

**ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE**

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**CHAPTER 700-X-1 ORGANIZATION, ADMINISTRATION AND
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700-X-1-.01	Purpose
700-X-1-.02	Composition And Selection Of Board
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700-X-1-.01 Purpose.

The Alabama Board of Physical Therapy was created to ensure that the public is protected from the incompetent practice of physical therapy. This purpose is achieved through the establishment of minimum qualifications for entry into the profession, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder. The Board may, at its discretion, conduct scheduled or unscheduled inspections of facilities in which physical therapists practice to determine compliance with applicable statute/regulation.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake

Statutory Authority: Code of Ala. 1975, §34-24-193. Amended: Filed December 5, 1995; Effective January 9, 1996.

700-X-1-.02 Composition And Selection Of Board.

(1) The Board of Physical Therapy shall consist of seven members who meet the qualifications set out in Code of Ala. 1975, §34-24-192(b), appointed by the Governor from a list of five persons nominated for each place on such Board by the current licensees and certified to him by the Board. For the purpose of preparing the list of five names, the Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under the provisions of this act shall have the right to attend, nominate, and vote. Nominations may be made from the floor, or mailed to the Board to be received no later

than two weeks prior to the nominations/election meeting. Late nominations will not be accepted. Written, signed consent of each nominee is required. The Board will select the date, time, and place of the meeting at which nominations and voting will be accomplished. All licensees will be notified electronically at least 30 days prior to said meeting.

(2) In the event of a vacancy prior to the next meeting, the Governor will fill such vacancy from the remaining names on the list. Board members shall be appointed for staggered terms of five years each, so that at least one member's term expires each year. No person shall be appointed for more than two consecutive terms. Four members shall be physical therapists, two members shall be physical therapist assistants, and one member shall be a consumer.

(3) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

Authors: John C. Badenhop; James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier; Andy Gustafson; Ron Bass; Jay Segal; Mitzi Tuttle; Vince Molyneux; Eric Dekle

Statutory Authority: Code of Ala. 1975, §§34-24-192, 34-24-193.

History: Filed September 30, 1982. Amended: Filed September 6, 1985; November 29, 1989. Amended: Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed March 22, 2010; effective April 26, 2010.

700-X-1-.03 General Description Of Organization And Operation.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, and investigative, are paid from legislative appropriation of fees collected by the Board. The attorney general and his assistants provide legal services to the Board.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-195.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake **Statutory Authority:** Code of Ala. 1975, §§34-24-193, 34-24-195.

History: Filed September 30, 1982.

700-X-1-.04 Officers.

(1) Election.

(a) The Board shall, elect a chair, a secretary, and a treasurer, annually at the first meeting held after October the 1st.

(2) Compensation and Expenses. Board members shall be compensated on a per diem basis for days actually spent in performance of their duties in an amount that shall be fixed from time to time by resolution of the Board. Additionally, members of the Board shall be reimbursed according to the state travel policy for their other expenses.

Authors: John C. Badenhop; James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Statutory Authority: Code of Ala. 1975, §§34-24-192, 34-24-193.
History: Filed September 30, 1982. **Amended:** Filed September 6, 1985. Amended: Filed May 6, 2002; effective June 10, 2002.

700-X-1-.05 Executive Director.

The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Executive Director is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests, should be made to the Executive Director at the Board's headquarters as follows:

Executive Director
Alabama Board of Physical Therapy
100 North Union Street, Suite 724
Montgomery, Alabama 36130-5040

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed May 6, 1996; effective June 10, 1996. **Amended:** Filed March 5, 1999; effective April 9, 1999

700-X-1-.06 Meetings.

(1) Meetings may be called by the chair or by a quorum of the Board.

(2) Each member of the Board shall be given at least seven days' notice of the time, place, and purpose of any regular or special meeting by the chair or the executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants shall have the right to attend, nominate, and vote on persons for positions on the board. Special meetings may be called as necessary.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.07 Voting.

All members of the Board, including the chair, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board. The chairman shall vote as a member of the Board and his/her vote shall count no more than the vote of any other member.

Author: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed May 6, 2002; effective June 10, 2002

700-X-1-.08 Use Of Forms.

All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Copies of instructions and forms are available from the executive director.

Author: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999

700-X-1-.09 Records.

(1) Specific public records are available for inspection at Board headquarters during regular business hours.

(2) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution by the Board.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-4(1). **History:** Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.10 Directory.

The Board shall make available a directory listing all persons licensed to practice in Alabama as physical therapists or physical therapist assistants. Copies of the directory shall be made available from the executive director upon request and payment of the cost of copying, handling and postage, the costs of which will be the same as set forth in rule 700-X-.09 above.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet; Vince Molyneux; John Cormier; Jay Seal; Eric Dekle; Mitzi Watson; Mary Jolley

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999.

**ALABAMA BOARD OF PHYSICAL THERAPY
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CHAPTER 700-X-2 LICENSURE

700-X-2-.01	Appropriate Education Required
700-X-2-.02	Application Required
700-X-2-.03	Application Fee Required
700-X-2-.04	Examinations Required
700-X-2-.05	Licensure Without Examination
700-X-2-.06	Issuance Of License
700-X-2-.07	Temporary Licenses
700-X-2-.08	Renewal Of License
700-X-2-.09	Restoration Of License
700-X-2-.10	Lost Or Destroyed License Or Name Change
700-X-2-.11	Fee For Verification Of Licensure
700-X-2-.12	Schedule Of Fees Set By The Board

700-X-2-.01 Appropriate Education Required.

(1) United States Educated Applicants. Each applicant for licensure as a physical therapist or physical therapist assistant must have completed a program of physical therapy education appropriate for preparation as a physical therapist or physical therapist assistant, respectively, which is approved by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education (CAPTE).

(2) Non-United States Educated Applicants.

(a) Statement of Policy. Foreign educated physical therapist applicants must demonstrate educational equivalency to United States educated physical therapists as measured by the Federation of State Boards of Physical Therapy (FSBPT).

(b) Submission of Educational Credentials. Foreign educated physical therapist applicants shall submit their education credentials to:

FOREIGN CREDENTIALING COMMISSION ON PHYSICAL THERAPY
(FCCPT)
124 West St., South
3rd Floor
Alexandria, VA 22314
Fax: 703-684-8715

A copy of the evaluation by the credentials evaluating agency must be sent directly to the Board.

Authors: Anne H. Harrison, Donald L. Hiltz, Robert L. Shoemake, Danny F. Sutter, Janice M. Goodwin, Herbert R. Caillouet, Bernard Harris, Andy Gustafson, John K. Cormier, Jay Segal, Ron Bass, Mitzi Tuttle, Vince Molyneux, Eric Dekle

Statutory Authority: Code of Ala. 1975, §§34-24-212; 34-24-193; 34-24-216.

History: Filed September 30, 1982; effective September 15, 1982. **Amended:** January 3, 1990; Filed September 4, 1992; effective October 9, 1992. **Amended:** September 9, 1993; effective October 14, 1993. **Amended:** May 6, 1996; effective June 10, 1996. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 12, 2003; effective June 16, 2003. **Amended:** Filed February 9, 2004; effective March 15, 2004. **Amended:** Filed April 3, 2006; effective May 8, 2006. **Amended:** Filed December 4, 2006; effective January 8, 2007. **Amended:** Filed November 18, 2009; effective December 23, 2009. **Amended:** Filed January 20, 2012; effective February 24, 2012. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.02 Application Required.

(1) Application form. Each applicant for licensure shall complete an application form prescribed by the Board and supplied by the executive director.

(2) Documentation. The documents provided in this section must be received by the executive director before an application is considered complete.

(a) Applicants for Licensure by Examination.

1. The following must be submitted by the applicant:

(i) Completed application form, including photograph.

(ii) The required fees as prescribed by the Board.

2. The following must be submitted directly to the Board by the appropriate person or entity:

(i) An official transcript of grades showing graduation or completion of the requisite physical therapy program. (Must be received prior to issuance of a permanent license.)

(b) Applicants for Licensure by Endorsement.

1. The following must be submitted by the applicant:

(i) Completed application form, including photograph.

(ii) The required fee as prescribed by the Board.

2. The following must be submitted directly to the Board by the appropriate person or entity:

(i) An official transcript of grades showing graduation or completion of the requisite physical therapy program.

(ii) Verification of all of applicant's licenses in other states as a physical therapist or physical therapist assistant.

(iii) Applicants who took the examination between August 1965, and February 1991, must have passed each part of the examination, as well as the entire examination, by at least 1.5 sigma below the national mean. Applicants who took the examination between February 1991, and March 1993, must have passed the examination by at least 1.5 sigma below the national mean. Applicants who took the examination from March 1993, to the present must have passed the examination with a criterion referenced score of at least 600.

(c) Foreign-educated applicants.

1. The following must be submitted directly to the Board by the appropriate person or entity:

(i) A certified copy of the evaluation by the approved credentials evaluating agency of the applicant's education prior to application.

(ii) Any other certifying documents deemed necessary by the Board to establish professional status.

2. The following must be submitted by the applicant:

(i) Completed application form.

(ii) The required fees as prescribed by the Board.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin; Herbert R. Caillouet; Donald L. Hiltz; Bernard Harris; Vince Molyneux; John Cormier; Jay Segal; Eric Dekle; Mitzi Watson; Mary Jolley

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-211, 34-24-212, 34-24-216.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989; Filed January 3, 1990; Filed September 4, 1992; effective October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.03 **Application Fee Required.** A fee shall be required of all applicants for licensure. The fee shall be tendered in an appropriate method approved by the board.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-211.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989; Filed September 4, 1992; effective October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.04 **Examinations Required.**

(1) Examinations.

(a) Each candidate for licensure must pass licensure examination and a jurisprudence examination approved by the Board.

(b) The cost of the examinations is in addition to the application fee provided for in Rule 700-X-2-.03 and the payment should be made directly to the examination service.

(2) Each candidate must register with FSBPT to take the National Physical Therapy Exam (NPTE) and select Alabama as the jurisdiction for which the applicant will be testing to have the first score sent to this state.

(3) Scoring of Examinations.

(a) Examinations shall be scored by and maintained on file by the appropriate examination service, and a record of the applicant's examination scores shall be kept by the Board.

(b) Passing Score.

1. Physical Therapist Applicants. Physical therapist applicants must pass the examinations with a score of at least 600.

2. Physical Therapist Assistant Applicants. Physical therapist assistant applicants must pass the examinations with a score of at least 600.

(4) Reexamination.

(a) Any candidate who fails to pass the first licensure or jurisprudence examination may reschedule for reexamination with the examination service. Applicant is responsible for all fees required by the examination service for reexamination.

(b) Applicants fee for licensure with the board remains valid until the candidate exhausts all opportunities to pass examinations under the established guidelines provided by the examination service.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-212, 34-24-216.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989; effective September 15, 1982. **Amended:** January 3, 1990; Filed September 4, 1992; October 9, 1992.

Amended: Filed July 14, 1998; effective August 18, 1998.

Amended: Filed June 1, 2006; effective July 6, 2006. **Repeal and**

New: February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.05 **Licensure Without Examination.** Any individual licensed prior to 1978 who applies for licensure without examination under the provisions of Code of Ala. 1975, §34-24-214, must provide the Board with a copy of the law under which he/she was licensed and, where appropriate, have the licensing authority or appropriate score reporting service provide the Board with a copy of his/her examination scores.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin; Herbert R. Caillouet; Donald L. Hiltz; Bernard Harris; Vince Molyneux; John Cormier; Eric Dekle; Jay Segal; Mitzi Watson; Mary Jolley

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-215.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.06 **Issuance Of License.** Each license shall be dated and numbered in the order of issuance and shall be signed by the chair and the executive director.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-213, 34-24-214, 34-24-215.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.07 **Temporary Licenses.**

(1) Upon application for licensure by qualified candidates under the provisions of Code of Ala. 1975, §34-24-215(b), and upon submission of documentation required by Rule 700-X-2-.02, a candidate shall be issued a temporary license to practice as a physical therapist or physical therapist assistant. The temporary license shall be valid only until the first examination is scored and the Board determines whether a license shall be issued. Physical therapists practicing under a temporary license must be under the direct,

on-site supervision of a licensed physical therapist. Physical therapist assistants practicing under a temporary license must be under the direct, on-site supervision of a licensed physical therapist or a licensed physical therapist assistant, with the approval of the supervising physical therapist.

(2) The Board shall issue a temporary license under the provisions of Code of Ala. 1975, §34-24-215(a), upon application and payment of a fee not to exceed \$100.00, which fee shall be set from time to time by resolution of the Board.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-214.

History: Filed September 30, 1982. **Amended:** Filed March 9, 1995; effective April 13, 1995. **Amended:** Filed December 6, 1996; effective January 10, 1997. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.08 Renewal Of License.

(1) Annual Renewal Required. Each license expires on October 1 of the year following its issuance.

(2) Renewal Fee Required. A renewal fee shall be required for annual renewal of license.

(3) Expired Renewal Fee. Anyone wishing to renew an expired license after November 1st of the license issuance year shall pay an Expired Renewal Fee. This Fee is in addition to the restoration fee set by Administrative Regulation 700-X-2-.09. After the five-year period, a license shall only be obtained by complying with the provisions relating to the issuance of an original license.

(4) Continuing Education Required. Continuing education activities are required to assure continued competency of licensees and thereby public protection. Successful completion of continuing education activities shall be a requirement for the renewal of licenses and for initial licensure without examination.

(5) Effective October 1, 2014, the Board does not pre-approve continuing education providers, sponsors or individual programs. It is the licensee's responsibility, using her/his professional judgment, to determine if the continuing education activities they complete are applicable, appropriate, and meet the requirements of the Board. All continuing education offerings, regardless of source will be accepted provided that

it is directly related to the licensee's practice of physical therapy and meets the following general guidelines.

(a) General Guidelines

(1) Maintain, improve or expand skills or knowledge of the practice of physical therapy

(2) Contribute to the professional competency of the licensee by means of an organized activity with clearly described or outlined course content, dates or timelines for completion, and times of instruction or activity engagement expectations

(3) Pertain to common subjects related to the practice of physical therapy and are based upon referenced scientific evidence; practice-based evidence; case studies; clearly identified anecdotal experience; current or proposed regulation of practice; accepted professional guidelines; policy documents; or best practices

(4) Conducted by experts in the subject matter - individuals with special education, training, and experience,

(5) Include stated program goals/objectives.

(6) Identify target audience or describes prerequisite levels of experience

(7) Describe requirements for successful progression or completion when using self-directed methods of learning (i.e., self-study, online, video, audio, teleconference, etc.). Self-directed methods of instruction may utilize a post-test but cannot result in a pass/fail grade

(8) Include a certificate or other sufficient proof of completion -For a concurrent session conference that does not provide documentation of individual session(s) completed, each individual course attended must be verified by having a conference official or course instructor sign or stamp the session description in the conference program if the conference does not use an automated format that allows for individual course verification

(b) Non-traditional continuing education activities shall have the following credit values:

1. Completion of physical therapy related academic coursework - awarded fifteen (15) hours of credit per semester hour completed

2. Participation in a physical therapy related clinical residency or fellowship program - awarded fifteen (15) hours of credit for each 1,000 hours completed

3. Completion of a physical therapy related specialty certification or recognition of advanced proficiency - awarded three (3) hours of credit for the initial certification or recognition and one (1) hour of credit for recertification or subsequent recognition

4. Publication in a peer-reviewed publication - awarded five (5) hours of credit for a book, three (3) hours of credit for a chapter or single author publication, or two (2) hours of credit for a multi-author publication

5. Teaching or lecturing in a physical therapy related continuing education activity - awarded two (2) hours per hour taught. Teaching or lecturing in the academic setting is also included, if teaching is not the licensee's primary occupation

6. Once every five (5) years, a formal internal or external peer review of practice, with verification of acceptable practice - awarded three (3) hours of credit

(c) Limited non-traditional continuing education activities are also permitted by the Board but shall not exceed forty percent (40%) of a licensee's total annual continuing education requirement and shall have the following credit values:

1. Publication in a peer-reviewed publication of an abstract, scientific review of a research paper, or book review - awarded one (1) hour of credit

2. Participation as a book or manuscript reviewer - awarded one (1) hour of credit

3. Database publication of a clinical practice guideline - awarded one (1) hour of credit

4. Authorship of a presented scientific poster or platform presentation - awarded one (1) hour of credit

5. Acting as the primary clinical instructor for CAPTE accredited PT or PTA program students - awarded one (1) hour for each 200 hours completed

6. Developing alternative media materials, including computer software, programs, and digital

instructional materials - awarded one (1) hour for each project released for public access.

(d) Requirements

1. Each physical therapist and physical therapist assistant licensed to practice by this Board shall complete for each compliance period, a minimum of ten (10) hours of continuing education activities. One hour of continuing education is defined as 50 minutes of engagement in the continuing education activity. October 1 through September 30 of the next year shall constitute a compliance period.

(i) For licensure without examination, the applicant must demonstrate a total of ten (10) hours of acceptable continuing education in the twelve (12) months prior to application.

(ii) Individuals licensed within one year of graduation from a CAPTE approved program will not be required to meet the continuing education requirement for initial licensure or first renewal.

2. Beginning with the compliance period starting October 1, 2015, licensees shall begin retaining a record of completed courses for five (5) years, including an agenda, brochure or other documentation that substantiate how the activities meet the accepted general guidelines, as well as documentation to establish the completion of those activities. Licensees shall provide the Board a copy of their records, or grant access to any online recording and reporting system—the licensee elects to use for purposes of the Board verifying completion of the continuing education requirements.

3. Continuing education hours earned by a physical therapist or physical therapist assistant in excess of ten (10) hours during a compliance period, may be carried forward into the next compliance period; but, no more than ten (10) hours may be carried forward.

4. Beginning with the compliance period starting October 1, 2015, licensees complete at least two (2) hours of continuing education every fifth year on the topic of Alabama physical therapy jurisprudence, covering both the Practice Act and the Administrative Code. Both PTs and PTAs will be required to fulfill this requirement when renewing their license in years ending in zero (0) or five (5) (i.e., 2020, 2025, 2030, etc.). Individuals licensed without examination shall also complete this expectation within 30 days of initial licensure.

(e) Unacceptable activities for continuing education:

1. Regularly scheduled education opportunities provided within the employment setting such as orientations, in-services, staff meetings, informal rounds, case conferences, equipment or procedural updates, CPR, blood-borne pathogens, etc.

2. Meetings for purposes of policy decisions

3. Non-educational meetings at annual conferences, chapter or organizational meetings

4. Entertainment or recreational meetings or activities

5. Committee meetings, holding office, serving as an organizational delegate

6. Visiting exhibits, poster presentations

7. Entry-level coursework, activities, or presentations made by the lay public or non-medical professionals

8. Activities of less than fifty (50) minutes duration

(f) Failure to Meet Requirement

1. No license will be renewed in the absence of satisfactory evidence that the required hours have been earned. The Board may consider exceptions in extenuating circumstances

2. Upon audit, the licensee is responsible for demonstrating that the completed continuing education activities were of an acceptable nature. Should an audited activity prove to be unacceptable the licensee will have sixty (60) days to successfully meet the continuing education expectations. Failure to meet the continuing education requirements within that timeframe will result in disciplinary action.

3. A licensee that is licensed without examination who is unable to document ten (10) hours of continuing education activities in the twelve (12) months prior to application shall have thirty (30) days after the initial issuance of the license to successfully meet this requirement. This requirement is in addition to the annual renewal requirement of ten (10) hours.

Failure to meet the continuing education requirements within that timeframe will result in disciplinary action.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Janice M. Goodwin, Herbert R. Caillouet, Bernard Harris, Andy Gustafson, John Cormier, Ron Bass, Jay Segal, Mitzi Tuttle; Sonja Enfinger, Vince Molyneux, Eric Dekle; Mitzi Watson; Mary Jolley; Alina Adams; Nathan McGriff; Wiley Christian; Chad Hobbs

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-216.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989; January 3, 1990; July 7, 1991. **Amended:** Filed June 8, 1994; Effective July 13, 1994. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed February 4, 2003; effective March 11, 2003. **Amended:** Filed February 4, 2005; effective March 11, 2005. **Repealed and New:** Filed September 21, 2005; effective October 11, 2005. **Amended:** Filed December 17, 2009; effective January 21, 2010. **Amended:** Filed November 17, 2011; effective December 22, 2011. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012. **Amended:** Filed August 23, 2013; effective September 27, 2013. **Amended:** Filed March 17, 2014; effective April 21, 2014. **Amended:** Filed January 16, 2015; effective February 20, 2015. **Amended:** Filed May 14, 2015; effective June 18, 2015. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.09 **Restoration Of License.** All licenses shall expire on the first day of October. Any person who permits his/her license to lapse past September 30 may restore the license upon application to the Board and submission of all fees due on or before November first. After November first, a restoration fee set by the board will be required, in addition to the expired renewal fee. Upon receipt of all fees applicable, a license will be reinstated and restored effective the date that all fees are received in the board office.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris, Wiley J. Christian III, John Cormier, Ron Bass, Andy Gustafson, Mitzi Tuttle, Amy Hall Smith, Sonja Enfinger

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-216.

History: Filed September 30, 1982. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed February 4, 2005; effective March 11, 2005. **Amended:** Filed March 7, 2007. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.10 Lost Or Destroyed License Or Name Change.

(1) Lost or destroyed license. Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the Board. Such application must be accompanied with the appropriate form and fee set by the board.

(2) Name change. Any licensee whose name is changed by marriage or court order shall provide proof of name change and apply for a replacement license within 60 days.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Statutory Authority: Code of Ala. 1975, §34-24-193.

History: Filed September 30, 1982. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective February 1, 2019.

700-X-2-.11 Fee For Verification Of Licensure. The board is 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.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Statutory Authority: Code of Ala. 1975, §34-24-193.

History: **New Rule:** Filed July 14, 1998; effective August 18, 1998. **Repeal and New:** February 9, 2017; effective May 25, 2017. **Repeal and New:** August 10, 2018; effective December 13, 2018.

700-X-2-.12 Schedule Of Fees Set By The Board.

Application Fee - Endorsement or Examination (PT or PTA)	\$150
Annual Renewal Fee (PT).....	\$130
Annual Renewal Fee (PTA).....	\$93
Expired Renewal Fee (PT).....	\$230
Expired Renewal Fee (PTA).....	\$193
Restoration Fee.....	\$50
Original License Reprint.....	\$10
Verification of AL Licensure.....	\$25

Directory of Licensees (PT).....\$75
(PTA).....\$75

Copy Records\$1/pg.

Temporary License for Section 34-24-215 (a)
Code of Ala. 1975.....\$100

Authors: Wiley J. Christian III; John K. Cormier; Ron Bass;
Andy Gustafson; Sonja K. Enfinger; Mitzi Tuttle; Amy Hall
Smith; Vince Molyneux, John Cormier, Jay Segal, Eric Dekle,
Mitzi Watson, Mary Jolley, Alina Adams, Nathan McGriff

Statutory Authority: Code of Ala. 1975, §§34-24-193,
34-24-211, 34-24-214, 34-24-215 (a), 34-24-216.

History: **New Rule:** Filed March 7, 2007; effective
April 11, 2007. **Amended:** Filed January 16, 2015; effective
February 20, 2015. **Repeal and New:** February 9, 2017; effective
May 25, 2017. **Repeal and New:** Filed December 18, 2018; effective
February 1, 2019.

**ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE**

CHAPTER 700-X-3 PROFESSIONAL CONDUCT

700-X-3-.01	Statement Of Policy
700-X-3-.02	Unbecoming Conduct/Conduct Detrimental To The Best Interest Of The Public Prohibited
700-X-3-.03	Roles And Responsibilities Of Licensees
700-X-3-.04	Advertising
700-X-3-.05	Identification Required

700-X-3-.01 Statement Of Policy.

Physical therapists and physical therapist assistants are to respect the rights and dignity of all individuals and are to be guided at all times by concern for the welfare of those patients entrusted to their care. Inherent within this charge of care for a patient is a code of conduct which includes both required and prohibitive actions.

Author: Robert L. Shoemake

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-217.

History: Filed September 30, 1982.

700-X-3-.02 Unbecoming Conduct/Conduct Detrimental To The Best Interest Of The Public Prohibited.

(1) "Unbecoming Conduct" is defined as incompetent, illegal, unethical, unprofessional, or dishonorable conduct which violates those standards which have become accepted as obligations reasonably necessary for the protection of the public interest and for professional accountability.

(2) Certain Conduct Specifically Prohibited. While the statements of conduct apply universally, the application or interpretations are usually based on specific individual circumstances. The determination as to what constitutes unbecoming conduct shall be solely within the judgment of the Board of Physical Therapy. The Board finds that and declares that unbecoming conduct shall include, but not be limited to, the following either singularly, in part, or in combination:

(a) Willful or grossly negligent failure to comply substantially with provisions of laws, rules or regulations governing the practice of the profession.

(b) Abandoning or neglecting a patient in need of immediate professional care without making reasonable arrangements for the continuation of such care.

(c) Willfully harassing, abusing, or intimidating a patient, co-worker, student, volunteer, or any individual either physically or verbally while practicing physical therapy.

(d) Suggesting to a patient referred by one practitioner that the patient seek the services of another practitioner without first consulting the referring practitioner.

(e) Guaranteeing that satisfaction or a cure will result from the performance of professional services.

(f) Administering excessive tests or treatment; use of treatment procedures or equipment not warranted by the condition of the patient.

(g) Claiming that the quality of your services is greater than the quality of services performed by other physical therapists or other physical therapy assistants.

(h) Using the word "doctor" in offering to perform professional services without also indicating the discipline in which the licensee holds a doctorate.

(i) Accepting and undertaking the performance of responsibilities which the licensee knows or has reason to know that he or she is not qualified to perform, or performing without adequate supervision or direction, services which the licensee is authorized to perform only under the supervision or direction of licensed persons.

(j) Delegating responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by education, by experience or by licensure to perform them.

(k) Failing to exercise appropriate supervision or direction over persons who are authorized to practice only under the supervision or direction of the licensed professional.

(l) Failing to maintain appropriate records which accurately reflect the evaluation and treatment for each patient.

(m) Revealing personally identifiable facts, data, or information obtained in a practitioner capacity without the

prior consent of the patient or client, except as authorized or required by law.

(n) Failing to make available to a patient, or, upon a patient's request, to another licensed health care practitioner consistent with that practitioner's authorized scope of practice, copies of reports, test records, or evaluations relating to the patient, or failing to complete forms or reports required for the reimbursement of a patient by a third party.

(o) Endorsing equipment, products or services to the patient and the lay public if any remuneration is received in return for such endorsement without notifying the patient or lay person that you would profit from the sale of the equipment, products or service.

(p) 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 with a referral source in connection with the furnishing of physical therapy services. Such conduct shall include but not be limited to the following:

1) Paying a referral source to refer patients.

2) Paying a referral source compensation as a medical director when the payment is not usual and customary for the time required to perform the duties of the medical director.

3) Providing staff to a referral source without receiving compensation from the referral source consistent with fair market value for the labor provided.

(q) Forming a business, partnership, corporation, or other entity does not exempt the individual physical therapist or physical therapist assistant, whether employer, partner, or stockholder, either individually or collectively, from the obligation of promoting and maintaining legal principles.

(r) Failing to report known incompetent, illegal or unprofessional conduct.

(s) Engaging in sexual misconduct. Sexual misconduct, for the purpose of this section, includes the following:

1. Engaging in or soliciting sexual relationships with a patient currently under your care.
2. Sexually harassing patients under your care.

(t) Charging unreasonable or fraudulent fees for services performed or not performed.

(u) Interfering with or refusing to cooperate in an investigation or disciplinary proceeding conducted by the Board or any other governmental agency where cooperation is required.

Authors: Donald L. Hiltz, Anne H. Harrison, Herbert R. Caillouet, Cathy T. Sanford, Bernard Harris, Andy Gustafson, John Cormier, Jay Segal, Ron Bass, Sonja Enfinger, Mitzi Tuttle, Vince Molyneux, Eric Dekle, Mary Jolley, Wiley Christian

Statutory Authority: Code of Ala. 1975, §§3-24-191; 3-24-193.

History: Filed September 30, 1982. **Amended:** Filed: September 9, 1993; effective October 14, 1993. **Amended:** Filed December 5, 1995; effective January 9, 1996. **Amended:** Filed July 8, 1997; effective August 12, 1997. **Amended:** Filed November 18, 2009; effective December 23, 2009. **Amended:** Filed January 17, 2014; effective February 21, 2014.

700-X-3-.03 Roles And Responsibilities Of Licensees.

(1) Within the provision of physical therapy service there are three recognized levels of personnel: The physical therapist who is licensed to practice physical therapy; the physical therapist assistant who is licensed to assist the physical therapist; and the physical therapist aide who is an unlicensed person. The physical therapist must assume primary responsibility for physical therapy care rendered under his/her supervision or direction. Both direction and supervision include, when appropriate, observation of the application of physical therapy procedures, conferences related to patient progress, verbal and written reports.

(2) Definitions.

(a) Direction means the action of the physical therapist in delegating duties to a physical therapist assistant, maintaining close communication with the physical therapist assistant, and overseeing the physical therapist assistant's activities on a frequent regularly scheduled basis.

(b) Supervision means the direct onsite overseeing of the performance of assigned or delegated duties or functions.

(c) Diagnosis for physical therapy means the identification of functional limitations and/or impairments and/or disabilities which are used to guide physical therapy treatments. It is not a medical diagnosis or the identification of a disease.

(3) Roles and Responsibilities, Specifically.

(a) Physical Therapist. The roles and responsibilities of a person licensed by this Board to practice physical therapy in the State of Alabama generally are:

1. To interpret a practitioner's referral.
2. To perform and document the initial evaluation, as well as the physical therapy plan of care which may include:
 - (i) Diagnosis rendered by the referring or previously diagnosing health care provider
 - (ii) Diagnosis for physical therapy
 - (iii) Presenting problems
 - (iv) Past medical history including, but not limited to, conditions for which patient is taking medication and conditions which are currently being treated by a physician
 - (v) List of medications being taken by the patient
 - (vi) Objective findings of the physical therapy evaluation
 - (vii) Assessment as to what the current problem(s) is/are that require physical therapy intervention
 - (viii) Goals, both short-term and long-term if appropriate
 - (ix) Physical therapy plan of treatment including frequency and duration

(3) A Physical Therapist will not be disciplined for accepting a referral from 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 as long as the physical therapist has a reasonable good faith belief that the assistant to a physician is acting pursuant to a valid supervisory agreement or the nurse practitioner is in a valid collaborative practice agreement with a licensed physician.

(4) To identify and document precautions, special problems, contraindications, anticipated progress, and plans for reevaluation.

(5) To implement and supervise that program.

(6) To select and delegate the appropriate portions of the treatment plan and program.

(7) To delegate only those patient care duties to supportive personnel who are qualified under the provisions of these rules to perform such duties.

(8) To reevaluate the patient and adjust the treatment plan, perform the final evaluation of the patient and discharge planning.

(9) To designate or establish channels of written and oral communication.

(10) To maintain adequate records of the case and report to appropriate sources.

(11) To direct no more than four licensed physical therapist assistants at one time.

(12) To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

(13) To provide supervision of physical therapist and/or physical therapist assistant students who are on clinical experiences approved by their school as part of their Commission on Accreditation of Physical Therapy Education (CAPTE) approved educational program.

(b) Physical Therapist Assistant. When using an abbreviated title, the physical therapist assistant should use the letters PTA. The roles and responsibilities of a person licensed by this Board to practice as a physical therapist assistant in the State of Alabama generally are:

(1) To practice only under the direction of a physical therapist licensed to practice in the State of Alabama.

(2) To assist with but not perform patient disability evaluations.

(3) To perform treatment procedures as delegated by the physical therapist but not to initiate or alter a treatment plan.

(4) To supervise other supportive personnel as charged by the physical therapist.

(5) To perform clerical, housekeeping, or other tasks as designated by the physical therapist.

(6) To notify the physical therapist of changes in patient's status, including all untoward patient responses.

(7) To discontinue immediately any treatment procedures which in their judgment appear to be harmful to the patient.

(8) To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

(9) To provide supervision of physical therapist assistant students who are on clinical experiences approved by their school as part of their CAPTE approved educational program.

(c) Physical Therapy Aide. The roles and responsibilities of physical therapy aides in physical therapy care are:

(1) To perform assigned duties under the direct on-site supervision of the physical therapist or physical therapist assistant.

(2) To prepare patients and area for physical therapy treatment.

(3) To assist patients in dressing, removing clothing, and applying or removing assistive or supporting devices.

(4) To support or stabilize patients to assist the physical therapist or physical therapist assistant

(5) To transport patients.

(6) To transfer or assist in transfer of patients when appropriate.

(7) To perform housekeeping duties.

(8) To perform clerical or reception duties when directed by the physical therapist.

(9) To assist in performance of routine treatment procedures as delegated and directly supervised (onsite) by the physical therapist or physical therapist assistant:

(i) The aide may only perform activities that do not require the clinical decision making of the physical therapist or physical therapist assistant.

10. To perform designated tasks with the following restrictions:

(i) The PT or PTA supervising the aide must reassess the patient at the beginning of each treatment session to determine what treatment procedures are appropriate for that treatment session.

(ii) If modality treatments are to be provided, the PT or PTA supervising the aide must designate the exact location to be treated, the length of treatment, and the parameters of the modality being used.

(iii) The aide may not perform any hands-on treatment, including, but not limited to, manual resistance exercise, passive range of motion, soft tissue mobilization or joint mobilization. This does not prohibit an aide from assisting licensed personnel in handling a patient when more than one person is needed.

(iv) If exercise is to be provided, the licensee supervising the aide must be in direct line of sight.

11. An aide may perform restorative care on patients discharged from physical therapy.

Authors: Robert L. Shoemake, Andy Gustafson, Ron Bass, Mitzi Watson, Jay Segal, John Cormier, Vince Molyneux, Eric Dekle

Statutory Authority: Code of Ala. 1975, §§34-24-191, 34-24-193.

History: Filed September 30, 1982. Amended: Filed September 9, 1993; effective October 14, 1993. **Amended:** Filed December 5, 1995; effective January 9, 1996. **Amended:** Filed May 6, 1996; effective June 10, 1996. **Amended:** Filed April 19, 2010; effective May 24, 2010. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012. Amended: Filed February 19, 2013; effective March 26, 2013.

700-X-3-.04 Advertising.

1. Statement of Policy. Advertising must be done in accordance with this rule which is designed to reasonably facilitate the flow of accurate information and prevent false and/or misleading advertising.

2. Certain Advertising Prohibited.

(a) The advertising is intentionally designed to mislead its intended audience.

(b) Licensees are not to compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context that it is a paid advertisement.

(3) The following shall be deemed appropriate means of advertising:

(a) Advertising any form prohibited by paragraph 1 and 2 above.

(b) Listings in directories published by third parties which are open to all qualified members of the profession practicing in the geographic area covered by the directories.

The listings may include such factual material as name, address, telephone number, office days and hours, and approved area(s) of specialty.

(c) Endeavoring to educate the public to an awareness of the physical therapy profession.

(d) Preparation of articles for nonmedical publications and participation in seminars, lectures, and civic programs designed to educate the public to the services offered by the profession.

Authors: Robert L. Shoemake, Beth Curry Dozier, Herbert R. Caillouet, Cathy T. Sanford, Sonja Farrell, Olivia J. Box

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-217.

History: Filed September 30, 1982. **Amended:** Filed December 14, 2001; effective January 18, 2002. **Amended:** Filed April 23, 2013; effective May 28, 2013.

700-X-3-.05 Identification Required.

(a) Licensees shall be identified as a physical therapist or physical therapist assistant in a legible manner to individuals that come in contact with them during the provisions of physical therapy services. The appropriate credentials, Physical Therapist or Physical Therapist Assistant, or the appropriate abbreviations, PT or PTA, shall be displayed on their person via proper identification. Non-licensed physical therapy support personnel shall be identified as physical therapy aide in a legible manner to individuals that come in contact with them while working under the supervision of a PT/PTA. Primary identification as a physical therapy aide may be followed by other license credentials or certifications. Proper identification includes, but is not

limited to, embroidery, clip-ons, paper nametags, name badges, or other appropriate means. This rule shall be effective as of January 1, 2011.

(b) There shall at all times be prominently displayed in the place of business of each licensee under this Act a sign containing the name, mailing address, and telephone number of this Board.

(c) Students shall be identified as a physical therapist student or a physical therapist assistant student in a legible manner, when in a clinical affiliation arrangement and will be in contact with patients. This may be achieved by the student wearing the name tag given to them by the educational institution they are enrolled in or by wearing a name tag issued by the clinical institution they are assigned to. The name tag must identify them as a physical therapist student or a physical therapist assistant student.

Authors: Donald L. Hiltz, Anne H. Harrison, Herbert R. Caillouet, Danny Sutter, Bernard Harris, Andy Gustafson, Jay Segal, John Cormier, Eric Dekle, Vince Molyneux, Mitzi Tuttle, Ron Bass

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed November 29, 1989.

Amended: Filed February 6, 1997; effective March 17, 1997.

Amended: Filed October 18, 2010; effective November 22, 2010.

Amended: Filed March 17, 2014; effective May 6, 2014

ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE

CHAPTER 700-X-4 DISCIPLINARY ACTIONS

700-X-4-.01	Complaints
700-X-4-.02	Probable Cause
700-X-4-.03	Summons And Complaint
700-X-4-.04	Pre-Hearing Discovery
700-X-4-.05	Disciplinary Hearings
700-X-4-.06	Discipline
700-X-4-.07	Costs And Fines
700-X-4-.08	Reinstatement Of License After Revocation
700-X-4-.09	Conflict And Bias

700-X-4-.01 Complaints.

Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person in writing with the executive director.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-194.

History: Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.02 Probable Cause.

Beginning January 21, 2009, upon the lodging of a complaint, the executive director shall refer the complaint to the chair of the Board. Subsequent to investigation the chair shall, in consultation with the executive director the Board's attorney, and a second board member appointed by the Chair, determine whether probable cause exists for the issuing of a summons and complaint by the Board. If a summons and complaint is issued, the chair and the second board member involved who made the probable cause determination shall not vote at the disciplinary hearing held pursuant to the summons and complaint.

Authors: John C. Badenhop, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris, Sonja Enfinger, John Cormier, Ron G. Bass, Mitzi Tuttle, Andy Gustafson, Jay Segal, Vince Molyneux
Statutory Authority: Code of Ala. 1975, §34-24-194. **History:** Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003. **Amended:** Filed December 15, 2008; effective January 19, 2009.

700-X-4-.03 Summons And Complaint.

(1) Preparation. In the event the Board determines that probable cause exists for the filing of a summons and complaint, the Board shall instruct its counsel to prepare it and it shall be filed with the Board.

(2) The summons and complaint shall be mailed certified mail, return receipt requested, to the most recent address of the respondent on file with the Board and shall be mailed at least 30 days prior to the scheduled date of the hearing. In the event the summons and complaint are refused, or the return receipt has not been received by the Board or its attorney at least 20 days before the scheduled hearing, respondent may be served by mailing a copy of the summons and complaint first class mail at least 15 days before the hearing date.

(3) Contents. The summons and complaint shall give notice in substantial compliance with the Alabama Administrative Procedures Act S12(2).

Authors: John C. Badenhop, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-194, 41-22-12(1). **History:** Filed September 30, 1982.

Amended: Filed September 6, 1985. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.04 Pre-Hearing Discovery.

(1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board or the respondent may, upon application to the Administrative Law Judge, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the Administrative Law Judge, the following discovery may be allowed or ordered:

1. Deposition upon oral examination of any expert witness.

2. Interrogatories to respondent.
3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person.

(b) The discovery must be done in accordance with the Alabama Administrative Procedures Act.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) Administrative Law Judge. The Board may, in its discretion, appoint some person to act as Administrative Law Judge at disciplinary hearings. In the event an Administrative Law Judge is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding other provisions of these rules to the contrary.

(b) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The state shall present its evidence, followed by the respondent, followed by rebuttal by the state. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Reexamination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days for the Board's consideration a proposed order of the Board including findings of fact, official notice, and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) Order. The Board shall issue an order within 30 days of the date of the final hearing, which shall include findings of fact, official notice taken, and conclusions of law, stated separately. Respondent shall be delivered a copy of the order by certified mail, return receipt requested, and a copy shall be mailed first class to each attorney of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act Section 13.

(3) Emergency Suspension. Emergency suspensions shall be governed by Ala. Code §41-22-19(d).

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-13, 41-22-16(3). **History:** Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.06 Discipline.

(1) Revocation or suspension of License. Upon a finding that respondent has violated any enumerated provision of Code of Ala. 1975, §34-24-217, or any rule adopted pursuant thereto, the Board may restrict, revoke or suspend respondent's license to practice as a physical therapist or physical therapist assistant in Alabama.

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to restrict, revoke or suspend respondent's license. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Considerations. In determining whether a license should be restricted, revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;

- (d) The length of time since the date of violation;
 - (e) The number of complaints filed against the licensee;
 - (f) The length of time the licensee has practiced;
 - (g) The actual damage, physical or otherwise, to the patient;
 - (h) The deterrent effect of the penalty imposed;
 - (i) The effect of the penalty upon the licensee's livelihood;
 - (j) Any efforts of rehabilitation; and
 - (k) Any other mitigating or aggravating circumstances.
- (4) Public Notice. The Board shall publish semi-annually a listing of names, with offenses, of licensees disciplined via formal or informal means.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris, Vince Molyneux, John Cromier, Jay Segal, Eric Dekle, Mitzi Watson, Mary Jolley

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-217.

History: Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012.

700-X-4-.07 Costs And Fines.

(1) Fines. The Board is authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$1,000 per violation, and it is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(2) Costs. The Board may, with the agreement of a licensee, tax the costs of the Board's investigation or adjudication of a complaint.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-215.

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.08 Reinstatement Of License After Revocation.

(1) Application for Reinstatement. Any person whose license has been revoked may apply to the Board for reinstatement of the license at any time within two years of the revocation.

In his/her application for reinstatement, the applicant should state why he/she feels the license should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement. Applicant must include in his/her application evidence that he/she meets the current requirements for licensure.

(2) Board Action. Upon receipt of such application, the Board may grant the applicant a hearing to consider reinstatement, at which time applicant may appeal to the Board to reinstate his/her license.

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Herbert R. Caillouet; Donald L. Hiltz; Bernard Harris; Vince Molyneux; John Cormier; Jay Segal; Eric Dekle; Mitzi Watson; Mary Jolley

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed September 20, 2012; effective October 25, 2012; Operative November 2, 2012.

700-X-4-.09 Conflict And Bias.

(1) No Board member shall be entitled to vote in any disciplinary matter if the Board member is personally biased against the respondent or when such voting would violate the provisions of the Alabama Administrative Procedure Act, Section 18(1).

(2) Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the executive director at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual basis for the assertion.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Authors: Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Statutory Authority: Code of Ala. 1975, §34-24-193. **History:** Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.

**ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE**

CHAPTER 700-X-5 AMENDMENT OF RULES

- 700-X-5-.01 **Petition For Adoption Of Rules**
- 700-X-5-.02 **Public Hearings**
- 700-X-5-.03 **Board Decisions**
- 700-X-5-.04 **Emergency Rules**

700-X-5-.01 Petition For Adoption Of Rules.

(1) Any person who wishes to propose that the Board adopt, repeal, or amend any rule may do so on the form prescribed by the Board and supplied by the executive director.

(2) When a proposal to adopt, repeal or amend a rule is received by the Board, the executive director shall place the proposal on the agenda of the next board meeting under "new business".

Authors: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Showmake; Donald L. Hilts; Herbert R. Caillouet

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-8.

History: Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-5-.02 Public Hearings.

The Board shall permit all interested persons reasonable opportunity to submit data, views, or arguments concerning any proposed rule action. Data, views, or arguments submitted in writing must be received by the executive director at least ten days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views, or arguments orally should submit a request to appear before the Board to the executive director, and such request should be received by the executive director at least ten days before the scheduled public hearing.

Author: James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-5.

History: Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-5-.03 Board Decision.

The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, may issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any consideration urged against its adoption.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-5.

700-X-5-.04 Emergency Rules. The Board may adopt emergency rules under the provisions of Ala. Code § 41-22-5(b).

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-5.