HB202

126938-1

By Representatives Henry, Merrill, Greer, Beech, Drake, Todd, Collins and Brown

RFD: Health

First Read: 09-MAR-11
SYNOPSIS: Under existing law, the practice of physical therapy is regulated by the Board of Physical Therapy pursuant to the Physical Therapy Practice Act.

This bill substantially revises and recasts the Physical Therapy Practice Act as the act relates to the regulation and licensure of physical therapists and physical therapist assistants.

This bill would provide legislative intent relating to the Physical Therapy Practice Act and would revise definitions and the manner of appointing board members.

This bill would provide immunity for members of the board, provide further for the powers and duties of the board, and specify the rights of consumers to board and licensee information.

This bill would provide for the filing of complaints with the board and would expand the disciplinary powers of the board.
This bill would prohibit the unlawful practice of physical therapy.

This bill would provide exemptions from licensure and would revise the application process, the qualifications necessary for licensure as a physical therapist and a physical therapist assistant, the eligibility requirements for taking licensure examinations, reciprocal licensing requirements, and license renewal requirements.

This bill would require licensees to promptly report name, address, and telephone number changes to the board, provide for the reinstatement of lapsed and revoked licenses, specify insignias to designate licensure, provide for the responsibilities of a physical therapist in rendering patient care, and provide grounds for the denial of a license and other disciplinary action against a licensee.

This bill would provide for licensee participation in substance abuse recovery programs.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Physical Therapy Practice Act; to amend Sections 34-24-190, 34-24-191, 34-24-192, and 34-24-193,
to add Sections 34-24-194 and 34-24-195, to amend and renumber Sections 34-24-194, 34-24-195, and 34-24-196, and to add Sections 34-24-199 and 34-24-200 to Division 1, commencing with Section 34-24-190, of Article 5, Chapter 24, Title 34, Code of Alabama 1975; to amend Sections 34-24-210, 34-24-211, and 34-24-212, to repeal Section 34-24-213, to amend and renumber Section 34-24-214, to repeal Section 34-24-215, to amend and renumber Section 34-24-216, to add Sections 34-24-215, 34-24-216, 34-24-217, 34-24-218, and 34-24-219, and to amend and renumber Section 34-24-217, of Division 2, commencing with Section 34-24-210, Article 5, Chapter 24, Title 34, Code of Alabama 1975; and to add Section 34-24-221 to provide legislative intent; to revise definitions; to revise the manner of appointing members to the board and provide immunity for members of the board; to provide further for the powers and duties of the board; to specify the rights of consumers to board and licensee information; to provide for the filing of complaints with the board and expand the disciplinary powers of the board; to prohibit the unlawful practice of physical therapy; to provide exemptions from licensure; to revise the application process and the qualifications necessary for licensure as a physical therapist and a physical therapist assistant; to revise the eligibility requirements for taking the licensure examinations; to revise the reciprocal licensing requirements; to revise the license renewal requirements; to require licensees to report name, address, and telephone number changes to the board within 30
days; to provide for the reinstatement of lapsed and revoked licenses; to specify insignias for designating licensure; to provide for the responsibilities of a physical therapist in rendering patient care; to provide grounds for the denial of a license and other disciplinary action against a licensee; and to provide for licensee participation in substance abuse recovery programs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-24-190, 34-24-191, 34-24-192, and 34-24-193, Code of Alabama 1975, are amended to read as follows:

"§34-24-190.

"(a) This article may be cited as the Physical Therapy Practice Act.

"(b) The purpose of this article is to protect the public health, safety, and welfare and to provide for state administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the intent of the Legislature that only those persons who satisfy and maintain prescribed standards of competence and conduct engage in the practice of physical therapy pursuant to this article.

"(c) This article shall be liberally construed to promote the public interest and to accomplish the purposes provided in this section.

"§34-24-191."
For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed by this section:

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

(2) CONSULTATION BY MEANS OF TELECOMMUNICATION. When a physical therapist renders a professional or expert opinion or advice pursuant to telecommunications or computer technology from a distant location. The term includes the review or transfer of patient records or related information by means of audio, video, or other form of electronic data communications.

(3) PHYSIOTHERAPIST. Synonymous with the term "physical therapist," and said 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 name or place of business to denote his registration hereunder.

(3) DIRECTION. The action of a physical therapist in delegating duties to, maintaining close communication with, and overseeing the activities of a physical therapist assistant on a frequent and regularly scheduled basis.

(4) EXAMINATION. A national examination approved by the board for the licensure of physical therapists or physical therapist assistants.

(5) IMPAIRED. The inability of a physical therapy licensee to practice physical therapy with reasonable skill
and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

"(6) JURISDICTION OF THE UNITED STATES. Any state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory of the United States.

"(7) ONSITE SUPERVISION. When the licensee is continuously onsite and present in the department or facility where services are being provided, is immediately available to the person being supervised, and maintains continuing involvement in appropriate aspects of each treatment session.

"(8) PHYSICAL THERAPIST. A person who practices physical therapy is licensed to practice physical therapy pursuant to this article. The term is synonymous with the term physiotherapist.

"(9) 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 anatomical, biological and physical sciences involved in the practice of physical therapy. The is licensed pursuant to this article to assist the physical therapist in the practice of physical therapy. A physical therapist assistant shall practice only under the direction of a registered licensed physical therapist.
"(10) (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 shall not include radiology or electrosurgery. Care, services, and treatment provided by or under the direction and supervision of a physical therapist. The term is synonymous with the term physiotherapy.

"(11) (5) PHYSICAL THERAPY TECHNICIAN. Synonymous with the term "physical therapist assistant," and said term shall be used to identify only those persons licensed under this article. The physical therapist assistant may use the letters "L.P.T.A." in connection with his name to denote his being licensed hereunder AIDE. A person trained under the direction of a physical therapist who performs designated and supervised routine tasks related to physical therapy services.

"(12) PHYSICAL THERAPY LICENSEE. A physical therapist or physical therapist assistant who is licensed pursuant to this article.

"(13) PRACTICE OF PHYSICAL THERAPY.

"a. The term includes all of the following:
1. Examining, evaluating, and testing persons who have mechanical, physiological, and developmental impairments, functional limitations, and disabilities or other health and movement-related conditions to determine a diagnosis, prognosis, and plan of physical therapy treatment and to assess the ongoing effects of intervention.

2. Alleviating impairments, functional limitations, and disabilities by designing, implementing, and modifying treatment interventions that may include, but are not limited to, all of the following:

   (i) Therapeutic exercise.
   (ii) Movement-related functional training in self-care across environments.
   (iii) Manual therapy techniques.
   (iv) Therapeutic massage.
   (v) Prescriptive application and, as appropriate, fabrication of assistive, adaptive, protective, and supportive devices and equipment.
   (vi) Prescriptive application and adaptation of prosthetics.
   (vii) Airway clearance techniques.
   (viii) Integumentary protection and repair techniques.
   (ix) Debridement and wound care.
   (x) Physical agents or modalities.
   (xi) Mechanical and electrotherapeutic modalities.
   (xii) Patient-related instruction.
"3. Reducing the risk of injury, impairment, functional limitation, and disability through the promotion and maintenance of fitness, health, and wellness in all age populations.

"4. Engaging in administration, consultation, education, and research.

"b. The term does not include the making of a medical diagnosis.

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

"(14) RESTRICTED LICENSE.

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

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

"(15) TESTING. Standard methods and techniques used to gather data about a patient including, but not limited to, the use of electrodiagnostic and eletrophysiologic tests and measures.

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

"§34-24-192.
"(a) Composition; appointment and terms of members.

The Board of Physical Therapy shall consist of seven members appointed by the Governor as follows:

"(1) Four members shall be physical therapists who are residents of this state, have practiced in this state for not less than three years immediately preceding appointment, and have unrestricted licenses to practice physical therapy in this state. Each physical therapist appointee to the board shall have had no disciplinary action taken against him or her by a physical therapy board in any state in the three years immediately preceding appointment. The four physical therapist members shall be nominated from the congressional districts within the state.

"(2) Two members shall be physical therapist assistants who are residents of this state, have practiced in this state for not less than three years immediately preceding appointment, and have unrestricted licenses to practice physical therapy under the direction of a physical therapist in this state. Each physical therapist assistant appointment to the board shall have had no disciplinary action taken against him or her by a physical therapy board in any state in the three years immediately preceding appointment. The physical therapist assistants shall be nominated from the northern and southern areas of the state.

"(3) One member shall be a consumer member who is a resident of this state who has an interest in consumer rights, is not affiliated with any health care profession, and does
not have any financial interest in any health care profession and one member shall be a consumer. The consumer member shall be nominated from the state at large.

(b) The members shall be appointed by the Governor from a list of up to five persons nominated for each place on the board by the current licensees and certified to him or her by the board. The four physical therapist members shall be nominated from the congressional districts. The physical therapist assistant members shall be nominated from the northern and southern areas of the state. The consumer member shall be nominated from the state at large. For the purpose of preparing the list of five nominees for each position on the board, the board shall request nominations from vacant or potentially vacant congressional districts. In the event that five names are not received, the board shall request nominations from the state at large. The board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under this article shall have the right to attend, nominate, and vote. The board may regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting the board shall mail notices to each current licensee, at the address shown on his or her current registration on record with the board, notifying him or her of the exact date, hour, and place of the meeting, the purpose of the meeting, and of his or her right to attend and vote. A
majority of board members shall constitute a quorum for the transaction of business. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Whenever possible, no two physical therapist members of the board shall be residents of the same congressional district and the two physical therapist assistant members may not be residents of the same region shall not be represented by two physical therapists.

"(c) Board The board members shall be appointed for serve staggered terms of five years each, so that at least one member's term expires each year. As each member's term expires, the board shall provide a method of nominating members to the board so that each congressional district in the state is potentially represented on the board whenever possible. No person board member shall be appointed for serve more than two consecutive five-year terms or for more than 14 consecutive years. The service of a board member may be extended at the completion of his or her five-year term until reappointed by the Governor or until a new board member is appointed to his or her position on the board.

"(b) Qualifications of members. Each physical therapist or physical therapist assistant board member shall possess all the following qualifications:

"(1) Be a resident and citizen of this state.
"(2) Have practiced physical therapy, or acted as a physical therapist assistant, within the State of Alabama for the three years preceding his or her appointment.

"(3) Have no disciplinary action against his or her license for the three years preceding his or her appointment.

"(c) Vacancies. In the event of a vacancy within one year of the annual meeting at which the list containing his or her name was compiled, the Governor shall fill the vacancy by selecting another name from the remaining names on the list prepared pursuant to subsection (a). Any vacancy, other than one occurring prior to the next annual meeting after the initial appointment is made, shall be filled by appointment of the Governor from a list of five nominees submitted by the current licensees of the board.

"(d) Officers; compensation and expenses of members. The board shall designate one of its members as chair, one as secretary, and one as treasurer. Members of the board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for their other expenses in the same amounts and under the same conditions as state employees are reimbursed. The exact amount of the above-mentioned fee shall be fixed by the board.

"(d) Board members may receive compensation in an amount established by the board and shall receive per diem and travel expenses in the same amount as provided state employees
for attending meetings of the board and for representing the
board in official activities as approved by the board.

"(e) A board member who acts within the scope of
board duties, without malice and in the reasonable belief that
his or her actions are warranted by law, shall be immune from
civil liability for those acts.

"(f) Upon request of the board, the Governor may
remove any member of the board for misconduct, incompetence,
or neglect of duty.

"§34-24-193.

"(a) It shall be the duty of the board to pass upon
the qualifications of applicants for registration as physical
therapists and licensing as physical therapist assistants, to
carry examinations, to issue licenses and renewals to
physical therapists and physical therapist assistants
qualifying under this article and in a proper case to suspend
or revoke the registration or license of such persons. The
board may adopt rules and regulations not inconsistent with
law as it may deem necessary for the performance of its
duties; however, the board shall not issue any rules or
regulations that require a physical therapist assistant to be
within sight of a consulting physical therapist or a physical
therapist supervisor while working under the direction of that
physical therapist or issue any rules, regulations, or orders
inconsistent with Section 34-24-217(b). The board shall
maintain a register listing the name of every living physical
therapist and physical therapist assistant registered or
licensed in this state, his or her last known place of
business and last known place of residence, and the date and
number of his or her license. The board shall compile a list
of physical therapists and physical therapist assistants
registered or licensed to practice in this state, and such
list shall be available to any person upon application to the
board and the payment of such charge as may be fixed by the
board. Subject to the provisions of Section 34-24-195, the
board shall have the power to make such expenditures and
employ such personnel as it may deem necessary for the
administration of the provisions of this article.

"(b) The board is hereby specifically authorized to
establish and collect a fee for certifying to other boards or
entities that a licensee is a member in good standing with the
Alabama board.

"(c) The board is hereby authorized to discipline
its licensees by the adoption and collection of administrative
fines, not to exceed one thousand dollars ($1,000) per
violation, and it is further authorized to institute any legal
proceedings necessary to effect compliance with this chapter.

"The board shall do all of the following:

"(1) Evaluate the qualifications of applicants for
licensure.

"(2) Provide for the examination of physical
therapists and physical therapist assistants.

"(3) Issue and renew the licenses of persons who
satisfy the qualifications for licensure.
"(4) Regulate the practice of physical therapy through the interpretation and enforcement of this article and rules promulgated by the board pursuant to this article.

"(5) Upon request, issue advisory opinions regarding application of this article and rules promulgated by the board pursuant to this article.

"(6) Adopt and revise rules consistent with this article and pursuant to the Alabama Administrative Procedure Act, Chapter 22, Title 41.

"(7) Meet at least once each quarter in compliance with the Alabama Open Meetings Act, Chapter 25A, Title 36, and maintain an official record of all meetings.

"(8) Establish a mechanism for assessing the continuing professional competence of licensees.

"(9) Establish and collect fees in amounts sufficient to sustain the necessary operation and pay the expenses of the board.

"(10) Elect officers from among the membership of the board as necessary for the operation of the board and for fulfilling obligations of the board. Officers shall serve in their positions for terms of one year.

"(11) Provide for the timely orientation and training of new professional and public appointees to the board regarding licensing, disciplinary procedures, this article, and board rules, policies, and procedures.

"(12) Maintain a list of current information relating to each licensee. The information shall include, but
not be limited to, the name, current business address, current residential address, email address, telephone numbers, driver's license number, last known place of business, last known place of residence, and the date and number of any license issued by the board.

"(13) Provide information to the public regarding the complaint process.

"(14) Employ any necessary personnel to perform the administrative functions of the board. Board personnel shall receive compensation in an amount established by the board and shall receive per diem and travel expenses in the same amount as provided state employees.

"(15) Enter into contracts for services as necessary for the implementation and enforcement of this article and rules promulgated by the board pursuant to this article.

"(16) Report any final disciplinary action taken against a licensee to a national disciplinary database recognized by the board, or as otherwise required by law.

"(17) Report any information alleging unlawful conduct by a licensee, an unlicensed person, another health care provider, or health care entity to the appropriate county, state, or federal authority.

"(18) Publish, at least annually, a list of final disciplinary actions taken against licensees.

"(19) Publish, at least annually, previously unpublished board rulings, board opinions, and board
interpretations of statues or rules relating to the practice
of physical therapy.

"(20) Participate in or conduct performance audits
of the board.

"(21) Hire and establish the responsibilities and
compensation of an executive director.

"(22) Provide for an impaired practitioner program."

Section 2. Sections 34-24-194, 34-24-195, and
34-24-196 of the Code of Alabama 1975, are amended and
renumbered to read as follows:

"§34-24-194 §34-24-196.

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

"(b) The board may issue subpoenas and compel the
attendance of any witness or the production of any book,
writing, or other documentation in the possession, custody, or control of any person. Any person refusing to produce any book, writing, or other documentation or to appear to testify, without legal excuse, at a hearing of the board, after having been served with a subpoena issued by the board requiring the person to appear, produce any book, writing, or other form of documentation or testify at the hearing, shall be guilty of contempt. Upon certification of the act of contempt by the board to the judge of the circuit court in whose jurisdiction the hearing is held or is to be held, the judge shall punish the contempt as though committed before the judge. The accused party shall, on application to the board, be furnished by the board with a subpoena for any witness in his or her behalf or for the production of any book, writing, or other documentation to be used in his or her behalf at the hearing.

“(c) At the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the accused person a full and fair opportunity to be heard in his or her defense. The board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly except that all oral testimony considered by the board must be under oath. If the board is convinced that the registered licensed physical therapist or the licensed physical therapist assistant has violated this article, it may revoke his or her license take disciplinary action as provided by Section 34-24-198.
"(d) The action of the board in revoking or refusing to issue a license may be reviewed by the Circuit Court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously or illegally. The review procedure provided in this subsection shall not suspend the action of the board in the revocation or refusal of a license.

"§34-24-195 §34-24-197.

"All fees collected by the board shall be paid into the State Treasury and credited to a special fund designated as the "Physical Therapist Fund." There is hereby appropriated to the board all funds appropriated, or otherwise made available, to said the board by the Legislature of Alabama, the Congress of the United States or by any other source for the purpose of carrying out this article, and the board shall have power to direct the disbursement of all money collected hereunder. All expenditures authorized shall be paid for out of said the fund on vouchers certified by the chairman of the board executive director.

"§34-24-196 §34-24-198.

"(a) Each violation of Section 34-24-210 shall be punishable by a fine of not less than $100.00 nor more than $500.00, or by imprisonment for not less than 30 days nor more than 90 days, or both.

"(b) Any person who knowingly makes a false statement in his application for registration or license under this article or in response to any inquiry by the board shall
be fined not less than $100.00 nor more than $500.00 or by
imprisonment for not less than 30 days nor more than 90 days,
or both.

"Upon proof of any grounds listed in Section
34-24-220, the board may take any one or more of the following
disciplinary actions:

"(1) Issue a censure.

"(2) Restrict a license and require the licensee to
report regularly to the board on matters related to the
reasons for the restricted license.

"(3) Suspend a license for the period of time
prescribed by the board.

"(4) Revoke a license.

"(5) Refuse to issue or renew a license.

"(6) Impose a civil penalty.

"(7) Accept the voluntary surrender of a license
based upon an order of consent of the board."

Section 3. Sections 34-24-194 and 34-24-195 are
added to the Code of Alabama 1975, to read as follows:

§34-24-194.

(a) The board shall provide public access to the
following routinely updated information:

(1) A list of licensees that includes the name,
place of employment, address of record, telephone number of
record, professional license number, date of licensure,
expiration date of licensure, and current license status of
each licensee.
(2) A list of final disciplinary actions taken by the board.

(3) The address, website, E-mail address, and telephone number of the board.

(b) Each licensee shall conspicuously display a copy of his or her license in a location accessible to public view or, upon the request of a patient or agent of the board, immediately produce a copy.

(c) A licensee shall provide information to his or her patients on current procedures for filing a complaint with the board against a licensee.

(d) Any person may file a complaint with the board against a licensee or against any other person reasonably believed by the complainant to be in violation of this article or rules promulgated by the board pursuant to this article.

(e) The home address, personal E-mail address, and home telephone number of a physical therapist or physical therapist assistant is not a public record and shall be kept confidential by the board unless the information is the only information of record on file with the board.

(f) A patient shall have freedom of choice in the selection of physical therapy services and products.

(g) Information relating to a physical therapist-patient relationship is confidential and may not be communicated to a third party, who is not involved in the care of the patient, without the prior written authorization of the patient. The physical therapist-patient privilege does not
extend to those instances where a physical therapist is otherwise required by law to report the information. All records used or resulting from a consultation by means of telecommunication are part of the file of a patient and subject to all applicable confidentiality requirements.

(h) All information relating to the receipt and investigation of a complaint filed with the board against a licensee or other person pursuant to subsection (d) shall be confidential until the information is disclosed in the course of the investigation, in any subsequent proceeding, or until disclosure is otherwise required by law. Patient records, reports, documents, and photographs, including, but not limited to, clinical records, files, and other reports or oral statements relating to diagnostic findings or the treatment of patients and information received and records or reports kept by the board as a result of an investigation made pursuant to this article, shall not be available to the public and shall be kept confidential by the board.

§34-24-195.

(a) To enforce this article, the board may do all of the following:

(1) Receive complaints filed against licensees and conduct timely investigations relating to those complaints.

(2) Conduct an investigation at any time, and on its own initiative, without the receipt of a written complaint if the board has reason to believe that a violation of this
article, or any rule promulgated by the board pursuant to this article, has occurred.

(3) Issue subpoenas to compel the attendance of witnesses or the production of documents relative to a case.

(4) Take emergency action ordering the summary suspension of a license or restricting the practice of a physical therapist pending further proceedings by the board.

(5) Take emergency action ordering the summary suspension of a license or restricting the practice of a physical therapist assistant, under the direction of a physical therapist, pending further proceedings by the board.

(6) Appoint a hearing officer to conduct a hearing. Upon the conclusion of a hearing, the hearing officer shall prepare and submit to the board findings of fact, conclusions of law, and a recommendation for board action. The board shall review and vote upon the recommendation of the hearing officer.

(7) Require the examination of a physical therapist to determine his or her mental or physical ability to practice physical therapy.

(b) If, after investigation, the board finds that the information received in a complaint does not merit disciplinary action against a licensee, the board may take either of the following actions:

(1) Dismiss the complaint.

(2) Issue an advisory letter to the licensee. The advisory letter shall notify the licensee that the evidence
Section 4. Sections 34-24-199 and 34-24-200 are added to the Code of Alabama 1975, to read as follows:

§34-24-199.

(a) Except as otherwise provided in Section 34-24-210, it is unlawful for any person, business entity, or employee, agent, or representative of either, not licensed as a physical therapist or physical therapist assistant under this article, to engage in the practice of physical therapy. Any person who violates this subsection or Section 34-24-218 shall be guilty of a Class B misdemeanor, punished as provided by law, and subject to any additional board action authorized by this article.

(b) The board, to the extent necessary, may investigate any person or business entity to determine whether the person or business entity is engaged in the unlawful practice of physical therapy. If an investigation determines that a person or business entity is unlawfully practicing physical therapy, the board shall inform the person or the business entity of the alleged violation. The board may refer the matter for prosecution regardless of whether the person or business entity discontinues the unlawful practice.

(c) The board may apply to any court of competent jurisdiction for an order enjoining any person or business
entity from violating this article or any rule promulgated by
the board pursuant to this article. Injunction proceedings
under this subsection shall be in addition to, and not in lieu
of, all penalties and other remedies prescribed by this
article.

(d) If a person or business entity knowingly
violates this article or any rule promulgated pursuant to this
article, fraudulently uses or permits the use of a license
number, or knowingly aids or requires another person to
violate this article or rules promulgated pursuant to this
article, the board may impose upon such person a civil
penalty. Any civil penalty collected pursuant to this
subsection shall be deposited into the Physical Therapist
Fund.

§34-24-200.

(a) Every licensee, person, corporation, insurance
company, health care organization, health care facility, and
state or local government agency shall report to the board any
agency determination or court conviction regarding a licensee
that may constitute a violation of this article or any rule
promulgated by the board pursuant to this article.

(b) Any licensee, person, corporation, insurance
company, health care organization, health care facility, or
state or local government agency that in good faith reports to
the board or participates in any investigation or subsequent
disciplinary process conducted by the board shall be immune
from civil liability for that act.
(c) The board may not disclose the identity of any licensee, person, corporation, insurance company, health care organization, health care facility, or state or local government agency that provides information unless such information is essential to proceedings conducted pursuant to this article or otherwise required by a court of law.

Section 5. Sections 34-24-210, 34-24-211, and 34-24-212 of the Code of Alabama 1975, are amended to read as follows:

"§34-24-210.

(a) Registration required. No person shall practice nor hold himself out to be able to practice physical therapy in this state unless he is registered in accordance with the provisions of this article.

(b) License required. No person shall act nor hold himself out as being able to act as a physical therapist assistant unless he is licensed in accordance with the provisions of this article.

(c) Other healing arts not affected. Nothing in this article shall prohibit any person licensed to practice any other of the healing arts in this state under any other law from engaging in the practice for which he is licensed.

(a) The unlawful practice prohibition provided in Section 34-24-199 does not apply to a person licensed under any other law of this state to the extent that he or she is practicing within the scope of that professional license and
does not represent, imply, advertise, or claim to be a
physical therapist or a provider of physical therapy.

"(b) The following persons are exempt from the
license requirements of this article when engaged in the
following activities:

"(1) A person in an entry level professional
education program approved by the board, who is satisfying
supervised clinical education requirements related to his or
her physical therapist education, while under the onsite
supervision of a physical therapist.

"(2) A person in an entry level professional
education program approved by the board, who is satisfying
supervised clinical education requirements related to his or
her physical therapist assistant education, while under the
onsite supervision of a physical therapist or physical
therapist assistant.

"(3) A physical therapist who is practicing in the
United States Armed Services, Public Health Service, or
Veterans Administration pursuant to federal regulations for
state licensure of health care providers.

"(4) A physical therapist who is licensed in another
jurisdiction of the United States, or possesses the
credentials to practice physical therapy in another country,
if he or she is teaching, demonstrating, or providing physical
therapy services in connection with teaching or participating
in an educational seminar in this state for not more than 60
days in a calendar year.
"(5) A physical therapist who is licensed in another jurisdiction of the United States, if he or she is providing consultation by means of telecommunication to a physical therapist licensed under this article.

"(6) A physical therapist who is licensed in another jurisdiction of the United States, or possesses the credentials to practice physical therapy in another country, if he or she by contract or employment is providing physical therapy to persons affiliated with or employed by established athletic teams, athletic organizations, or performing arts companies that are temporarily practicing, competing, or performing in this state for not more than 60 days in a calendar year.

"(7) A physical therapist who is licensed in another jurisdiction of the United States and who enters this state to provide physical therapy during a declared local, state, or national disaster or emergency. This exemption applies for not longer than the 60 days immediately following the declaration of the disaster or emergency. To be eligible for this exemption, the physical therapist shall notify the board of his or her intent to temporarily practice in this state.

"(8) A physical therapist licensed in another jurisdiction of the United States who is forced to leave his or her residence or place of employment due to a declared local, state, or national disaster or emergency and, because of such displacement, seeks to practice physical therapy in this state. This exemption applies for not longer than the 60
days immediately following the declaration of the disaster or emergency. To be eligible for this exemption, the physical therapist shall notify the board of his or her intent to temporarily practice in this state.

"(c) A physical therapist assistant who is licensed in another jurisdiction of the United States and is assisting a physical therapist engaged in exempt activities pursuant to subdivision (2), (3), (5), (6), or (7) of subsection (b) is also exempt from licensure under this article pursuant to the applicable subdivision.

"§34-24-211.

"An applicant for registration as a physical therapist or for a license as a physical therapist assistant shall file a written application on forms provided by the board together with fee as set by the board, no part of which shall be returned. The applicant shall present evidence satisfactory to the board that he or she is of good moral character and has completed a program of physical therapy education appropriate for training a physical therapist or a physical therapist assistant, as the case may be, approved by the board or a nationally recognized accrediting agency. Each applicant shall also be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

"(a) An applicant for licensure as a physical therapist who has completed his or her physical therapy
education within the United States shall do all of the
following:

"(1) Complete the application process, including the
payment of any fees.

"(2) Submit professional references that are
satisfactory to the board.

"(3) Submit proof of graduation from a professional
physical therapy education program accredited by a national
accreditation agency approved by the board.

"(4) Pass any examination approved and required by
the board.

"(5) Satisfy all requirements established by rule of
the board, as applicable.

(b) An applicant for licensure as a physical
therapist who has completed his or her physical therapy
education outside of the United States shall do all of the
following:

"(1) Complete the application process, including the
payment of any fees.

"(2) Submit professional references that are
satisfactory to the board.

"(3) Provide satisfactory evidence to the board that
his or her physical therapy education is substantially
equivalent to the physical therapy education provided by an
accredited entry level program approved by the board.
Graduation from a professional education program located
outside of the United States that is accredited by the same
accrediting agency that the board approves for programs located within the United States shall constitute evidence of substantial equivalency. In all other instances, the term substantially equivalent shall require an applicant for licensure, who has completed his or her physical therapy education outside of the United States, to prove to the board all of the following:

"a. That the completed physical therapy education program adequately prepared the applicant to engage in the practice of physical therapy without restriction.

"b. That the school of physical therapy attended is recognized by the applicable ministry of education.

"c. That, pursuant to a credentials evaluation directed by the board, the applicant satisfies uniform criteria for educational requirements pursuant to rules promulgated by the board.

"d. That the applicant has completed any additional education required by the board.

"(4) If the native language of the applicant is not English, successfully completes an English proficiency examination approved by the board.

"(5) Pass any examination approved and required by the board.

"(6) Satisfy all requirements established by rule of the board, as applicable.

"(c) An applicant for licensure as a physical therapist assistant shall do all of the following:
'(1) Complete the application process, including the payment of any fees.

'(2) Submit professional references that are satisfactory to the board.

'(3) Submit proof of graduation from a physical therapist assistant education program accredited by a national accreditation agency approved by the board.

'(4) Pass any examination approved and required by the board.

'(5) Satisfy all requirements established by rule of the board, as applicable.

'S34-24-212.

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

'(b) Physical therapist. The examination given applicants for registration as a physical therapist shall be a written examination, approved by the board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures and such other subjects as the board may
deem useful to test the applicant's fitness to practice physical therapy. A practical or demonstration examination may be required if so determined by the board.

"(c) Physical therapist assistant. The examination given applicants for licensing as physical therapist assistant will be a written examination, approved by the board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the board may deem useful to test the applicant's fitness to act as a physical therapist assistant. A practical or demonstration examination may be required if so determined by the board.

"(d) Foreign trained physical therapist. Any foreign trained physical therapist who plans to practice in the state must have their educational credentials evaluated by a recognized educational evaluation agency and have that agency send their report directly to the board. The board will determine the acceptability of equivalency in educational preparation. If the board rules the education to be acceptable the routine application process will be followed.

"(a) The board shall approve the eligibility of an applicant before the applicant takes any examination offered by the board.

"(b) The physical therapist examination shall be a national examination that tests whether the examinee has the
requisite knowledge and skills required of entry level physical therapist practitioners.

"(c) The physical therapist assistant examination shall be a national examination that tests whether the examinee has the requisite knowledge and skills required of entry level physical therapist assistant practitioners.

"(d) If the board determines that an applicant has engaged, or has attempted to engage, in conduct that subverts or undermines the integrity of the examination process, the board may disqualify the applicant from taking or retaking an examination for a specified period of time."

Section 6. Sections 34-24-213 and 34-24-215, Code of Alabama 1975, providing for the issuance of licenses for applicants passing examination and for temporary licenses, respectively, are repealed.

Section 7. Sections 34-24-214 and 34-24-216 of the Code of Alabama 1975, are amended and renumbered to read as follows:

§34-24-214 §34-24-213.

"On payment to the board of a fee set by the board and the submission of a written application on forms provided by the board, the board shall issue a license without examination to:

"(1) A person who is qualified within the meaning of this article as a physical therapist by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing or registration in
such state, possession or district were at the date of his licensing or registration by such state substantially equal to the requirement for the initial licensing of persons practicing physical therapy when this article became effective, August 20, 1965, or for licensing by examination prepared by the professional examining service as set forth in the article and any additional requirements prescribed by the board.

"(2) A person who is qualified within the meaning of this article as a physical therapist assistant by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing in such state, possession or district were at the date of his licensing by such state substantially equal to the requirements set forth in this article.

"The board shall issue a license to any physical therapist or physical therapist assistant who has a current unrestricted license from another jurisdiction of the United States if the applicant satisfies all of the following requirements:

"(1) Completes the application process, including the payment of any fees.

"(2) Submits professional references that are satisfactory to the board.

"(3) Submits proof of graduation from a physical therapist or physical therapist assistant education program
accredited by a national accreditation agency approved by the board.

"(4) Provides an official copy of his or her score on a licensure examination approved by the board.

"(5) Satisfies all requirements established by rule of the board, as applicable.

"§34-24-216 §34-24-214.

"(a) All licenses issued by the board to physical therapists and physical therapist assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the board of a fee set by the board. A license which has expired may, within five years of its expiration date, be renewed on the payment to the board of a fee set by the board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the board. After said five year period, a license may be obtained only by complying with the provisions hereinabove relating to the issuance of an original license.

"(b) The board shall adopt a program of continuing education for its licensees not later than October 1, 1991. After such date, successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.
"(c) Provided, however, under the provisions of this chapter, continuing education shall not result in a passing or failing grade.

"(a) A physical therapist applying for renewal of his or her license shall:

"(1) Complete and submit a renewal application, including the payment of any fees, to the board.

"(2) Submit to the board satisfactory evidence of continuing competence.

"(b) A physical therapist assistant applying for renewal of his or her license shall:

"(1) Complete and submit a renewal application, including the payment of any fees, to the board.

"(2) Submit to the board satisfactory evidence of continuing competence."

Section 8. Sections 34-24-215, 34-24-216, 34-24-217, 34-24-218, and 34-24-219 are added to the Code of Alabama 1975, to read as follows:

§34-24-215.

Each licensee shall report to the board any change in his or her name, home address, primary business address, E-mail address, or telephone number within 30 days of the change.

§34-24-216.

(a) The board may reinstate a lapsed license upon the completion and submission of a reinstatement application, including the payment of any fees, to the board.
(b) If a license has lapsed for five or more years, the applicant for reinstatement shall satisfy all applicable requirements for the renewal of a license as provided in Section 34-24-214 and shall demonstrate to the board his or her competence to practice physical therapy pursuant to one or more of the following means:

(1) Practice for a specified time under a restricted license.

(2) Complete prescribed remedial courses.

(3) Successfully complete any examinations approved and required by the board.

(4) Submit proof to the board of licensed practice in another jurisdiction during the period of lapse in this state.

(c) The board may reinstate a revoked license upon completion of the requirements in Section 34-24-213 and evidence of satisfactory completion of all requirements for reinstatement as stipulated in a consent order at the time of revocation. The board may further require that the applicant for reinstatement of a revoked license demonstrate to the board his or her competence to practice physical therapy pursuant to one or more of the means specified in subdivisions (1) to (4), inclusive, of subsection (b).

§34-24-217.

Physical therapists and physical therapist assistants shall adhere to the recognized standards of ethics
of the physical therapy profession as established by rule of
the board.

§34-24-218.

(a) A physical therapist shall use the letters "PT"
immediately following his or her name to designate licensure
under this article.

(b) A person or business entity, or the employees,
agents, or representatives of either, shall not use in
connection with his, her, or its name or activity the words
"physical therapy," "physical therapist," "physiotherapy,"
"physiotherapist," "registered physical therapist," "doctor of
physical therapy," the letters "PT," "DPT," "LPT," "RPT,"
"CPT," or any other words, abbreviations, or insignias
indicating or implying that physical therapy is provided or
supplied, unless such services are provided by or under the
direction of a physical therapist licensed under this article.
A person or business entity may not advertise or otherwise
promote another person as being a physical therapist or
physiotherapist unless the person so advertised or promoted is
licensed as a physical therapist under this article. No person
or business entity may offer, provide, or bill any other
person for services characterized as physical therapy or
physiotherapy unless the person performing the services is a
person licensed as a physical therapist under this article.

(c) A physical therapist assistant shall use the
letters "PTA" immediately following his or her name to
designate licensure under this article.
(d) A person may not use the title "physical therapist assistant" or the letters "PTA," "LPTA," or any other words, abbreviations, or insignias in connection with his or her name to indicate or imply that he or she is a physical therapist assistant unless he or she is licensed as a physical therapist assistant under this article.

(e) The prohibitions in subsections (b) and (d) do not apply to any person exempted from licensure pursuant to subsection (b) of Section 34-24-210.

(f) Any person or business entity found in violation of subsection (b) or (d) is guilty of a Class B misdemeanor, punishable as provided by law, and subject to any additional board action authorized by this article including, but not limited to, a civil penalty in an amount not to exceed five thousand dollars ($5,000) per violation. In addition, the board may seek an injunction against any conduct in violation of subsection (b) or (d) in any court of competent jurisdiction. For purposes of this section, in seeking an injunction the board need only show that the defendant violated subsection (b) or (d) to establish irreparable injury or a likelihood of a continuation of the violation.

§34-24-219.

(a) The responsibilities of a physical therapist shall include managing all aspects of the physical therapy care of a patient. A physical therapist shall provide all of the following:
(1) The initial evaluation and documentation relating to each patient.

(2) Periodic reevaluation and documentation relating to each patient.

(3) The documented discharge information relating to each patient, including the response of the patient to treatment intervention at the time of discharge.

(b) Patient care management performed by a physical therapist shall include accurate documentation and billing information for all services provided.

(c) A physical therapist shall verify the qualifications of each physical therapist assistant practicing under his or her direction.

(d) For each patient, on each date of service, a physical therapist shall provide all of the treatment intervention that requires the expertise of the physical therapist and shall determine the use of a physical therapist assistant for the delivery of care that is safe, effective, and efficient. A physical therapist assistant shall work under the direction of a physical therapist. A physical therapist assistant may document the care that he or she provides to a patient.

Section 9. Section 34-24-217 of the Code of Alabama 1975, is amended and renumbered to read as follows:

"§34-24-217  §34-24-220.

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

"(1) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or 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.

"(a) All of the following are grounds for the denial of a license or disciplinary action by the board:

"(1) The violation of any provision of this article, rule promulgated by the board pursuant to this article, or written order of the board.

"(2) Obtaining or attempting to obtain a license by fraud or misrepresentation.

"(3) Attempting to engage in conduct that subverts or undermines the integrity of the examination or the examination process including, but not limited to, utilizing in any manner recalled or memorized examination questions from or with any person or entity, failing to comply with all examination center security procedures, communicating or attempting to communicate with other examinees during an examination, or copying or sharing examination questions or portions of examination questions.

"(4) Practicing or offering to practice beyond the scope of the practice of physical therapy.

"(5) Acting in a manner that is inconsistent with generally accepted standards of physical therapy practice, regardless of whether such action results in any actual injury to a patient.
"(6) Failing to adhere to the recognized standards of ethics of physical therapy practice as established by rule of the board.

"(7) Failing to complete continuing competence requirements as established by rule of the board.

"(8) Failing to maintain adequate patient records. For the purposes of this subdivision, adequate patient records are legible records that contain, at a minimum, sufficient information relating to the care and treatment of a patient.

"(9) Failing to adequately provide direction to a physical therapist assistant.

"(10) Failing to report to the board any direct knowledge of unprofessional, incompetent, or illegal acts that may violate this article or any rule promulgated by the board pursuant to this article.

"(11) Engaging in sexual misconduct as defined by rule of the board.

"(12) Having an application for licensure refused, revoked, or suspended or a license revoked, suspended, or other disciplinary action taken against a licensee by the proper authorities of another state, territory, or country.

"(13) Being convicted of or pleading guilty to a felony in the courts of this state or any other state, territory, or country. For purposes of this subdivision, a conviction shall include a deferred conviction, deferred prosecution, deferred sentence, a finding or verdict of guilt,
an admission of guilt, an Alfred plea, or a plea of nolo contendere.

"(14) Aiding or abetting in the unlicensed practice of physical therapy.

"(15) Directly or indirectly requesting, receiving, or participating in the dividing, transferring, assigning, rebating, or refunding of an unearned fee or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services. This subdivision does not prohibit the members of a regularly and properly organized business entity, consisting of physical therapists or physical therapists and physical therapist assistants, from dividing fees received for professional services among themselves as agreed by the members of the business entity.

"(16) Promoting any unnecessary device, treatment intervention, or service that results in the financial gain of the licensee or a third party.

"(17) Providing treatment intervention that is unwarranted by the condition of the patient or continuing treatment beyond the point of reasonable benefit.

"(18) Participating in the underutilization or overutilization of physical therapy services for personal or institutional financial gain.

"(19) Charging fraudulent fees for services, whether or not actually performed.
"(20) Making misleading, deceptive, untrue, or fraudulent representations in violation of this article, any rule promulgated by the board pursuant to this article, or in the practice of the profession.

"(21) Practicing physical therapy with mental or physical abilities impaired by the use of a controlled substance or other habit forming drug, chemical, alcohol, or other cause.

"(22) Practicing physical therapy with a mental or physical condition that impairs the ability of the licensee to practice with skill and safety.

"(23) Practicing physical therapy after being adjudged mentally incompetent by a court of competent jurisdiction.

"(24) Interfering with an investigation, disciplinary proceeding, or other legal action by failing to cooperate, through the willful misrepresentation of facts or the use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in the investigation, disciplinary proceeding, or legal action.

"(25) Failing to maintain patient confidentiality without documented authorization of the patient, or unless otherwise required by law.

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

Section 10. Section 34-24-221 is added to the Code of Alabama of 1975, to read as follows:

§34-24-221.

"(a) It shall be the duty and obligation of the State Board of Physical Therapy to promote the early identification, intervention, treatment, and rehabilitation of physical therapy licensees who may be impaired by reason of
illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

"(b) In order to carry out this obligation, the State Board of Physical Therapy may contract with any nonprofit corporation or medical professional association for the purpose of creating, supporting, and maintaining a committee to be designated the Alabama Physical Therapy Wellness Committee. The committee shall be selected in a manner prescribed by the board. The board may expend available funds as necessary to adequately provide for the operational expenses of the Alabama Physical Therapy Wellness Committee, including, but not limited to, the actual cost of travel, office overhead, and personnel expenses. The funds provided by the board for the purpose of operating expenses shall not be subject to any provision of law requiring competitive bidding.

"(c) The Board of Physical Therapy may enter into an agreement with a nonprofit corporation or medical professional association for the Alabama Physical Therapy Wellness Committee to undertake those functions and responsibilities specified in the agreement which may include any or all of the following:

"(1) Contracting with providers of treatment programs.

"(2) Receiving and evaluating reports of suspected impairment from any source.

"(3) Intervening in cases of verified impairment.
"(4) Referring impaired physical therapy licensees
to treatment programs.

"(5) Monitoring the treatment and rehabilitation of
impaired physical therapy licensees.

"(6) Providing post-treatment monitoring and support
of rehabilitated impaired physical therapy licensees.

"(7) Performing other activities as agreed upon by
the Board of Physical Therapy and the Alabama Physical Therapy
Wellness Committee.

"(d) The Alabama Physical Therapy Wellness Committee
shall develop procedures in consultation with the Board of
Physical Therapy for the following:

"(1) Periodic reporting of statistical information
regarding impaired physical therapy licensees program
activity.

"(2) Periodic disclosure and joint review of the
information as the board deems appropriate regarding reports
received, contracts or investigations made, and the
disposition of each report, provided, however, that the
committee shall not disclose any personally identifiable
information except as provided in this article.

"(e) Any individual who shall be duly appointed to
serve as a member of the Alabama Physical Therapy Wellness
Committee and any auxiliary personnel, consultants, attorneys,
or other volunteers or employees of the committee taking any
action authorized by this article, engaging in the performance
of any duties on behalf of the committee, or participating in
any administrative or judicial proceeding resulting therefrom shall, in the performance and operation thereof, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any nonprofit corporation or medical professional association or other entity that contracts with or receives funds from the State Board of Physical Therapy for the creation, support, and operation of the Alabama Physical Therapy Wellness Committee shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

"(f) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the Alabama Physical Therapy Wellness Committee and any findings, conclusions, recommendations, or reports resulting from the investigations, interventions, treatment, or rehabilitation, or other proceedings of such committee, are declared to be privileged and confidential. All records and proceedings of the committee pertaining to the impaired physical therapy licensee shall be confidential and shall be used by the committee and the members thereof only in the exercise of the proper function of the committee and shall not be public records nor available for court subpoena or for discovery proceedings. In the event of a breach of contract between the committee and the impaired physical therapy licensee, any and all records pertaining to the conduct determined to cause the breach of contract will be disclosed to the regulatory board upon its request for disciplinary
purposes only. Nothing contained herein shall apply to records made in the regular course of business of a physical therapy licensee, and information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama Physical Therapy Wellness committee.

"(g) The Alabama Physical Therapy Wellness Committee shall render an annual report to the State Board of Physical Therapy concerning the operations and proceedings of the committee for the proceeding year. The committee shall report to the board any physical therapy licensee who in the opinion of the committee is unable to perform physical therapy duties with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition when it appears that the physical therapy licensee is currently in need of intervention, treatment, or rehabilitation and the licensee has failed or refused to participate in programs of treatment, or rehabilitation recommended by the committee. A report to the Alabama Physical Therapy Wellness Committee shall be deemed to be a report to the Board of Physical Therapy for the purposes of any mandated reporting of physical therapy licensee impairment otherwise provided for by law.
"(h) If the Board of Physical Therapy has reasonable cause to believe that a physical therapy licensee is impaired, the board may cause an evaluation of the physical therapy licensee to be conducted by the Alabama Physical Therapy Wellness Committee for the purpose of determining if there is an impairment. The Alabama Physical Therapy Wellness Committee shall report the findings of its evaluation to the Board of Physical Therapy."

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