

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Board of Physical Therapy
Rule No. 700-X-1-14
Rule Title: Directory

_____ New X 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 AK Horner

Date June 19, 2012

ALABAMA BOARD OF PHYSICAL THERAPY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Physical Therapy

RULE NO. & TITLE: 700-X-1-.14 – Directory

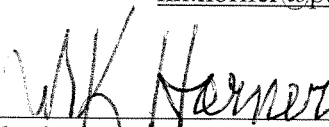
INTENDED ACTION: The Alabama Board of Physical Therapy proposes to amend rule 700-X-1-.14 Directory.

SUBSTANCE OF PROPOSED ACTION: The proposed amendment to rule 700-X-1-.14 will remove the words “registered or” when referring to persons who are licensed, not registered.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing or in person through the close of business on August 3, 2012. 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 3, 2012.

CONTACT PERSON AT AGENCY: Nettie Katharin Horner
Executive Director
Board of Physical Therapy
100 North Union Street, Suite 724
Montgomery, AL 36130-5040
(334) 242-4064
nk.horner@pt.alabama.gov



Nettie Katharin Horner
Executive Director

ALABAMA BOARD OF PHYSICAL THERAPY
ADMINISTRATIVE CODE

CHAPTER 700-X-1
ORGANIZATION, ADMINISTRATION AND PROCEDURE

TABLE OF CONTENTS

700-X-1-.01	Purpose
700-X-1-.02	Composition And Selection Of Board
700-X-1-.03	General Description Of Organization And Operation
700-X-1-.04	Officers
700-X-1-.05	Employment Of Personnel
700-X-1-.06	Executive Director
700-X-1-.07	Rules Of Order
700-X-1-.08	Quorum
700-X-1-.09	Meetings
700-X-1-.10	Questions Of Procedure And Evidence
700-X-1-.11	Voting
700-X-1-.12	Use Of Forms
700-X-1-.13	Records
700-X-1-.14	Directory
700-X-1-.15	Declaratory Rulings

700-X-1-.01 Purpose. The Alabama Board of Physical Therapy was created to ensure that the public is protected from the incompetent practice of physical therapy. This purpose is achieved through the establishment of minimum qualifications for entry into the profession, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder. The Board may, at its discretion, conduct scheduled or unscheduled inspections of facilities in which physical therapists practice to determine compliance with applicable statute/regulation.

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

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

History: Filed September 30, 1982. **Amended:**
Filed December 5, 1995; effective January 9, 1996.

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

(1) The Board of Physical Therapy shall consist of seven members who meet the qualifications set out in Code of Ala. 1975, §34-24-192(b), appointed by the Governor from a list of five persons nominated for each place on such Board by the current licensees and certified to him by the Board. For the purpose of preparing the list of five names, the Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under the provisions of this act shall have the right to attend, nominate, and vote. Nominations may be made from the floor, or mailed to the Board to be received no later than two weeks prior to the nominations/election meeting. Late nominations will not be accepted. Written, signed consent of each nominee is required. The Board will select the date, time, and place of the meeting at which nominations and voting will be accomplished. All licensees will be notified at least 30 days prior to said meeting.

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

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

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

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.

(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.

Authors: 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: March 31, 2010; effective May 5, 2010.

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

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

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

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

History: Filed September 30, 1982.

700-X-1-.04 Officers.

(1) Election.

(a) The Board shall, 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.

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

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

History: Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** May 6, 2002; June 10, 2002.

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.

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

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

History: Filed September 30, 1982.

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

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

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

History: Filed September 30, 1982. **Amended:** Filed May 6, 1996; effective June 10, 1996. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.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.

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

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

History: Filed September 30, 1982.

700-X-1-.08 **Quorum.** A majority of the board members will constitute a quorum.

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

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

History: Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** May 6, 2002; June 10, 2002.

700-X-1-.09 **Meetings.**

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

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

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

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

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

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed May 6, 2002; June 10, 2002.

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.

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

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

History: Filed September 30, 1982.

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.

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

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

History: Filed September 30, 1982. **Amended:** Filed May 6, 2002; June 10, 2002.

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.

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

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

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

700-X-1-.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.

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

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

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

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

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.14 Directory. The Board shall make available a directory listing all persons ~~registered or~~ 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.

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

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

History: Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999. **Amended:** Filed June 19, 2012;

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.

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; Vince Molyneux; Jay Segal; Eric Dekle; Mitzi Watson; Mary Jolley.

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.