

Code of Alabama

Title 34. Professions and Businesses.

Chapter 24. Physicians and Other Practitioners of Healing Arts.

Article 5. Physical Therapists.

Division 1. General Provisions.

Ala.Code 1975 T. 34, Ch. 24, Art. 5, D. 1, Refs & Annos

Currentness

Ala. Code 1975 T. 34, Ch. 24, Art. 5, D. 1, Refs & Annos, AL ST T. 34, Ch. 24, Art. 5, D. 1, Refs & Annos

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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Article 5. Physical Therapists.

Division 1. General Provisions. (Refs & Annos)

Ala.Code 1975 § 34-24-190

§ 34-24-190. Short title.

Currentness

This article may be cited as the Physical Therapy Practice Act.

Credits


(Acts 1965, No. 476, p. 686, § 1.)

Ala. Code 1975 § 34-24-190, AL ST § 34-24-190

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Division 1. General Provisions. (Refs & Annos)

Ala.Code 1975 § 34-24-191

§ 34-24-191. Definitions.

Effective: September 1, 2023

Currentness

(a) 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) **COMMISSION.** The Physical Therapy Compact Commission, the national administrative body whose membership consists of all states that have enacted the interstate compact.
- (3) **COMPACT PRIVILEGE.** The authorization granted by a remote state to allow a licensee from another state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter.
- (4) **COMPACT PRIVILEGE HOLDER.** An individual licensed as a physical therapist or physical therapist assistant in a compact state who has been granted a compact privilege by the commission.
- (5) **FOREIGN EDUCATED PHYSICAL THERAPIST.** A person trained or educated in the practice of physical therapy outside of the United States or any of its territorial possessions.
- (6) **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.
- (7) **PHYSICAL THERAPIST.** A person who practices physical therapy.
- (8) **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 physical therapist assistant shall practice only under the direction of a licensed physical therapist.

(9) **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, a dentist licensed to practice dentistry, a licensed chiropractor, a licensed assistant to a physician acting pursuant to a valid supervisory agreement, or a licensed certified registered nurse practitioner in a collaborative practice agreement with a licensed physician, except as otherwise provided in this chapter. Physical therapy does not include radiology or electrosurgery.

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

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

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

(13) **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.

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

Credits

(Acts 1965, No. 476, p. 686, § 2; Acts 1969, No. 622, p. 1128, § 1; Acts 1982, No. 82-189, p. 218, § 4; Act 2012-260, p. 502, § 1; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-191, AL ST § 34-24-191

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Division 1. General Provisions. (Refs & Annos)

Ala.Code 1975 § 34-24-192

§ 34-24-192. Board of Physical Therapy -- Generally.

Currentness

(a) *Composition; appointment and terms of members.* The Board of Physical Therapy shall consist of seven members. Four members shall be physical therapists, two members shall be physical therapist assistants, and one member shall be a consumer. The members shall be appointed by the Governor from a list of 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 names 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, 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. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Whenever possible, a congressional district shall not be represented by two physical therapists. The board members shall be appointed for 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 shall be appointed for more than two consecutive terms.

(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.

Credits


(Acts 1965, No. 476, p. 686, § 4; Acts 1969, No. 622, p. 1128, § 3; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1989, No. 89-232, p. 284, § 3; Acts 1997, No. 97-386, p. 617, § 3; Act 2001-254, p. 306, § 3; Act 2009-27, p. 87, § 3; Act 2010-703, p. 1704, § 1.)

Ala. Code 1975 § 34-24-192, AL ST § 34-24-192

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Ala.Code 1975 § 34-24-193

§ 34-24-193. Board of Physical Therapy -- Powers and duties;
certification fee; administrative fines; impaired practitioner program.

Effective: September 1, 2023
Currentness

(a) The board shall have the following duties:

- (1) To pass upon the qualifications of applicants for licensing as physical therapists or physical therapist assistants.
- (2) To conduct examinations.
- (3) To issue licenses and license renewals to physical therapists and physical therapist assistants qualifying under this article.
- (4) To suspend or revoke as necessary the license or compact privilege of such individuals.

(b) The board shall adopt rules not inconsistent with law as it may deem necessary for the performance of its duties, however the board shall not adopt any rules 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 adopt any rules or issue any orders inconsistent with Section 34-24-217(b). The board shall maintain a listing of the name of every living physical therapist and physical therapist assistant licensed or granted a compact privilege 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.

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

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

(e) Subject to the provisions of Section 34-24-195, the board may make such expenditures and employ such personnel as it may deem necessary for the administration of this article.

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

(g) The board may 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.

(h) The board may collect a fee from providers of continuing education programs.

(i) The board may discipline its licensees and compact privilege holders by the adoption and collection of administrative fines, not to exceed one thousand dollars (\$1,000) per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.

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

(2) The board shall promote the early identification, intervention, treatment, and rehabilitation of physical therapy licensees or compact privilege holders 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.

(3) In order to carry out this obligation, the board 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 committee including, but not limited to, the actual cost of travel, office overhead, and personnel expense. The funds provided by the board for the purpose of operating expenses are not subject to any provision of law requiring competitive bidding.

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

- a. Contracting with providers of treatment programs.
- b. Receiving and evaluating reports of suspected impairment from any source.
- c. Intervening in cases of verified impairment.
- d. Referring impaired physical therapy licensees or compact privilege holders to treatment programs.
- e. Monitoring the treatment and rehabilitation of impaired physical therapy licensees or compact privilege holders.

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

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

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

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

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

(6) Any individual appointed to serve as a member of the committee and any auxiliary personnel, consultant, attorney, or other volunteer or employee 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, in the performance and operation thereof, shall 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 board for the creation, support, and operation of the committee, in so doing, shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(7) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the committee and any findings, conclusions, recommendations, or reports resulting from any investigation, intervention, treatment, or rehabilitation, or other proceeding of the committee is privileged and confidential. All records and proceedings of the committee pertaining to an impaired physical therapy licensee or compact privilege holder are confidential and shall be used by the committee and the members of the committee only in the exercise of the proper function of the committee and shall not be public record 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 or compact privilege holder, all records pertaining to the conduct determined to cause the breach of contract shall be disclosed to the board upon its request for disciplinary purposes only. Nothing contained in this subdivision shall apply to records made in the regular course of business of a physical therapy licensee and any information, document, or record otherwise available from an original source is not to be construed as immune from discovery or use in any civil proceeding merely because it is presented or considered during proceedings of the committee.

(8) The committee shall render an annual report to the board concerning the operations and proceedings of the committee for the preceding year. The committee shall report to the board any physical therapy licensee or compact privilege holder 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 or compact privilege holder is currently in need of intervention, treatment, or rehabilitation and the individual has failed or refused to participate in any program of treatment or rehabilitation recommended by the committee. A report to the Alabama committee shall be deemed a report

to the board for the purposes of any mandated reporting of impairment of a licensee or compact privilege holder otherwise provided for by law.

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

Credits


(Acts 1965, No. 476, p. 686, § 5; Acts 1969, No. 622, p. 1128, § 4; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1989, No. 89-232, p. 284, § 3; Act 2007-386, p. 773, § 1; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-193, AL ST § 34-24-193

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Ala.Code 1975 § 34-24-194

§ 34-24-194. Complaint charging violation of article; hearing;
subpoenas; judicial review of revocation or refusal of license.

Effective: September 1, 2023
Currentness

(a) Any person may file a complaint with the board against any licensed physical therapist, licensed physical therapist assistant, or compact privilege holder in the state charging the individual 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 executive director of the board 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, on application to the board, shall 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 individual 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 licensee or compact privilege holder has violated this article, it may revoke his or her license.

(d) The action of the board in revoking or refusing to issue a license or compact privilege 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.

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

Credits

(Acts 1965, No. 476, p. 686, § 13; Acts 1969, No. 622, p. 1128, § 12; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1993, No. 93-154, p. 228, § 3; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-194, AL ST § 34-24-194

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Ala.Code 1975 § 34-24-195

§ 34-24-195. Physical Therapist Fund.

Currentness

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 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 the fund on vouchers certified by the executive director of the board.

Credits

(Acts 1965, No. 476, p. 686, § 14; Act 2012-387, p. 1036, § 1.)

Ala. Code 1975 § 34-24-195, AL ST § 34-24-195

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Ala.Code 1975 § 34-24-196

§ 34-24-196. Penalties.

Effective: September 1, 2023

Currentness

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

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

Credits

(Acts 1965, No. 476, p. 686, § 15; Acts 1969, No. 622, p. 1128, § 13; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-196, AL ST § 34-24-196

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Ala.Code 1975 T. 34, Ch. 24, Art. 5, D. 2, Refs & Annos


Currentness

Ala. Code 1975 T. 34, Ch. 24, Art. 5, D. 2, Refs & Annos, AL ST T. 34, Ch. 24, Art. 5, D. 2, Refs & Annos

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Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-210

§ 34-24-210. License requirements.

Effective: September 1, 2023

Currentness

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

(b) *License or compact privilege required.* No individual shall act nor hold himself or herself out as being able to act as a physical therapist assistant unless he or she is licensed or has been granted a compact privilege in accordance with this article.

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

Credits


(Acts 1965, No. 476, p. 686, § 3; Acts 1969, No. 622, p. 1128, § 2; Acts 1982, No. 82-189, p. 218, § 4; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-210, AL ST § 34-24-210

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Ala.Code 1975 § 34-24-210.1

§ 34-24-210.1. Evaluation and treatment by physical therapist.

Effective: September 1, 2023

Currentness

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

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

- (1) To a child with a diagnosed developmental disability pursuant to the plan of care for the child.
- (2) To a patient of a home health care agency pursuant to the plan of care for the patient.
- (3) To a patient in a nursing home pursuant to the plan of care for the patient.
- (4) Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress, or promotion of fitness.
- (5) To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis shall have been made within the immediately preceding 90 days. The physical therapist shall provide the health care provider who rendered the diagnosis with a plan of care for physical therapy services within the first 15 days of physical therapy intervention.

Credits


(Act 2012-260, p. 502, § 2; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-210.1, AL ST § 34-24-210.1

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Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-211

§ 34-24-211. Application; fee; criminal history background check.

Effective: September 1, 2023

Currentness

(a) An applicant for licensure as a physical therapist or as a physical therapist assistant shall file a written application on forms provided by the board together with a fee as set by the board, no part of which shall be refundable. 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 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, an individual who is legally present in the United States with appropriate documentation from the federal government.

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

Credits


(Acts 1965, No. 476, p. 686, § 6; Acts 1969, No. 622, p. 1128, § 5; Acts 1982, No. 82-189, p. 218, § 4; Act 2009-27, p. 87, § 3; Act 2012-387, p. 1036, § 1; Act 2021-115, § 13; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-211, AL ST § 34-24-211

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Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-212

§ 34-24-212. Examinations.

Effective: September 1, 2023

Currentness

(a) *Generally.* The board shall give an appropriate physical therapy examination and a jurisprudence 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 physical therapy examination given applicants for licensure as a physical therapist shall be a written examination approved by the board to test the applicant's knowledge of the basic and clinical sciences as they relate to the practice of 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. The board shall also administer a jurisprudence examination to applicants for licensure as a physical therapist, which shall be a written examination approved by the board to test the applicant's knowledge of the laws and rules of the State of Alabama as they relate to the practice of physical therapy and such other subjects as the board may deem useful to test the applicant's knowledge of applicable law. A practical or demonstration examination may be required if so determined by the board. The board may waive the requirement for a jurisprudence examination.

(c) *Physical therapist assistant.* The physical therapy examination given applicants for licensure as physical therapist assistant shall be a written examination approved by the board to test the applicant's knowledge of the basic and clinical sciences as they relate to the practice of 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. The board shall also administer a jurisprudence examination to applicants for licensure as a physical therapist assistant, which shall be a written examination approved by the board to test the applicant's knowledge of the laws and rules of the State of Alabama as the laws and rules relate to the practice of physical therapy, and such other subjects as the board may deem useful to test the applicant's knowledge of applicable law. A practical or demonstration examination may be required if so determined by the board. The board may waive the requirement for a jurisprudence examination.

(d) *Foreign educated physical therapist.* Any foreign educated 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 shall determine the acceptability of equivalency in educational preparation. If the board determines the education to be acceptable, the routine application process shall be followed.

(e) *Compact privilege applicants.* Individuals purchasing a compact privilege for the State of Alabama shall pass the jurisprudence examination required of licensed physical therapists or licensed physical therapist assistants before the privilege is issued by the commission.

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

Credits

(Acts 1965, No. 476, p. 686, § 7; Acts 1969, No. 622, p. 1128, § 6; Acts 1982, No. 82-189, p. 218, § 4; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-212, AL ST § 34-24-212

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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Proposed Legislation

Code of Alabama

Title 34. Professions and Businesses. (Refs & Annos)

Chapter 24. Physicians and Other Practitioners of Healing Arts. (Refs & Annos)

Article 5. Physical Therapists.

Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-213

§ 34-24-213. Issuance of license -- Applicants passing examination.

Effective: September 1, 2023

Currentness

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

Credits


(Acts 1965, No. 476, p. 686, § 8; Acts 1969, No. 622, p. 1128, § 7; Acts 1982, No. 82-189, p. 218, § 4; Act 2012-387, p. 1036, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-213, AL ST § 34-24-213

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Article 5. Physical Therapists.
Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-214

§ 34-24-214. Issuance of license -- Without examination.

Effective: September 1, 2023

Currentness

Upon 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) An individual 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 or her licensing or registration by that state substantially equal to the requirement for the initial licensing of individuals 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 this article and any additional requirements prescribed by the board.

(2) An individual 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 or her licensing by that state substantially equal to the requirements set forth in this article.

Credits

(Acts 1965, No. 476, p. 686, § 9; Acts 1966, Ex. Sess., No. 238, p. 360, § 1; Acts 1969, No. 622, p. 1128, § 8; Acts 1982, No. 82-189, p. 218, § 4; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-214, AL ST § 34-24-214

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Article 5. Physical Therapists.

Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-215

§ 34-24-215. Temporary licenses.

Currentness

(a) On payment to the board of a fee set by the board, and on submission of a written application on forms provided by the board, the applicant shall be issued without examination a temporary license to practice physical therapy or to act as a physical therapist assistant in this state for a period not to exceed one year, if the person meets the qualifications set forth in Section 34-24-211 and submits evidence satisfactory to the board that he or she is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project. Such special projects may be research and education programs. Each request will be judged by the board on its individual merits.

(b) Upon the submission of a written application on forms provided by the board, a person who has applied for a license under the provisions of Section 34-24-211 and who is, in the judgment of the board, eligible to take the examination provided for in Section 34-24-212, may be issued a temporary license by the board. Such temporary license shall be available to an applicant only with respect to his or her first application for a license under Section 34-24-211, and such license shall expire when the board makes a determination with respect to the application.

Credits

(Acts 1965, No. 476, p. 686, § 10; Acts 1969, No. 622, p. 1128, § 9; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3.)

Ala. Code 1975 § 34-24-215, AL ST § 34-24-215

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Article 5. Physical Therapists.

Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-216

§ 34-24-216. Renewal of license; continuing education.

Currentness

(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 the 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.

Credits


(Acts 1965, No. 476, p. 686, § 12; Acts 1969, No. 622, p. 1128, § 11; Acts 1982, No. 82-189, p. 218, § 4; Acts 1989, No. 89-232, p. 284, §§ 3, 4.)

Ala. Code 1975 § 34-24-216, AL ST § 34-24-216

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Division 2. Registration and Licenses. (Refs & Annos)

Ala.Code 1975 § 34-24-217

§ 34-24-217. Grounds for refusal, suspension, or revocation of license.

Effective: September 1, 2023

Currentness

(a) The board shall refuse to issue a license to any individual and, after notice and hearing in accordance with its rules, shall suspend or revoke the license or compact privilege of any individual who has done any of the following:

- (1) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or surgery, a dentist licensed to practice dentistry, a licensed chiropractor, a licensed assistant to a physician acting pursuant to a valid supervisory agreement, or a licensed certified registered nurse practitioner in a valid collaborative practice agreement with a licensed physician, except as provided in Section 34-24-210.1, or practiced as a physical therapist assistant other than under the direction of a licensed physical therapist.
- (2) Used drugs or alcoholic beverages 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 or compact privilege 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 licensee or compact privilege holder 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.

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

(b) For purposes of this article and notwithstanding any other provision of this article or any rules adopted by the board, any licensee or compact privilege holder 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 licensee or compact privilege holder 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 or compact privilege 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.

Credits

(Acts 1965, No. 476, p. 686, § 12; Acts 1969, No. 622, p. 1128, § 11; Acts 1982, No. 82-189, p. 218, § 4; Act 2007-386, p. 773, § 1; Act 2012-260, p. 502, § 1; Act 2012-387, § 1; Act 2023-480, § 1, eff. Sept. 1, 2023.)

Ala. Code 1975 § 34-24-217, AL ST § 34-24-217

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

Code of Alabama

Title 34. Professions and Businesses.

Chapter 24. Physicians and Other Practitioners of Healing Arts.

Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact.

Ala.Code 1975 T. 34, Ch. 24, Art. 5, D. 3, Refs & Annos

Currentness

Ala. Code 1975 T. 34, Ch. 24, Art. 5, D. 3, Refs & Annos, AL ST T. 34, Ch. 24, Art. 5, D. 3, Refs & Annos

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Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220

§ 34-24-220. Purpose.

Effective: June 1, 2021

Currentness

(a) This article shall be known and may be cited as the Physical Therapy Licensure Compact. The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve the following objectives:

- (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses.
- (2) Enhance the states' ability to protect public health and safety.
- (3) Encourage the cooperation of member states in regulating multi-state physical therapy practice.
- (4) Support spouses of relocating military members.
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable under that state's practice standards.

Credits

(Act 2021-115, § 1.)

Ala. Code 1975 § 34-24-220, AL ST § 34-24-220

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Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.01

§ 34-24-220.01. Definitions.

Effective: June 1, 2021

Currentness

As used in this article, and except as otherwise provided, the following terms have the following meanings:

- (1) **ACTIVE DUTY MILITARY.** Full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.
- (2) **ADVERSE ACTION.** Disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or both.
- (3) **ALTERNATIVE PROGRAM.** A non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board, including, but not limited to, substance abuse issues.
- (4) **COMPACT PRIVILEGE.** The authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
- (5) **CONTINUING COMPETENCE.** A requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.
- (6) **DATA SYSTEM.** A repository of information about licensees, including examination, licensure, investigative information, compact privilege, and adverse action.
- (7) **ENCUMBERED LICENSE.** A license that a physical therapy licensing board has limited in any way.
- (8) **EXECUTIVE BOARD.** A group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
- (9) **HOME STATE.** The member state that is the licensee's primary state of residence.

(10) INVESTIGATIVE INFORMATION. Information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(11) JURISPRUDENCE REQUIREMENT. The assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

(12) LICENSEE. An individual who currently holds an authorization from a state to practice as a physical therapist or to work as a physical therapist assistant.

(13) MEMBER STATE. A state that has enacted this compact.

(14) PARTY STATE. Any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) PHYSICAL THERAPIST. An individual who is licensed by a state to practice physical therapy.

(16) PHYSICAL THERAPIST ASSISTANT. An individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

(17) PHYSICAL THERAPY COMPACT COMMISSION or COMMISSION. The national administrative body whose membership consists of all states that have enacted this compact.

(18) PHYSICAL THERAPY, PHYSICAL THERAPY PRACTICE, or THE PRACTICE OF PHYSICAL THERAPY. The care and services provided by or under the direction and supervision of a licensed physical therapist.

(19) PHYSICAL THERAPY LICENSING BOARD or LICENSING BOARD. The agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) REMOTE STATE. A member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(21) RULE. A regulation, principle, or directive adopted by the commission that has the force of law.

(22) STATE. Any state, commonwealth, district, or territory of the United States that regulates the practice of physical therapy.

Credits

(Act 2021-115, § 2.)

Ala. Code 1975 § 34-24-220.01, AL ST § 34-24-220.01

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Ala.Code 1975 § 34-24-220.02

§ 34-24-220.02. State participation in compact.

Effective: June 1, 2021

Currentness

(a) To participate in the compact, a state shall do all of the following:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.

(2) Have a mechanism in place for receiving and investigating complaints about licensees.

(3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection (b).

(5) Comply with the rules of the commission.

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(7) Have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this compact, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. § 534 and 34 U.S.C. § 40316.

(c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(d) Member states may charge a fee for granting a compact privilege.

Credits

(Act 2021-115, § 3.)

Ala. Code 1975 § 34-24-220.02, AL ST § 34-24-220.02

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Ala.Code 1975 § 34-24-220.03

§ 34-24-220.03. Compact privilege.

Effective: June 1, 2021

Currentness

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall meet all of the following requirements:

- (1) Hold a license in the home state.
 - (2) Have no encumbrance on any state license.
 - (3) Be eligible for a compact privilege in any member state in accordance with subsections (g) and (h).
 - (4) Have not had any adverse action against any license or compact privilege within the previous two years.
 - (5) Notify the commission that the licensee is seeking the compact privilege within a remote state or states.
 - (6) Pay any applicable fees, including any state fee, for the compact privilege.
 - (7) Meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a compact privilege.
 - (8) Report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.
- (b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection (a) to maintain the compact privilege in the remote state.
- (c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and rules of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state, in accordance with due process and that state's laws, may remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary action to protect the health and safety of its residents. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until both of the following occur:

- (1) The home state license is no longer encumbered.
- (2) Two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of subsection (a) to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in every remote state until all of the following occur:

- (1) The specific period of time for which the compact privilege was removed has ended.
- (2) All fines have been paid.
- (3) Two years have elapsed from the date of the adverse action.

(h) Once the requirements of subsection (g) have been met, the licensee shall meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

Credits

(Act 2021-115, § 4.)

Ala. Code 1975 § 34-24-220.03, AL ST § 34-24-220.03

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.04

§ 34-24-220.04. Active duty military personnel or their spouses.

Effective: June 1, 2021

Currentness

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- (1) Home of record.
- (2) Permanent Change of Station (PCS).
- (3) State of current residence if it is different from the PCS state or home of record.

Credits

(Act 2021-115, § 5.)

Ala. Code 1975 § 34-24-220.04, AL ST § 34-24-220.04

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.05

§ 34-24-220.05. Adverse actions.

Effective: June 1, 2021

Currentness

- (a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.
- (b) A home state may take adverse action based on the investigative information of a remote state, provided that the home state follows its own procedures for imposing adverse action.
- (c) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states shall require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.
- (d) Any member state may investigate actual or alleged violations of the laws and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.
- (e) A remote state may do all of the following:
- (1) Take adverse action as set forth in subsection (d) of Section 34-24-220.03 against a licensee's compact privilege in the state.
 - (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.
 - (3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) *Joint investigations.*

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

Credits

(Act 2021-115, § 6.)

Ala. Code 1975 § 34-24-220.05, AL ST § 34-24-220.05

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Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.06

§ 34-24-220.06. Establishment of the Physical Therapy Compact Commission.

Effective: June 1, 2021

Currentness

(a) The compact member states shall create and establish a joint public agency known as the Physical Therapy Compact Commission.

(1) The commission is an instrumentality of the compact member states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) *Membership, voting, and meetings.*

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the adoption of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

- (6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.
- (7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.
- (c) The commission shall have all of the following powers and duties:
- (1) Establish the fiscal year of the commission.
 - (2) Establish bylaws.
 - (3) Maintain its financial records in accordance with the bylaws.
 - (4) Meet and take such actions as are consistent with this compact and the bylaws.
 - (5) Adopt uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.
 - (6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected.
 - (7) Purchase and maintain insurance and bonds.
 - (8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.
 - (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.
 - (10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.
 - (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall avoid any appearance of impropriety.
 - (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.

(17) Establish and elect an executive board.

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with state regulation of physical therapy licensure and practice.

(d) *The executive board.*

(1) The executive board may act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be composed of nine members as follows:

a. Seven voting members who are elected by the commission from the current membership of the commission.

b. One ex officio, nonvoting member from the recognized national physical therapy professional association.

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(3) The ex officio members shall be selected by their respective organizations.

(4) The commission may remove any member of the executive board as provided in the bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have all of the following duties and responsibilities:

- a. Recommend to the entire commission changes to the rules or bylaws, to this compact, to legislation, to fees paid by compact member states such as annual dues, and to any commission compact fee charged to licensees for the compact privilege.
- b. Ensure compact administration services are appropriately provided, contractual or otherwise.
- c. Prepare and recommend the budget.
- d. Maintain financial records on behalf of the commission.
- e. Monitor compact compliance of member states and provide compliance reports to the commission.
- f. Establish additional committees as necessary.
- g. Perform other duties as provided in rules or bylaws.

(e) *Meetings of the commission.*

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 34-24-220.08.

(2) The commission or the executive board or other committee of the commission may convene in a closed, non-public meeting if the commission or executive board or other committee of the commission must discuss any of the following:

- a. Non-compliance of a member state with its obligations under the compact.
- b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.
- c. Current, threatened, or reasonably anticipated litigation.
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.
- e. Accusing any person of a crime or formally censuring any person.
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

h. Disclosure of investigative records compiled for law enforcement purposes.

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

j. Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for the actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(f) *Financing of the commission.*

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula adopted by rule of the commission, and binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(g) *Qualified immunity, defense, and indemnification.*

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Credits

(Act 2021-115, § 7.)

Ala. Code 1975 § 34-24-220.06, AL ST § 34-24-220.06

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

Code of Alabama

Title 34. Professions and Businesses. (Refs & Annos)

Chapter 24. Physicians and Other Practitioners of Healing Arts. (Refs & Annos)

Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.07

§ 34-24-220.07. Data system.

Effective: June 1, 2021

Currentness

- (a) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensees in member states.
- (b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all licensees to whom this compact is applicable as required by the rules of the commission, including all of the following:
- (1) Identifying information.
 - (2) Licensure data.
 - (3) Adverse actions against a license or compact privilege.
 - (4) Non-confidential information related to alternative program participation.
 - (5) Any denial of application for licensure, and the reason or reasons for the denial.
 - (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.
- (c) Investigative information pertaining to a licensee in any member state shall only be available to other party states.
- (d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.
- (e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

Credits

(Act 2021-115, § 8.)

Ala. Code 1975 § 34-24-220.07, AL ST § 34-24-220.07

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.08

§ 34-24-220.08. Rulemaking.

Effective: June 1, 2021

Currentness

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt this compact within four years after the date of adoption of the rule, then the rule shall have no further force and effect in any member state.

(c) Rules or amendments to rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a Notice of Proposed Rulemaking on both of the following:

(1) The website of the commission or other publicly accessible platform.

(2) The website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of Proposed Rulemaking shall include all of the following:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment and the reason for the proposed rule or amendment.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

(1) At least 25 persons.

(2) A state or federal governmental subdivision or agency.

(3) An association having at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing is not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with adoption of the proposed rule without a public hearing.

(k) The commission, by majority vote of all members, shall take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subdivision, an emergency rule is one that must be adopted immediately in order to do any of the following:

- (1) Meet an imminent threat to public health, safety, or welfare.
- (2) Prevent a loss of commission or member state funds.
- (3) Meet a deadline for the adoption of an administrative rule that is established by federal law or rule.
- (4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Credits

(Act 2021-115, § 9.)

Ala. Code 1975 § 34-24-220.08, AL ST § 34-24-220.08

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

Code of Alabama

Title 34. Professions and Businesses. (Refs & Annos)

Chapter 24. Physicians and Other Practitioners of Healing Arts. (Refs & Annos)

Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.09

§ 34-24-220.09. Oversight, dispute resolution, and enforcement.

Effective: June 1, 2021

Currentness

(a) *Oversight.*

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the purposes and intent of this compact. This compact and the rules adopted hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of this compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any proceeding and shall have standing to intervene in a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or adopted rules.

(b) *Default, technical assistance, and termination.*

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or adopted rules, the commission shall do both of the following:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.

b. Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(c) *Dispute resolution.*

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(d) *Enforcement.*

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with this compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Credits

(Act 2021-115, § 10.)

Ala. Code 1975 § 34-24-220.09, AL ST § 34-24-220.09

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.10

§ 34-24-220.10. Date of implementation of the Interstate Commission for
Physical Therapy Practice and associated rules, withdrawal, and amendment.

Effective: June 1, 2021

Currentness

(a) This compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the adoption of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins this compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day this compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Credits

(Act 2021-115, § 11.)

Ala. Code 1975 § 34-24-220.10, AL ST § 34-24-220.10

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.11

§ 34-24-220.11. Construction and severability.

Effective: June 1, 2021

Currentness

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Credits

(Act 2021-115, § 12.)

Ala. Code 1975 § 34-24-220.11, AL ST § 34-24-220.11

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Article 5. Physical Therapists.

Division 3. Physical Therapy Licensure Compact. (Refs & Annos)

Ala.Code 1975 § 34-24-220.12

§ 34-24-220.12. Judicial proceedings by individuals.

Effective: June 1, 2021

Currentness

Except as to judicial proceedings for the enforcement of this compact among member states, individuals may pursue judicial proceedings related to this compact in any Alabama state or federal court that would otherwise have competent jurisdiction.

Credits

(Act 2021-115, § 14.)

Ala. Code 1975 § 34-24-220.12, AL ST § 34-24-220.12

Current through the end of the 2023 First Special, Regular, and Second Special Sessions. Some provisions may be more current; see credits for details.

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