

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Board of Physical Therapy

Rule No. 700-X-1-.02

Rule Title: Composition And Selection Of Board.

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

YES

Is there another, less restrictive method of regulation available that could adequately protect the public?

NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

YES

Does the proposed rule have an economic impact?

NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer

Date

JUN 15 2011

Nettie L. Horner

ALABAMA BOARD OF PHYSICAL THERAPY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Physical Therapy

RULE NO. & TITLE: 700-x-1-.02 Composition And Selection Of Board.

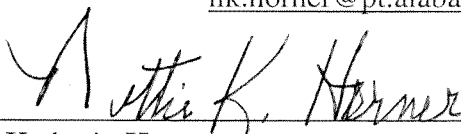
INTENDED ACTION: The Alabama Board of Physical Therapy proposes to amend 700-x-1-.02(4) re: the composition and selection of the Board.

SUBSTANCE OF PROPOSED ACTION: The proposed amendment to rule 700-X-1-.02(4) will seek to incorporate all the possible conflicts of interest involving Board members.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing or in person through the close of business on August 4, 2011. Those wishing to present views in person should contact the Board of Physical Therapy at 334/242-4064.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 4, 2011.

CONTACT PERSON AT AGENCY: Nettie Katharin Horner
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Nettie Katharin Horner
Executive Director

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 or membership in a working committee of the American Physical Therapy Association or any of its Chapters or Sections. In summary, a Licensure Board Member's involvement in the American Physical Therapy

Association or any of its Chapters or Sections should be limited to general membership. He/she will hold no Association Office or committee position, with the exception of a mutual task force composed of Board members and Association members. 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 appointments, 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.

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

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

History: Filed September 30, 1982. **Amended:** Filed September 6, 1985; November 29, 1989. **Amended:** Filed May 6, 2002; June 10, 2002. **Amended:** Filed March 31, 2010; effective May 5, 2010. **Amended:** Filed June 30, 2011.