

Kathy Miller
Executive Director

STATE OF ALABAMA
BOARD OF PHYSICAL THERAPY

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July 11, 2024

- I. Call to Order:** The meeting was called to order in the Alabama Board of Physical Therapy's conference room by Board Chair T-Michael Dougherty at 9:03 AM. Board Members present were T-Michael Dougherty, Jonathan R. Zecher, Robin Irwin, Dana Daniel Blake, and Zach Nelson. Members absent were Robert Fleming and Margaret Hemm. Also present were J. Matt Bledsoe, Assistant Attorney General, Kathy Miller, Executive Director, Angela Warr, Executive Assistant, Claire DiLaura, Accounting and Budgeting, and Kristi Mullins, Accounting Specialist. One visitor was present – Johnny Burnett with the Alabama Chapter of the APTA.

A quorum was established.

Dana Daniel Blake lead the board members in an opening prayer.

II. Open Discussion:

A discussion was held regarding the recently enacted Direct Access law. The following points were noted by the Board:

- a. The educational requirements are that the license holder must hold a doctorate in physical therapy *or* a master's degree in physical therapy, plus 10 years of experience. A bachelor's degree is not sufficient to offer direct access under the new law.
- b. A licensee who has a bachelor's degree in physical therapy and a master's in another discipline is not acceptable to offer the new expanded direct access allowed under the 2024 law. However, a physical therapist holding a bachelor's degree may continue to offer the limited direct access allowed under the 2012 law.
- c. The legislative intent behind the new law was not to revoke any existing privileges of physical therapists, but to expand what was previously allowed. This was confirmed by Johnny Burnett and Matt Bledsoe.
- d. Ten hours, plus an additional two hours of continuing education (total of 12) are required for those therapists who meet the educational criteria as set out above. These hours can be comprised of any currently acceptable continuing education.
- e. A DPT who offers direct access and, after initial evaluation and creation of a plan of care, may delegate treatment of the patient to a bachelor's degree holding physical therapist or a physical therapist assistant. However, the DPT remains responsible for the care of the patient, including re-evaluations, discharging, or referral to another appropriate medical practitioner.
- f. Licensees who offer direct access care must be cognizant of their treatment limitations and must never offer a medical diagnosis. The direct access offering physical therapist is ultimately responsible for all treatment received.

- g. Imaging - A direct access licensee may perform a MSK ultrasound without referral, but EMG requires a referral/order from a medical practitioner.
- h. No administrative code changes are needed at this time.

Johnny Burnett left the meeting at 10:00 a.m.

III. Minutes: The minutes from the May 9, 2024 meeting were reviewed. Two corrections were noted. A motion to accept the May 9, 2024 minutes, as revised, was made by Jonathan Zecher and seconded by Robin Irwin. Robin Irwin, Dana Daniel Blake, Jonathan Zecher, Zach Nelson, and T-Michael Dougherty voted in favor, and none were opposed. The Minutes for the May 9, 2024 meeting were approved.

IV. Reports:

A. Licensee Report: Angela Warr presented this report. As of June 30, 2024, there were 6741 active licensees – 3087 PTAs and 3654 PTs. Between May 1, 2024 and June 30, 2024, there were 88 regular licenses issued – 16 PTAs and 72 PTs. Twenty-four expired licenses were reinstated – 13 PTs and 11 PTAs. There was no FCCPT reports submitted.

B. Financial Report: Kristi Mullins presented the May 31, 2024 Financial Report. A motion to accept the May 31, 2024 Financial Report was made by Robin Irwin and seconded by Dana Daniel Blake. Jonathan Zecher, Robin Irwin, Dana Daniel Blake, Zach Nelson, and T-Michael Dougherty voted in favor, and none were opposed. The Financial Report for May 31, 2024, was approved.

C. Violations Committee Report: Attorney Matt Bledsoe presented this report, and the recommendations were as follows:

2024-05: Violations Committee recommended that the case be closed due to no probable cause.

2024-06: Violations Committee recommended that the case be closed due to no probable cause.

2024-07: Violations Committee recommended accepting the voluntary surrender of the licensee's license.

Jonathan Zecher made a motion to accept the recommendations of the Violations Committee and Robin Irwin seconded the motion. Robin Irwin, Dana Daniel Blake, Jonathan Zecher and Zach Nelson voted in favor. T-Michael Dougherty abstained. The recommendations of the Violations Committee were approved.

D. Executive Director Report: See attached Executive Director Update.

E. Wellness Report: Zach Nelson noted that per a conversation with Dr. Garver all participants are fully compliant with all conditions. T-Michael Dougherty made a motion to accept the Wellness Report. Jonathan Zecher seconded the motion. Jonathan Zecher, Robin Irwin, Dana Daniel Blake, Zach Nelson, and T-Michael Dougherty voted in favor, and none were opposed. The motion was approved.

IV. Unfinished Business:

A. PT Compact Update:

Kathy Miller reports that work continues on the technical side of the implementation of the Compact. iGov, the Board's software provider, is continuing to implement needed procedures to issue privileges. Kathy Miller, Claire DiLaura, and T-Michael Dougherty discussed assisting with the development of the jurisprudence exam that will be required.

V. New Business:

A. Dr. Garver's Contract

Kathy Miller and Claire DiLaura presented a copy of the 1-year renewal contract for Dr. Garver for the Wellness Program.

Jonathan Zecher made a motion to approve the renewal. Robin Irwin seconded the motion. Jonathan Zecher, Robin Irwin, Dana Daniel Blake, Zach Nelson, and T-Michael Dougherty voted in favor, and none were opposed. The motion to renew Dr. Garver's contract was approved.

B. PTA Dry Needling

A discussion was held regarding PTAs performing dry needling. It was the consensus of the Board that the Practice Act does not prohibit a PTA from performing dry needling but noted that it was the responsibility of the supervising PT to ensure the PTA was qualified to perform the task. Ultimately, the Board concluded that it was the PT's responsibility to supervise the PTA and to use his or her own discretion as to whether or not to allow a PTA who has been properly trained in dry needling to undertake the procedure.

V. Action Items:


- a. Return on investment and cost benefit analysis regarding Thentia software versus iGov – completed.
- b. Spreadsheet of FSBPT pass/fail rates throughout the state – completed.

To do:

- a. Update website with Board guidance on PTAs practicing dry needling.
- b. Develop a list of FAQs on various subjects.

There being no further business, the meeting adjourned at 11:03 AM.

The next meeting will be August 24, 2024, at 1:30 PM at Faulkner University in conjunction with the Alabama APTA Annual Conference.



T-Michael Dougherty, Chair