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**ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE**

CHAPTER 700-X-1 ORGANIZATION, ADMINISTRATION AND PROCEDURE

700-X-1-.01	Purpose
700-X-1-.02	Composition And Selection Of Board
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700-X-1-.04	Officers
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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.

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

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 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.

(4) While serving on the Board, members will refrain from holding a policy-making role in the American Physical Therapy Association or any of its Chapters or Sections. The positions considered policy-making include, but are not limited to, the executive board (President, Vice-President, Secretary, Treasurer), an elected or appointed Director of the Board, Chief Delegate, Delegate, Political Action Committee (PAC) Chair, or Governmental Affairs Committee Chair. Involvement in any other organization which could potentially present a conflict of interest with the duties and obligations of a member of The Alabama Board of Physical Therapy should be undertaken only after consultation with the current members of the Board. All newly appointed Board members will, within 90 days of their appointment, disclose to the board all involvement in any other organizations which could potentially present a conflict of interest with the duties and obligations of a member of The Alabama Board of Physical Therapy.

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

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.

700-X-1-.04 Officers.

(1) Election.

(a) The Board shall, at the first meeting after the appointment and qualification of any new member, elect a chair, a secretary, and a treasurer, who shall serve until another new member is appointed and qualified, or until new officers are otherwise elected as provided in this rule.

(b) The Board shall elect a chair, secretary, and treasurer upon the petition of a majority of its members.

(c) The Board shall elect a chair, secretary, and treasurer at its annual meeting if an election has not been held since its last meeting.

(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.

700-X-1-.05 Employment Of Personnel.

The Board may employ investigators, inspectors, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of the Physical Therapy Practice Act and these rules.

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

700-X-1-.06 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

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

700-X-1-.07 Rules Of Order.

All proceedings of the Board shall be governed by Roberts' Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

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

700-X-1-.08 Quorum.

A majority of the board members will constitute a quorum.

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

700-X-1-.09 Meetings.

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

(ii) 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.

(iii) 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.

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

700-X-1-.10 Questions Of Procedure And Evidence.

The chairman of the Board shall, in accordance with these rules, and except as otherwise provided in these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the chairman shall be final.

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

700-X-1-.11 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, except on procedural and evidentiary matters which are provided for in Rule 700-X-1-.10. 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, except that in the event of a tie vote the chair shall vote again to break the tie.

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

700-X-1-.12 Use Of Forms.

All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Specimen forms and instructions used by the Board are found in Appendix A of this code and are a part of this rule. Copies of instructions and forms are available from the executive director.

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

700-X-1-.13 Records.

(1) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Records which do not constitute "public records" include, but are not limited to,

those received by a public officer in confidence, sensitive personnel and licensee records, complaints against licensees, items covered under the Privacy Act, and records the disclosure of which would be detrimental to the best interests of the public.

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

(b) 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.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-4(1).

700-X-1-.14 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 set from time to time by resolution of the Board.

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

700-X-1-.15 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) the petitioner shows that he/she is substantially affected by the rule in question,

(b) sufficient facts are supplied in the request to permit the Board to make a valid determination, and

(c) the request arises from an actual question or controversy.

(2) A request for declaratory ruling must be in writing and must specifically state that it is a "request for declaratory ruling."

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Section 11.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-11.

CHAPTER 700-X-2 LICENSURE

700-X-2-.01	Appropriate Education Required
700-X-2-.02	Good Moral Character Required
700-X-2-.03	Application Required
700-X-2-.04	Application Fee Required
700-X-2-.05	Examinations Required
700-X-2-.06	Licensure Without Examination
700-X-2-.07	Issuance Of License
700-X-2-.08	Temporary Licenses
700-X-2-.09	Renewal Of License
700-X-2-.10	Restoration Of License
700-X-2-.11	Lost Or Destroyed License Or Name Change
700-X-2-.12	Fee For Verification Of Licensure
700-X-2-.13	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 the United States educated physical therapists in accordance with this rule. Physical therapy education should be broadly based and designed to enable an individual to contribute to society in many ways as a comprehensively educated person as well as to provide specific technical expertise. Consequently, physical therapy education requires a considerable amount of general education as well as professional education in terms of minimum credit and general content.

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

International Credentialing Associates, Inc.
10801 Starkey Road, Suite 104
Seminole, FL 33777
Telephone (727) 549-8555

Or

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.

(c) Specific Education Requirements. A minimum of the equivalency of 124 semester hours if completed before 2003 and 155 semester hours if completed from 2003 to the present as provided in this rule is required for licensure. The Board shall make the sole judgment in determining whether educational credentials are equivalent and acceptable. An English translated copy of the transcript must be sent directly to the Board from the university.

(d) Applicant must have made acceptable scores on either the Test of English as a Foreign Language (TOEFL), Test of Spoken English (TSE) and Test of Written English (TWE) or on all components of the TOEFL internet Based Testing (iBT). Acceptable scores are: TOEFL-220, TSE-50, TWE-4.5, iBT Writing-24, iBT Speaking-26, iBT Reading Comprehensive-21, and iBT Listening Comprehensive-18.

1. General Education Requirements. Applicants must demonstrate that they have earned the equivalent of a minimum of 62 semester hours in general education, including the following:

(i) Humanities -- a minimum of 10 semester hours which must include the equivalent of spoken and written English and may include art, music, drama, speech, languages, etc.

(ii) Social Sciences -- a minimum of 8 semester hours which must include psychology and may include history, sociology, government, etc.

(iii) Natural Sciences -- a minimum of 12 semester hours which must include physics and chemistry and may include mathematics, geology, etc.

(iv) Biological Sciences -- a minimum of 12 semester hours which must include human anatomy and physiology and may include biology, zoology, etc.

(v) Limited Electives -- a minimum of 10 semester hours in social sciences, natural sciences and biological sciences in addition to those minimums required above.

(vi) General Electives -- a minimum of 10 semester hours which may include any subjects selected outside the major area of study.

2. Professional Education Requirements. Applicants must demonstrate that they have earned the equivalent of a minimum of 62 semester hours in physical therapy education, if completing their education before 2003 and 93 semester hours if completing their education from 2003 to the present. This education shall include the following:

(i) Basic Health Sciences -- a minimum of 22 semester hours if completing their education before 2003, and 28 semester hours if completing their education from 2003 to the present. These Basic Health Sciences must include human anatomy and physiology; should include functional anatomy, kinesiology, pathology, neurology, abnormal psychology; and may include embryology, histology, pharmacology, etc.

(ii) Clinical Sciences -- a minimum of 26 semester hours if completing their education before 2003, and 45 semester hours if completing their education from 2003 to the present. These Clinical Sciences must include physical therapy theory, techniques and interventions; should include clinical medicine, development; and may include community health, research, administration, etc.

(iii) Clinical Education -- a minimum of 14 semester hours if completing their education before 2003, and 20 semester hours if completing their education from 2003 to the present. This Clinical Education must include supervised clinical application of physical therapy theory, procedures, etc.

(iv) Proof of licensure in country in which physical therapy education was completed.

(d) Educational Deficiencies. In the event of deficiencies in an educational program evaluation the individual may petition the Board for recommendations to remedy the deficiencies. The Board in considering a petition for remedy of deficiencies is not obligated to provide any other assistance than a response.

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

700-X-2-.02 Good Moral Character Required.

The Board shall refuse licensure to any applicant who is of other than good moral character. The determination as to what constitutes other than good moral character and reputation shall be solely within the judgment of the Board. Each applicant shall be required to submit references from two professional sources addressing, but not limited to, moral character. These references shall be submitted on forms prescribed by the Board and shall be mailed to the executive director. Grounds for refusal may include but are not limited to:

- (a) a history of using drugs or intoxicating liquors to an extent which affects his professional competency,
- (b) conviction of a felony or of a crime involving moral turpitude,
- (c) an attempt to obtain or obtaining a license by fraud or deception,
- (d) guilt of conduct unbecoming a person licensed as a physical therapist or licensed as a physical therapist assistant or of conduct detrimental to the best interest of the public, and
- (e) conviction of violating any state or federal narcotic law.

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

700-X-2-.03 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.

(iii) Completed examination application form.

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

(i) A Certification of Physical Therapy Education form completed by an authorized representative of the educational program. (Must be received prior to issuance of a temporary license.)

(ii) 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.)

(iii) Completed character reference forms.

(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 current licenses in other states as a physical therapist or physical therapist assistant.

(iii) Completed character reference forms.

(iv) 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 raw 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) Completed character reference forms.

(iii) 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.

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

700-X-2-.04 Application Fee Required.

A fee not to exceed \$250.00 shall be required of all applicants for licensure. The fee shall be tendered in cashier's check, bank certified check, corporate or business check, or money order.

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

700-X-2-.05 Examinations Required.

(1) Examinations.

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

(b) The fee for the examinations is in addition to the application fee provided for in Rule 700-X-2-.04 and the check should be made payable directly to the examination service.

(2) Time and Place of Examinations. Once the candidate has met the Board's requirements for examinations, the Board will certify eligibility to the FSBPT who will directly inform the candidate, by letter, of a toll free number to use to schedule the examinations with an approved testing center.

Candidates must schedule and take the examinations within 60 days of the date of the letter. Candidates may test in any state.

(3) Proctoring of Examinations. The approved testing center will provide proctors who are available to assist candidates, as needed, with problems related to the use of the computer for the testing process. Tutorials will be provided in advance of the examination to familiarize candidates with the process.

(4) Scoring of Examinations.

(a) Examinations shall be scored by and maintained on file by the appropriate examination service, and examination scores maintained by the Board.

(b) Passing Score.

1. Physical Therapist Applicants. Physical therapist applicants must pass the examinations based on a passing score approved by the Board.

2. Physical Therapist Assistant Applicants. Physical therapist assistant applicants must pass the examinations based on a passing score approved by the Board.

(5) Reexamination.

(a) Any candidate who fails to pass the first licensure or jurisprudence examination may file for an application for reexamination following procedures established by the Board. Candidates need only to wait for this process to be completed before rescheduling the examination.

(b) The fee for the first reexamination shall be the same as that fee specified in Section (1)(b) of this rule.

(c) Any candidate who fails to pass the second licensure examination must subsequently resubmit his/her application for licensure as a new applicant. Any candidate who fails to pass the second jurisprudence examination may file for an application for reexamination following procedures established by the Board.

(d) Any applicant is eligible to sit for the licensure examination a maximum of three times. Any applicant is eligible to sit for the jurisprudence exam an unlimited number of times. **Statutory Authority:** Code of Ala. 1975, §§34-24-193, 34-24-212, 34-24-216.

700-X-2-.06 Licensure Without Examination.

Any individual 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.

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

700-X-2-.07 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.

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

700-X-2-.08 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-.03, 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 permanent 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. **Statutory Authority:** Code of Ala. 1975, §§34-24-193, 34-24-214.

700-X-2-.09 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. The renewal fees shall be set from time to time by resolution of the Board.

(3) 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.

(4) 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

All continuing education activities must meet the following general guidelines:

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

(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 twenty (20) hours of acceptable continuing education in the twenty-four (24) 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 the 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 must 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 as part of their continuing education requirements for initial licensure renewal.

(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 twenty (20) hours of continuing education activities in the twenty-four (24) months prior to application shall have one hundred twenty (120) 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.

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

700-X-2-.10 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 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.

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

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.

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

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

(1) Definition. "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 federal, state, or local laws, rules or regulations governing the practice of the profession.

(b) Abandoning or neglecting a patient or client under and 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.

(d) Exercising undue influence on the patient or client including the promotion of the sale of services, goods, or appliances in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.

(e) Restricting the patient's freedom of choice in selecting the source of physical therapy services.

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

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

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

(i) Claiming or using any secret or special method of treatment which the licensee refuses to divulge to the Board.

(j) Claiming professional superiority or special professional abilities, attainments, methods, or resources, with the exception that a specialist qualified or certified by an agency recognized for such purpose by the Board may indicate a specialty that has been recognized as such by the Board. No specialties are currently recognized by the Board.

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

(l) Soliciting patients by direct mail or other forms of contact except that notification by advertising regulations as identified elsewhere in these rules and regulations permits.

(m) 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.

(n) 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.

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

(p) Willfully refusing to be responsive to and mutually supportive of colleagues and associates.

(q) Failing to maintain appropriate records which accurately reflect the evaluation and treatment for each patient. Unless otherwise provided by law, all patient records must be retained for at least six years.

(r) 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.

(s) 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. Reasonable fees may be charged for such copies, forms, or reports. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of professional judgment, the practitioner believes release of such information would adversely affect the patient's health.

(t) Endorsing equipment to the patient and the lay public if any remuneration is received in return for such endorsement.

(u) Participating in any arrangements in which patients are exploited due to referring practitioners enhancing their personal incomes as a result of referring for, delegating, prescribing, or recommending physical therapy services.

(v) 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:

(a) Paying a referral source to refer patients.

(b) 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.

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

1. Abandoning a professional employment by a group practice, hospital, clinic, or other health care facility, without reasonable notice and under circumstances which seriously impair the provisions of professional care to patients or clients.

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

3. Failing to report alleged or known unethical, incompetent, illegal, unprofessional, or dishonorable conduct.

4. Any other conduct which constitutes unbecoming conduct as defined in section (1) of this rule or as otherwise specifically provided in these rules.

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

1. Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient relationship exists.

(a) Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature with patients, clients or co-workers.

(b) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

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

(cc) Interfering with, or refusing to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

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

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

(1) Roles and Responsibilities, Generally. Within the provision of physical therapy service there are three recognized levels of personnel: The professional 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/attendant who is not licensed but is usually an on-job-trained individual who provides support activities for the physical therapist and the physical therapist assistant. The physical therapist must assume primary responsibility for physical therapy care rendered by supportive personnel 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, Attendant, or other Designated Physical Therapy Supportive Personnel excluding the Physical Therapist Assistant. The roles and responsibilities of unlicensed personnel in physical therapy 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.

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

(2) To transport patients.

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

(4) To perform housekeeping duties.

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

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

(a) 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.

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

700-X-3-.04 Advertising.

1. Statement of Policy. It is the policy of the Board that advertising by licensed practitioners of physical therapy should be regulated in order to fulfill the duty of the State of Alabama to protect the health, safety, and welfare of its residents, while not abridging any rights guaranteed to the practitioners or to the public by the Constitution of the United States and the Constitution of the State of Alabama, as construed by the United States Supreme Court and the Alabama Supreme Court. To that end, the Board permits the dissemination of legitimate information to the public concerning physical therapy and individual practitioners thereof. Such dissemination of information must be done in accordance with this rule which is designed to reasonably facilitate the flow of accurate information and prevent fraudulent, false, deceptive, misleading, and confusing advertising.

2. Definition. As used in this rule the term **advertising** means any communication whatsoever, disseminated by any means whatsoever, to or before the public.

3. Certain Advertising Prohibited. Any licensee who disseminates or causes to be disseminated or knowingly allows to be disseminated any advertising which is in any way fraudulent or false, or which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner, shall be deemed in violation of Code of Ala. 1975, §34-24-217(10), and pursuant to that section shall, upon conviction, have his or her license suspended or revoked by the Board. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, misleading, or confusing if the Board determines that the advertising displays any of the following characteristics:

(a) The advertising contains a misrepresentation of any fact or facts.

(b) The advertising has the capacity or tendency to mislead, deceive, or confuse any potential recipient when because of its contents or in the context in which it is presented, it fails to disclose relevant or material facts, or makes only a partial disclosure of relevant or material facts.

(c) The advertising contains any claim or claims which foster confusion or deception, even though such claims may elude specific proof of their falsity.

(d) The advertising makes claims or conveys the impression of professional superiority or other superior attributes which cannot be substantiated by the licensee who shall have the burden of proof.

(e) The advertising contains laudatory or flamboyant claims or statements about any individual licensee, group or groups of licensees.

(f) The advertising has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures.

(g) The advertising guarantees the results of any services.

(h) The advertising contains representations relating to the quality of physical therapy services offered which cannot be substantiated by the licensee, who shall have the burden of proof.

(i) Some portion of the advertising or the advertising when taken as a whole is likely to appeal to a lay person's fears, ignorance, or anxieties regarding his state of health or his physical or mental well-being.

(j) Some portion of the advertising or the advertising when taken as a whole is likely to intimidate or exert undue pressure on the recipient.

(k) The advertising constitutes an invasion into the field of practice of other health practitioners when the licensee is not licensed to practice such profession.

(l) The advertising concerns a transaction that is in itself illegal.

(m) The advertising gives the impression that there is a general solution to individual problems. The information given to the public should emphasize that individual problems cannot be treated without individualized evaluation and treatment.

(n) 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.

4. The following shall be deemed appropriate means of informing the public of the availability of professional services:

(a) Informational advertising not contrary to the foregoing prohibitions.

(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.

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

700-X-3-.05 Display Of License.

(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.

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

700-X-3-.06 Failure To Comply With Statute, Rule, Or Order.

The Board finds and declares that the failure of any applicant, licensee, or former licensee to substantially comply with the provisions of any statute related to the practice of physical therapy or any lawful Board rule or order constitutes unbecoming conduct, in violation of Code of Ala. 1975, §34-24-217(7).

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

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.

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

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.

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

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.

(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 is 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).

(4) Subpoena Power. The Board of Physical Therapy has the power to issue subpoenas to respondents, witnesses, and for documents which may be required for the disposition of complaints.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-194, 41-22-12(1).

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 chair, 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 chair, 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 in accordance with any terms and conditions imposed by the chair. The chair may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense.

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

700-X-4-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) Hearing Examiner. The Board may, in its discretion, appoint some person to act as hearing examiner at disciplinary hearings. In the event a hearing examiner 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) Emergencies. The Board may in an emergency situation, when danger to the public health, safety, and welfare requires suspending a license without hearing or with an abbreviated hearing in accordance with the Alabama Administrative Procedure Act Section 19(4).

(4) Other. The hearing shall otherwise be conducted in compliance with the provisions of the Alabama Administrative Procedure Act.

Statutory Authority: Code of Ala. 1975, §§34-24-193, 41-22-13, 41-22-16(3).

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.

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

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, in an amount not to exceed \$1,000. **Statutory Authority:** Code of Ala. 1975, §§34-24-193, 34-24-215.

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.

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

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.

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

CHAPTER 700-X-5 AMENDMENT OF RULES

**700-X-5-.01 Petition For Adoption Of
Rules 700-X-5-.02 Notice
700-X-5-.03 Public Hearings
700-X-5-.04 Board Decisions
700-X-5-.05 Emergency Rules
700-X-5-.06 Compliance With Administrative Procedure
Act**

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) The Board shall meet and consider any petition for adoption, repeal, or amendment within 60 days of its submission. **Statutory Authority:** Code of Ala. 1975, §§34-24-193, 41-22-8.

700-X-5-.02 Notice.

(1) The Board shall give at least 35 days' notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with the Alabama Administrative Procedure Act, §5(1)(a).

(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the executive director and paying an annual charge of \$50.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

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

700-X-5-.03 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 seven 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 must submit a request to appear before the Board to the executive secretary, and such request must be received by the executive secretary at least seven days before the scheduled public hearing.

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

700-X-5-.04 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, shall 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-.05 Emergency Rules.

In the event the Board finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than 35 days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice, the Board may adopt an emergency rule under the provisions of the Administrative Procedure Act, §5(2).

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

700-X-5-.06 Compliance With Administrative Procedure Act.

All rules adopted by the Board shall otherwise substantively and procedurally comply substantially with the provisions of the Alabama Administrative Procedure Act.

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