ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE

CHAPTER 700-X-3
PROFESSIONAL CONDUCT

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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
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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) Practicing with an expired license or privilege.

(b) Willful or grossly negligent failure to comply substantially with provisions of laws, rules or regulations governing the practice of the profession in Alabama or any other state.

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

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

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

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

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

(h) Claiming that the quality of services is greater than the quality of services performed by other physical therapists or other physical therapist assistants.

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

(j) Accepting and undertaking the performance of responsibilities which the licensee or privilege holder 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 or privilege holder is authorized to perform only under the supervision or direction of licensed persons or privilege holders.

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

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

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

(n) 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.

(o) Failing to make available to a patient, or, upon a patient's request, to another licensed or privileged health care practitioner consistent with that practitioner's authorized scope of practice, copies of reports, tests, 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.

(p) 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 services.

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

(r) Engaging in sexual misconduct. Sexual misconduct, for the purpose of this section, includes but is not limited to the following:

1. Engaging in or soliciting sexual relationships with a patient currently under your care.

2. Sexually harassing patients under your care.

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

(t) Interfering with or refusing to cooperate in an investigation or disciplinary proceeding conducted by the Board, the Physical Therapy Compact Commission or other any governmental agency where cooperation is required.

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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 or privileged to practice physical therapy; the physical therapist assistant who is licensed or privileged 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 or privileged 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 notify the physical therapist of changes in patient's status, including all untoward patient responses.

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

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

8. 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 to perform

patient related support duties that do not require decision making skills of a licensee.

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700-X-3-.04 Advertising.

(1) Statement of Policy. Advertising in Alabama 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 or deceive its intended audience.

(b) Licensees and privilege holders 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 advertising:

(a) Advertising any form not 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.

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700-X-3-.05 Identification Required.

(a) Licensees and privilege holders 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-1icensed 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 and privilege holder 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.

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