a
26 remote state to allow a licensee from another state to
27 practice as a physical therapist or work as a physical
28 therapist assistant in the remote state under its laws and



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29 rules. The practice of physical therapy occurs in the state
30 where the patient/client is located at the time of the
31 patient/client encounter.

32 (4) COMPACT PRIVILEGE HOLDER. An individual licensed as
33 a physical therapist or physical therapist assistant in a
34 compact state who has been granted a compact privilege by the
35 Commission.

36 ~~(2)~~ (5) FOREIGN EDUCATED PHYSICAL THERAPIST. A person
37 trained or educated in the practice of physical therapy
38 outside of the United States or any of its territorial
39 possessions.

40 ~~(3)~~ (6) IMPAIRED. The inability of a physical therapy
41 licensee to practice physical therapy with reasonable skill
42 and safety to patients by reason of illness, inebriation,
43 excessive use of drugs, narcotics, alcohol, chemicals, or
44 other substances, or as a result of any physical or mental
45 condition.

46 ~~(4)~~ (9) PHYSICAL THERAPY. The treatment of a human being
47 by the use of exercise, massage, heat, cold, water, radiant
48 energy, electricity, or sound for the purpose of correcting or
49 alleviating any physical or mental condition or preventing the
50 development of any physical or mental disability, or the
51 performance of neuromuscular-skeletal tests and measurements
52 to determine the existence and extent of body malfunction;
53 provided, that physical therapy shall be practiced only upon
54 the referral of a physician licensed to practice medicine or
55 surgery, a dentist licensed to practice dentistry, a licensed
56 chiropractor, a licensed assistant to a physician acting



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57 pursuant to a valid supervisory agreement, or a licensed
58 certified registered nurse practitioner in a collaborative
59 practice agreement with a licensed physician, except as
60 otherwise provided in this chapter. Physical therapy does not
61 include radiology or electrosurgery.

62 ~~(5)~~ (7) PHYSICAL THERAPIST. A person who practices
63 physical therapy.

64 ~~(6)~~ (11) PHYSICAL THERAPY LICENSEE. A physical therapist
65 or physical therapist assistant who is licensed under this
66 article.

67 ~~(7)~~ (12) PHYSIOTHERAPIST. Synonymous with the term
68 "physical therapist," and the term shall be used to identify
69 only those persons licensed under this article. The physical
70 therapist may use the letters "P.T." or "R.P.T." in connection
71 with his or her name or place of business to denote his or her
72 registration hereunder.

73 ~~(8)~~ (8) PHYSICAL THERAPIST ASSISTANT. A person who
74 assists in the practice of physical therapy and whose
75 activities require an understanding of physical therapy but do
76 not require professional or advanced training in the
77 anatomical, biological, and physical sciences involved in the
78 practice of physical therapy. The physical therapist assistant
79 shall practice only under the direction of a licensed physical
80 therapist.

81 ~~(9)~~ (10) PHYSICAL THERAPY AIDE. A person trained under
82 the direction of a physical therapist who performs designated
83 and supervised routine tasks related to physical therapy
84 services.



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85 ~~(10)~~ (13) RESTRICTED LICENSE.

86 a. For a physical therapist, a license on which the
87 board has placed restrictions or conditions, or both, as to
88 the scope of practice, place of practice, supervision of
89 practice, duration of licensed status, or type or condition of
90 patient to whom the physical therapist may provide services.

91 b. For a physical therapist assistant, a license on
92 which the board has placed any restriction.

93 (b) Words importing the masculine gender shall include
94 the feminine."

95 "§34-24-193

96 (a) ~~It shall be the duty of t~~ The board ~~to~~ shall have
97 the following duties:

98 (1) To pass upon the qualifications of applicants for
99 licensing as physical therapists ~~and licensing as or~~ physical
100 therapist assistants~~r~~.

101 (2) To ~~to~~ conduct examinations~~r~~.

102 (3) To ~~to~~ issue licenses ~~and~~ and license renewals to
103 physical therapists and physical therapist assistants
104 qualifying under this article.

105 (4) To ~~and in a proper case to~~ suspend or revoke as
106 necessary the license or compact privilege of such ~~persons~~
107 individuals.

108 (b) The board ~~may~~ shall adopt rules ~~and regulations~~ not
109 inconsistent with law as it may deem necessary for the
110 performance of its duties~~r~~, however~~r~~ the board shall not ~~issue~~
111 adopt any rules ~~or regulations~~ that require a physical
112 therapist assistant to be within sight of a consulting



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113 physical therapist or a physical therapist supervisor while
114 working under the direction of that physical therapist, or
115 ~~issue~~ adopt any rules, ~~regulations,~~ or issue any orders
116 inconsistent with Section 34-24-217(b). The board shall
117 maintain a listing of the name of every living physical
118 therapist and physical therapist assistant licensed or granted
119 a compact privilege in this state, his or her last known place
120 of business and last known place of residence, and the date
121 and number of his or her license.

122 (c) The board shall compile a list of physical
123 therapists and physical therapist assistants licensed to
124 practice or granted a compact privilege in this state, and
125 such list shall be available to any person upon application to
126 the board and the payment of ~~such charge~~ a fee as may be fixed
127 by the board.

128 (d) The board may establish and collect a fee for the
129 issuance of a compact privilege.

130 (e) Subject to the provisions of Section 34-24-195, the
131 board ~~shall have the power to~~ may make such expenditures and
132 employ such personnel as it may deem necessary for the
133 administration of ~~the provisions of~~ this article.

134 (f) The board shall hire and establish the
135 responsibilities and salary of an executive director.

136 ~~(b)~~ (g) The board ~~is hereby specifically authorized to~~
137 may establish and collect a fee for certifying to other boards
138 or entities that a licensee is a member in good standing with
139 the Alabama board.

140 ~~(e)~~ (h) The board may collect a fee from providers of



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141 continuing education programs.

142 ~~(d)~~ (i) The board ~~is hereby authorized to~~ may discipline
143 its licensees and compact privilege holders by the adoption
144 and collection of administrative fines, not to exceed one
145 thousand dollars (\$1,000) per violation, and ~~it is further~~
146 ~~authorized to~~ may institute any legal proceedings necessary to
147 effect compliance with this chapter.

148 ~~(e)~~ (j) (1) The board shall provide for an impaired
149 practitioner program beginning January 1, 2014.

150 ~~(1)~~ (2) The board shall promote the early
151 identification, intervention, treatment, and rehabilitation of
152 physical therapy licensees or compact privilege holders who
153 may be impaired by reason of illness, inebriation, excessive
154 use of drugs, narcotics, alcohol, chemicals, or other
155 substances, or as a result of any physical or mental
156 condition.

157 ~~(2)~~ (3) In order to carry out this obligation, the board
158 may contract with any nonprofit corporation or medical
159 professional association for the purpose of creating,
160 supporting, and maintaining a committee to be designated the
161 Alabama Physical Therapy Wellness Committee. The committee
162 shall be selected in a manner prescribed by the board. The
163 board may expend available funds as necessary to adequately
164 provide for the operational expenses of the committee
165 including, but not limited to, the actual cost of travel,
166 office overhead, and personnel expense. The funds provided by
167 the board for the purpose of operating expenses are not
168 subject to any provision of law requiring competitive bidding.



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169 ~~(3)~~ (4) The board may enter into an agreement with a
170 nonprofit corporation or medical professional association for
171 the committee to undertake those functions and
172 responsibilities specified in the agreement, which may include
173 any or all of the following:

174 a. Contracting with providers of treatment programs.

175 b. Receiving and evaluating reports of suspected
176 impairment from any source.

177 c. Intervening in cases of verified impairment.

178 d. Referring impaired physical therapy licensees or
179 compact privilege holders to treatment programs.

180 e. Monitoring the treatment and rehabilitation of
181 impaired physical therapy licensees or compact privilege
182 holders.

183 f. Providing post-treatment monitoring and support of
184 rehabilitated impaired physical therapy licensees or compact
185 privilege holders.

186 g. Performing other activities as agreed by the board
187 and the committee.

188 ~~(4)~~ (5) The committee shall develop procedures in
189 consultation with the board for all of the following:

190 a. Periodic reporting of statistical information
191 regarding impaired physical therapy licensee program activity.

192 b. Periodic disclosure and joint review of all
193 information the board deems appropriate regarding reports
194 received, contracts or investigations made, and the
195 disposition of each report. The committee may not disclose any
196 personally identifiable information except as otherwise



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197 provided in this article.

198 ~~(5)~~ (6) Any individual appointed to serve as a member of
199 the committee and any auxiliary personnel, consultant,
200 attorney, or other volunteer or employee of the committee
201 taking any action authorized by this article, engaging in the
202 performance of any duties on behalf of the committee, or
203 participating in any administrative or judicial proceeding
204 resulting therefrom, in the performance and operation thereof,
205 shall be immune from any liability, civil or criminal, that
206 might otherwise be incurred or imposed. Any nonprofit
207 corporation or medical professional association or other
208 entity that contracts with or receives funds from the board
209 for the creation, support, and operation of the committee, in
210 so doing, shall be immune from any liability, civil or
211 criminal, that might otherwise be incurred or imposed.

212 ~~(6)~~ (7) All information, interviews, reports,
213 statements, memoranda, or other documents furnished to or
214 produced by the committee and any findings, conclusions,
215 recommendations, or reports resulting from any investigation,
216 intervention, treatment, or rehabilitation, or other
217 proceeding of the committee is privileged and confidential.
218 All records and proceedings of the committee pertaining to an
219 impaired physical therapy licensee or compact privilege holder
220 are confidential and shall be used by the committee and the
221 members of the committee only in the exercise of the proper
222 function of the committee and shall not be public record nor
223 available for court subpoena or for discovery proceedings. In
224 the event of a breach of contract between the committee and



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225 the impaired physical therapy licensee or compact privilege
226 holder, all records pertaining to the conduct determined to
227 cause the breach of contract shall be disclosed to the board
228 upon its request for disciplinary purposes only. Nothing
229 contained in this subdivision shall apply to records made in
230 the regular course of business of a physical therapy licensee
231 and any information, document, or record otherwise available
232 from an original source is not to be construed as immune from
233 discovery or use in any civil proceeding merely because it is
234 presented or considered during proceedings of the committee.

235 ~~(7)~~ (8) The committee shall render an annual report to
236 the board concerning the operations and proceedings of the
237 committee for the preceding year. The committee shall report
238 to the board any physical therapy licensee or compact
239 privilege holder who in the opinion of the committee is unable
240 to perform physical therapy duties with reasonable skill and
241 safety to patients by reason of illness, inebriation,
242 excessive use of drugs, narcotics, alcohol, chemicals, or
243 other substances, or as a result of any physical or mental
244 condition when it appears that the physical therapy licensee
245 or compact privilege holder is currently in need of
246 intervention, treatment, or rehabilitation and the ~~licensee~~
247 individual has failed or refused to participate in any program
248 of treatment or rehabilitation recommended by the committee. A
249 report to the Alabama Physical Therapy Wellness Committee
250 shall be deemed a report to the board for the purposes of any
251 mandated reporting of ~~physical therapy licensee impairment~~ of
252 a licensee or compact privilege holder otherwise provided for



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253 by law.

254 ~~(8)~~ (9) If the board has reasonable cause to believe
255 that a physical therapy licensee or compact privilege holder
256 is impaired, the board may cause an evaluation of ~~the physical~~
257 ~~therapy licensee~~ that individual to be conducted by the
258 committee for the purpose of determining if there is an
259 impairment. The committee shall report the findings of its
260 evaluation to the board."

261 "§34-24-194

262 (a) Any person may file a complaint with the board
263 against any licensed physical therapist, ~~or~~ licensed physical
264 therapist assistant, or compact privilege holder in the state
265 charging the person with a violation of this article. The
266 complaint shall set forth specifications of charges in
267 sufficient detail to disclose to the accused fully and
268 completely the alleged acts of misconduct for which he or she
269 is charged. When a complaint is filed, the executive director
270 of the board shall mail a copy thereof to the accused by
271 registered mail at his or her address of record, with a
272 written notice of the time and place of a hearing of the
273 complaint, advising the accused that he or she may be present
274 in person and by counsel if he or she so desires to offer
275 testimony and evidence in his or her defense.

276 (b) The board may issue subpoenas and compel the
277 attendance of any witness or the production of any book,
278 writing, or other documentation in the possession, custody, or
279 control of any person. Any person refusing to produce any
280 book, writing, or other documentation or to appear to testify,



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281 without legal excuse, at a hearing of the board, after having
282 been served with a subpoena issued by the board requiring the
283 person to appear, produce any book, writing, or other form of
284 documentation or testify at the hearing, shall be guilty of
285 contempt. Upon certification of the act of contempt by the
286 board to the judge of the circuit court in whose jurisdiction
287 the hearing is held or is to be held, the judge shall punish
288 the contempt as though committed before the judge. The accused
289 party shall, on application to the board, be furnished by the
290 board with a subpoena for any witness in his or her behalf or
291 for the production of any book, writing, or other
292 documentation to be used in his or her behalf at the hearing.

293 (c) At the hearing, the board shall receive evidence
294 upon the subject matter under consideration and shall accord
295 the accused ~~person~~ individual a full and fair opportunity to
296 be heard in his or her defense. The board shall not be bound
297 by strict or technical rules of evidence, but shall consider
298 all evidence fully and fairly except, that all oral testimony
299 considered by the board must be under oath. If the board is
300 convinced that the ~~licensed physical therapist or the licensed~~
301 ~~physical therapist assistant~~ licensee or compact privilege
302 holder has violated this article, it may revoke his or her
303 license.

304 (d) The action of the board in revoking or refusing to
305 issue a license or compact privilege may be reviewed by the
306 Circuit Court of Montgomery County by a writ of mandamus,
307 accompanied by a bond to be approved by the court, to
308 determine whether the board acted arbitrarily, capriciously,



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309 or illegally. The review procedure provided in this subsection
310 shall not suspend the action of the board in the revocation or
311 refusal of a license.

312 (e) The board may restrict a license or compact
313 privilege and may require ~~the licensee~~ a licensee or compact
314 privilege holder to report regularly to the board on matters
315 related to the reasons for the restricted license."

316 "§34-24-196

317 (a) Each violation of Section 34-24-210 shall be
318 punishable by a fine of not less than one hundred dollars
319 (\$100) ~~\$100~~ nor more than five hundred dollars (\$500) ~~\$500~~, or
320 by imprisonment for not less than 30 days nor more than 90
321 days, or both.

322 (b) Any ~~person~~ individual who knowingly makes a false
323 statement in his or her application for ~~registration or a~~
324 license or compact privilege under this article, or in
325 response to any inquiry by the board, shall be fined not less
326 than one hundred dollars (\$100) ~~\$100~~ nor more than five hundred
327 dollars (\$500) ~~\$500~~ or by imprisonment for not less than 30
328 days nor more than 90 days, or both."

329 "§34-24-210

330 (a) License or compact privilege required. No ~~person~~
331 individual shall practice nor hold himself or herself out to
332 be able to practice physical therapy in this state unless he
333 or she is licensed or has been granted a compact privilege in
334 accordance with this ~~article~~ chapter.

335 (b) License or compact privilege required. No ~~person~~
336 individual shall act nor hold himself or herself out as being



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337 able to act as a physical therapist assistant unless he or she
338 is licensed or has been granted a compact privilege in
339 accordance with this article.

340 (c) Other healing arts not affected. Nothing in this
341 article shall prohibit any ~~person~~ individual licensed to
342 practice any other of the healing arts in this state under any
343 other law from engaging in the practice for which he or she is
344 licensed."

345 "§34-24-210.1

346 (a) Without prescription or referral, a licensed
347 physical therapist or compact privilege holder may perform an
348 initial evaluation or consultation of a screening nature to
349 determine the need for physical therapy and may perform the
350 physical therapy and other services provided in subdivisions
351 ~~(1) to (5), inclusive, of subsection~~ (b) (1) through (5).

352 Implementation of physical therapy shall otherwise be based on
353 the referral of a person licensed to practice medicine,
354 surgery, dentistry, chiropractic, licensed assistant to a
355 physician acting pursuant to a valid supervising agreement, or
356 a licensed certified registered nurse practitioner in a valid
357 collaborative practice agreement with a licensed physician.

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

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

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



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

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

370 (5) To an individual for a previously diagnosed
371 condition or conditions for which physical therapy services
372 are appropriate after informing the health care provider
373 rendering the diagnosis. The diagnosis shall have been made
374 within the immediately preceding 90 days. The physical
375 therapist shall provide the health care provider who rendered
376 the diagnosis with a plan of care for physical therapy
377 services within the first 15 days of physical therapy
378 intervention."

379 "§34-24-211

380 (a) An applicant for licensure as a physical therapist
381 or ~~for a license~~ as a physical therapist assistant shall file
382 a written application on forms provided by the board together
383 with a fee as set by the board, no part of which shall be
384 ~~returned~~refundable. The applicant shall present evidence
385 satisfactory to the board that he or she is of good moral
386 character and has completed a program of physical therapy
387 education appropriate for training a physical therapist or a
388 physical therapist assistant, ~~as the case may be,~~ approved by
389 the board or a nationally recognized accrediting agency. Each
390 applicant shall also be a citizen of the United States or, if
391 not a citizen of the United States, a person who is legally
392 present in the United States with appropriate documentation



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393 from the federal government.

394 (b) On and after June 1, 2021, an applicant for
395 licensure as a physical therapist or a physical therapist
396 assistant shall submit to the board, on a form sworn to by the
397 applicant, his or her name, date of birth, Social Security
398 number, and two complete sets of fingerprints for completion
399 of a criminal history background check. The board shall submit
400 the fingerprints to the Alabama State Law Enforcement Agency
401 for a state criminal history background check. The
402 fingerprints shall be forwarded by the agency to the Federal
403 Bureau of Investigation for a national criminal history
404 background check. Costs associated with conducting a criminal
405 history background check shall be paid by the applicant."

406 "§34-24-212

407 (a) Generally. The board shall give an appropriate
408 physical therapy examination and a jurisprudence examination
409 to every applicant who complies with Section 34-24-211 and who
410 pays the fee prescribed for the examination. Examinations
411 shall be held within the state at least once each year, at
412 such times and places as the board determines. A practical or
413 demonstration examination may be required at the discretion of
414 the board when an applicant is retaking a written examination
415 after previously having failed such an examination.

416 (b) Physical therapist. The physical therapy
417 examination given applicants for licensure as a physical
418 therapist shall be a written examination, approved by the
419 board. ~~Such examination shall~~ to test the applicant's
420 knowledge of the basic and clinical sciences as they relate to



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421 the practice of physical therapy, physical therapy theory and
422 procedures, and such other subjects as the board may deem
423 useful to test the applicant's fitness to practice physical
424 therapy. The board shall also administer a jurisprudence
425 examination to applicants for licensure as a physical
426 therapist, which shall be a written examination approved by
427 the board to test the applicant's knowledge of the laws and
428 rules of the State of Alabama as they relate to the practice
429 of physical therapy and such other subjects as the board may
430 deem useful to test the applicant's knowledge of applicable
431 law. A practical or demonstration examination may be required
432 if so determined by the board. The board, in its discretion,
433 may waive the requirement for a jurisprudence examination.

434 (c) Physical therapist assistant. The physical therapy
435 examination given applicants for licensure as physical
436 therapist assistant ~~will~~shall be a written examination,
437 approved by the board. ~~Such examination shall to~~ test the
438 applicant's knowledge of the basic and clinical sciences as
439 they relate to the practice of physical therapy, physical
440 therapy theory and procedures, and such other subjects as the
441 board may deem useful to test the applicant's fitness to act
442 as a physical therapist assistant. The board shall also
443 administer a jurisprudence examination to applicants for
444 licensure as a physical therapist assistant, which shall be a
445 written examination approved by the board to test the
446 applicant's knowledge of the laws and rules of the State of
447 Alabama as they relate to the practice of physical therapy and
448 such other subjects as the board may deem useful to test the



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449 applicant's knowledge of applicable law. A practical or
450 demonstration examination may be required if so determined by
451 the board. The board, in its discretion, may waive the
452 requirement for a jurisprudence examination.

453 (d) Foreign educated physical therapist. Any foreign
454 educated physical therapist who plans to practice in the state
455 must have their educational credentials evaluated by a
456 recognized educational evaluation agency and have that agency
457 send their report directly to the board. The board ~~will~~ shall
458 determine the acceptability of equivalency in educational
459 preparation. If the board ~~rules~~ determines the education to be
460 acceptable, the routine application process will be followed.

461 (e) Compact privilege applicants. Individuals
462 purchasing a compact privilege for the State of Alabama shall
463 pass the jurisprudence examination required of licensed
464 physical therapists of licensed physical therapist assistants
465 before the privilege is issued by the Commission.

466 (f) By January 1, 2024, the board shall adopt rules to
467 implement this chapter."

468 "§34-24-213

469 The board shall issue a license to each applicant who
470 passes the appropriate examination for licensure as a physical
471 therapist or licensure as a physical therapist assistant in
472 accordance with standards fixed by it and who is not
473 disqualified to receive a license under the provisions of
474 Section 34-24-217."

475 "§34-24-214

476 ~~On~~ Upon payment to the board of a fee set by the board



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477 and the submission of a written application on forms provided
478 by the board, the board shall issue a license without
479 examination to:

480 (1) ~~A person~~ An individual who is qualified within the
481 meaning of this article as a physical therapist by another
482 state of the United States of America, its possessions, or the
483 District of Columbia, if the requirements for licensing or
484 registration in such state, possession, or district were at
485 the date of his or her licensing or registration by ~~such~~ that
486 state substantially equal to the requirement for the initial
487 licensing of ~~persons~~ individuals practicing physical therapy
488 when this article became effective, August 20, 1965, or for
489 licensing by examination prepared by the professional
490 examining service as set forth in ~~the~~ this article and any
491 additional requirements prescribed by the board.

492 (2) ~~A person~~ An individual who is qualified within the
493 meaning of this article as a physical therapist assistant by
494 another state of the United States of America, its
495 possessions, or the District of Columbia, if the requirements
496 for licensing in such state, possession, or district were at
497 the date of his or her licensing by ~~such~~ that state
498 substantially equal to the requirements set forth in this
499 article."

500 "§34-24-217

501 (a) The board shall refuse to issue a license to any
502 ~~person~~ individual and, after notice and hearing in accordance
503 with its ~~regulations and~~ rules, shall suspend or revoke the
504 license or compact privilege of any ~~person~~ individual who has



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505 done any of the following:

506 (1) Practiced physical therapy other than upon the
507 referral of a physician licensed to practice medicine or
508 surgery, a dentist licensed to practice dentistry, a licensed
509 chiropractor, a licensed assistant to a physician acting
510 pursuant to a valid supervisory agreement, or a licensed
511 certified registered nurse practitioner in a valid
512 collaborative practice agreement with a licensed physician,
513 except as provided in Section 34-24-210.1, or practiced as a
514 physical therapist assistant other than under the direction of
515 a licensed physical therapist~~†~~.

516 (2) Used drugs or ~~intoxicating liquors~~ alcoholic
517 beverages to an extent which affects his or her professional
518 competency~~†~~.

519 (3) Been convicted of a felony or of a crime involving
520 moral turpitude~~†~~.

521 (4) Obtained or attempted to obtain a license or
522 compact privilege by fraud or deception~~†~~.

523 (5) Been grossly negligent in the practice of physical
524 therapy or in acting as a physical therapist assistant~~†~~.

525 (6) Been adjudged mentally incompetent by a court of
526 competent jurisdiction~~†~~.

527 (7) Been guilty of conduct unbecoming a ~~person licensed~~
528 ~~as a physical therapist or licensed as a physical therapist~~
529 ~~assistant~~ licensee or compact privilege holder or of conduct
530 detrimental to the best interest of the public~~†~~.

531 (8) Been convicted of violating any state or federal
532 narcotic law~~†~~.



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533 (9) Treated or undertaken to treat human ailments
534 otherwise than by physical therapy as defined in this
535 article~~†~~.

536 (10) Advertised unethically according to standards as
537 set by the board~~;~~ ~~or~~.

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

540 (b) For purposes of this article and notwithstanding
541 any other provision of this article or any rules ~~or~~
542 ~~regulations~~ adopted by the board, any ~~person licensed~~licensee
543 or compact privilege holder under this article who has a bona
544 fide employment or independent contract with a physician, a
545 physician group, or an entity with which a physician has a
546 legal compensation arrangement, including fair market value
547 wages, compensation, benefits, or rents for services or
548 property provided, or in which a physician has a legal
549 financial interest, including any direct or indirect ownership
550 or investment interest, shall not be deemed to be engaged in
551 conduct unbecoming a ~~person licensed~~licensee or compact
552 privilege holder under this article, or to be engaged in
553 conduct detrimental to the best interest of the public, or to
554 be in violation of any other provision of this article by
555 virtue of any of the above relationships, and shall not be
556 subject to licensure or compact privilege denial, suspension,
557 revocation, or any other disciplinary action or penalty under
558 this article: (1) by virtue of such employment or contract, or
559 (2) by virtue of the provision of physical therapy services
560 pursuant to a referral from the employing or contracting



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561 physician, or from a physician with a legal compensation
562 arrangement with or a legal financial interest in the
563 employing or contracting physician group."

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 27-Apr-23.

John Treadwell
Clerk

Senate

31-May-23

Passed