House Bill 505
By: Representatives Cooper of the 43rd, Ramsey of the 72nd, Bennett of the 94th, Gasaway of the 28th, Cheokas of the 138th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to physical therapists, so as to revise various provisions regarding the licensure and regulation of physical therapists and physical therapy assistants; to revise definitions; to include additional powers of the State Board of Physical Therapy; to revise provisions regarding use of titles; to revise provisions regarding granting licenses and discipline of licensees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to physical therapists, is amended by revising Code Section 43-33-3, relating to definitions, as follows:

"43-33-3. As used in this chapter, the term:
(1) 'Board' means the State Board of Physical Therapy.
(2) 'License' means a valid and current certificate of registration issued by the board, which shall give the person to whom it is issued authority to engage in the practice prescribed thereon.
(3) 'Licensee' means any person holding a license under this chapter.
(4) 'Person' means a human being only, not a legal entity.
(5) 'Physical therapist' means a person licensed to practice physical therapy as defined in this chapter and whose license is in good standing. A physical therapist shall be designated by the initials 'P.T.'
(6) 'Physical therapist assistant' or 'physical therapy assistant' means a person who is licensed by the board to assist a physical therapist, whose activities are supervised and directed by a physical therapist, and whose license is in good standing. A physical therapist assistant shall be designated by the initials 'P.T.A.'
(7) 'Physical therapy' means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to this chapter. The term 'physiotherapy' shall be synonymous with 'physical therapy' pursuant to this chapter. The practice of physical therapy means:

(A) Examining, evaluating, and testing patients and clients with mechanical, physiological, and developmental impairments, activity limitations, participation restrictions, and disabilities or other movement related conditions in order to determine a physical therapy diagnosis, prognosis, and plan of intervention and to assess the ongoing effects of intervention;

(B) Alleviating impairments of body structure or function by designing, implementing, and modifying interventions to improve activity limitations or participation restrictions for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain;

(C) Reducing the risk of injury, impairment, activity limitations, participation restrictions, and disability, including the promotion and maintenance of health, fitness, and wellness in populations of all ages;

(D) Planning, administering, evaluating, and modifying intervention and instruction, including the use of physical measures, activities, and devices, including but not limited to dry needling for preventative and therapeutic purposes; and

(E) Engaging in administration, consultation, education, teaching, research, telehealth, and the provision of instructional, consultative, educational, and other advisory services.

the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate, and limit physical disability, bodily malfunction and pain from injury, disease, and any other bodily and mental conditions and includes the administration, interpretation, documentation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventative and therapeutic purposes, including but not limited to dry needling; and the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(8) 'Physical therapy aide' means a person who only performs designated and supervised physical therapy tasks. The physical therapy aide must receive direct supervision and must be directed on the premises at all times by a licensee. Physical therapy aides are not licensed under this chapter.

(9) 'Trainee' means an individual who is approved for a traineeship.
(10) 'Traineeship' means a period of activity during which a trainee works under the direct supervision of a licensed physical therapist who has practiced for not less than one year prior to assuming the supervisory role.

(11) 'Training permit' means a valid and current certificate of registration issued by the board; which gives the person to whom it is issued authority to engage in practice through a traineeship prescribed thereon."

SECTION 2.

Said chapter is further amended by revising Code Section 43-33-7, relating to conduct of business by telephone, as follows:

"43-33-7. With the exception of hearings in contested cases, the board may conduct business in conference by telephone or other digital means, provided that members of the board shall not receive compensation for business conducted in conference by telephone or other digital means."

SECTION 3.

Said chapter is further amended by revising Code Section 43-33-10, relating to general powers of the State Board of Physical Therapy, as follows:

"43-33-10. In carrying out the provisions of this chapter, the board shall, in addition to the other powers conferred upon it under this chapter, have the power to:

(1) Prepare or approve all examinations or applicants for licenses;
(2) Determine the qualifications of and authorize the issuance of licenses to qualified physical therapists and physical therapist assistants;
(3) Determine the qualifications for and approve educational programs that prepare physical therapists and physical therapist assistants for the purpose of determining qualifications of applicants for licensure;
(4) Initiate investigations of alleged or suspected violations of the provisions of this chapter or other laws of this state pertaining to physical therapy and any rules and regulations adopted by the board. For this purpose, any board member or authorized agent of the board shall have the power and right to enter and make reasonable inspection of any place where physical therapy is practiced;
(5) Conduct all hearings in contested cases according to Chapter 13 of Title 50, known as the 'Georgia Administrative Procedure Act';
(6) Discipline any person licensed under this chapter; or refuse to grant, renew, or restore a license to any person upon any ground specified in this chapter;
(7) Adopt a seal, the imprint of which together with the authorized signature of either the
division director or other member authorized by the board shall be effective to evidence
its official acts;
(8) Establish licensing fees and maintain in the office of the division director a register
of all persons holding a license and a record of all inspections made;
(9) Adopt and publish in print or electronically a code of ethics;
(10) Issue training permits; and
(11) Adopt such rules and regulations as shall be reasonably necessary for the
enforcement and implementation of the provisions and purposes of this chapter and other
laws of this state insofar as they relate to physical therapy;
(12) Regulate the practice of physical therapy by interpreting and enforcing this chapter;
and
(13) Issue advisory opinions upon request regarding this chapter.

SECTION 4.

Said chapter is further amended by revising Code Section 43-33-11, relating to license
required for physical therapists or physical therapy assistants, use of titles, and limitation on
scope of Code section, as follows:

43-33-11. A physical therapist shall display either the title ‘physical therapist’ or the abbreviation
‘P.T.’ on a name tag or other similar form of identification during times when such person
is providing direct patient care. A physical therapist assistant shall display either the title
‘physical therapist assistant’ or the abbreviation ‘P.T.A.’ on a name tag or other similar form
of identification during times when such person is providing direct patient care. A physical
therapy aide shall be required to display the title ‘physical therapy aide’ on a name tag or
other similar form of identification during times when such person is assisting a licensee.
No person shall practice as a physical therapist or as a physical therapist assistant nor hold
himself or herself out as being able to practice as a physical therapist or as a physical
therapist assistant or as providing physical therapy or use the initials P.T. or P.T.A. in
conjunction therewith or use any word or title to induce the belief that he or she is engaged
in the practice of physical therapy unless he or she holds a license and otherwise complies
with the provisions of this chapter and the rules and regulations adopted by the board:
(a) A physical therapist shall clearly inform the public of his or her professional credential
as a physical therapist. A physical therapist shall use the appropriate regulatory designator
as identified by the board.
(b) A physical therapist assistant shall use the letters 'PTA' immediately following his or
her name to designate licensure under this chapter. A person shall not use the title 'physical

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therapist assistant,' the letters 'PTA,' or any other words, abbreviations, or insignia in
connection with that person's name to indicate or imply, directly or indirectly, that the
person is a physical therapist assistant unless that person is licensed as a physical therapist
assistant pursuant to this chapter.
(c) A person or business entity and its employees, agents, or representatives shall not use
in connection with that person's name or the name or activity of the business entity the
words 'physical therapy,' 'physical therapist,' 'physiotherapy,' 'physiotherapist,' or 'doctor
of physical therapy,' the letters 'PT,' 'CPT,' 'DPT,' 'LPT,' 'RPT,' or 'MPT,' or any other
words, abbreviations, or insignia indicating or implying, directly or indirectly, that physical
therapy is provided or supplied, unless such services are provided by or under the direction
of a physical therapist licensed pursuant to this chapter. A person or business entity shall
not advertise or otherwise promote another person as being a physical therapist or
physiotherapist unless the individual so advertised or promoted is licensed as a physical
therapist under this chapter. A person or business entity that offers, provides, or bills any
other person for services shall not characterize those services as physical therapy or
physiotherapy unless the individual directing and supervising those services is a person
licensed under this chapter.
(d) Nothing in this Code section shall be construed as preventing or restricting the practice,
services, or activities of:
(1) Any person licensed under any other law of this state who is engaged in the
professional or trade practices properly conducted under the authority of such other
licensing laws;
(2) Any person pursuing a course of study leading to a degree or certificate as a physical
therapist or as a physical therapist assistant in an entry level educational program
approved by the board, if such person is designated by a title indicating student status, is
fulfilling work experiences required for the attainment of the degree or certificate, and
is under the supervision of a licensed physical therapist;
(3) Any person enrolled in a course of study designed to develop advanced physical
therapy skills when the physical therapy activities are required as part of an educational
program sponsored by an educational institution approved by the board and are conducted
under the supervision of a physical therapist licensed under this chapter. If such person
provides physical therapy services outside the scope of the educational program, he or she
shall then be required to be licensed in accordance with this chapter;
(4) A physical therapist licensed in another state or country or employed by the United
States government conducting a teaching or clinical demonstration in connection with an
academic or continuing education program;

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(5) Any person employed as a physical therapist or as a physical therapist assistant by
the United States government if such person provides physical therapy services solely
under the direction or control of the employing organization. If such person shall engage
in the practice of physical therapy or as a physical therapist assistant outside the course
and scope of such employment, he or she shall then be required to be licensed in
accordance with this chapter; or

(6) A person currently licensed in another state who is present in this state for treatment
of a temporary sojourner only, such treatment in this state not to exceed a total of 60
days during any 12 month period; or

(7) A person currently licensed in another state who is present in this state providing
physical therapy services during a declared local, jurisdictional, or national disaster or
emergency, such services not to exceed a total of 60 days during any 12 month period."

SECTION 5.

Said chapter is further amended by revising Code Section 43-33-12, relating to requirements
for license to practice physical therapy, as follows:

"43-33-12.
A license to practice physical therapy shall be issued to any person who:

(1) Is a graduate of an educational program that prepares physical therapists and which
is accredited by a recognized accrediting agency and approved by the board or, in the
case of an applicant who has graduated from an educational program which prepares
physical therapists conducted in a foreign country, has submitted, in a manner prescribed
by the board, credentials approved by the board and who has further demonstrated the
ability to speak, write, and understand the English language and has satisfactorily
completed a three-month board approved traineeship under the supervision of a physical
therapist licensed under this chapter;

(2) Has satisfactorily passed an examination prepared or approved by the board and has
acquired any additional education and training required by the board; and

(3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18
or subsection (a) or (c) of Code Section 43-1-19."

SECTION 6.

Said chapter is further amended by revising Code Section 43-33-13, relating to requirements
for license to practice as physical therapy assistant, as follows:

"43-33-13.
A license to practice as a physical therapist assistant shall be issued to any person who:
(1) Is a graduate of an educational program that prepares physical therapist assistants and which is accredited by a recognized accrediting agency and approved by the board or, in the case of an applicant who has graduated from an educational program which prepares physical therapist assistants conducted in a foreign country, has submitted, in a manner prescribed by the board, credentials approved by the board and who has further demonstrated the ability to speak, write, and understand the English language and has satisfactorily completed a three-month board approved traineeship under the supervision of a physical therapist licensed under this chapter;

(2) Has satisfactorily passed an examination prepared or approved by the board; and

(3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (a) (b) or (c) of Code Section 43-1-19."

SECTION 7.

Said chapter is further amended by revising Code Section 43-33-18, relating to refusal to grant or restore licenses, discipline of licensees, suspension, revocation, or restriction of licenses, and immunity for violation reporters, as follows:

43-33-18. (a) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist licensed under this chapter upon a finding by the board that the licensee or applicant has:

(1) Identified himself or herself as a doctor without also clearly informing the public of his or her professional credential as a physical therapist;

(2) Performed physical therapy care and services without examination and evaluation of patients or clients in order to determine a physical therapy diagnosis, prognosis, and plan of intervention, which, in the case of patients who have self-referred, means the physical therapist has:

(A) Failed to refer the patient to an appropriate licensed health care provider if the physical therapist determines that the patient has not made objective, measurable, or functional improvement with respect to the primary complaints of the patient during the period of 14 days or six visits of initiating a physical therapy plan of intervention, or if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment beyond the scope of practice of the physical therapist. The 14 day or six-visit period contained in this subparagraph shall not apply:

(i) In the case of services provided for health promotion, wellness, fitness, or maintenance purposes, in which case the physical therapist shall refer a client seen for health promotion, wellness, fitness, or maintenance purposes to an appropriate individual licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43 if the client...
exhibits or develops signs and symptoms beyond the scope of practice of the physical therapist;

(ii) In the case of a patient diagnosed within the previous nine months with a neuromuscular or developmental condition when the evaluation, treatment, or services are being provided for problems or symptoms associated with that previously diagnosed condition; or

(iii) In the case of a patient diagnosed within the previous 90 days with a chronic musculoskeletal condition and noted by a current relevant document from an appropriate licensed health care provider;

(B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing, diagnosed disease, or practiced medicine;

(C) Failed to provide each self-referred patient with a written disclosure that a physical therapy diagnosis is not a medical diagnosis by a physician;

(D) Not satisfied the additional requirements for seeing a patient who has self-referred, which shall include:

(i) A doctorate in physical therapy or equivalent degree plus two years of clinical practice experience;

(ii) A doctorate in physical therapy or equivalent and:

(I) Post graduate certification;

(II) American Board of Physical Therapy Specialties Board Certification; or

(III) Residency or fellowship training; or

(iii) Five years of clinical practice experience; or

(E) Performed dry needling treatment interventions without consulting an individual licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43; or

(3) Acted in a manner inconsistent with generally accepted standards of physical therapy practice, regardless of whether actual injury to a patient occurs, or failed to provide the expected minimal standard of patient or client management, which shall include that:

(A) A physical therapist is fully responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:

(i) The initial evaluation, determination of physical therapy diagnosis, prognosis, and plan of intervention and documentation of the initial evaluation;

(ii) Periodic reevaluation and documentation of findings for each patient; and

(iii) The documented episode of care for each patient, including the patient's response to the plan of intervention at the time of completion of the episode of care;

(B) A physical therapist shall assure the qualifications of all physical therapist assistants and physical therapy aides under his or her direction and supervision;
(C) For each patient on each date of service, a physical therapist shall provide all of the
intervention that requires the education, skills, knowledge, and abilities of a physical
therapist;

(D) A physical therapist shall determine the use of physical therapist assistants and
physical therapy aides to ensure the delivery of care that is safe, effective, and efficient.
A physical therapist may use physical therapy aides for designated routine tasks. A
physical therapy aide shall work under the supervision of a physical therapist;

(E) A physical therapist shall communicate the overall plan of care with the patient or
the patient's legally authorized representative;

(F) A physical therapist's responsibility shall include accurate documentation and
billing of the services provided;

(G) A physical therapist shall adhere to the recognized standards for professional
conduct and code of ethics of the physical therapy profession as established by rule; and

(H) A physical therapist shall ensure that he or she has liability coverage either
independently or provided by the entity by which he or she is employed.

(b) The board shall have authority to refuse to grant or restore a license to an applicant or
to discipline a physical therapist assistant licensed under this chapter upon a finding by the
board that the licensee or applicant has:

1. Worked outside the supervision of a physical therapist;

2. Failed to provide accurate documentation or billing of services provided;

3. Failed to adhere to the recognized standards of ethical conduct and code of ethics as
established by rule; or

4. Acted in a manner inconsistent with generally accepted standards of the physical
therapist assistant's scope of work, regardless of whether actual injury to the patient
occurs.

(c) The board shall have authority to refuse to grant or restore a license to an applicant
or to discipline a physical therapist or physical therapist assistant licensed under this
chapter or any antecedent law upon a finding by the board that the licensee or applicant
has:

1. Implemented or continued a program of physical therapy treatment without
consultation with an appropriate licensed practitioner of the healing arts; except that a
physical therapist may implement a program of physical therapy treatment without
consultation with an appropriately licensed practitioner of the healing arts when:

   i. Services are provided for the purpose of fitness, wellness, or prevention that is not
related to the treatment of an injury or ailment; or

   ii. The patient was previously diagnosed and received treatment or services for
that diagnosis and the patient returns to physical therapy within 60 days of discharge
from physical therapy for problems and symptoms that are related to the initial referral to the physical therapist. In such a situation the physical therapist shall notify the original referral source of the return to physical therapy within five business days; and

(H) The physical therapist holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national accreditation agency recognized by the United States Department of Education and approved by the Georgia State Board of Physical Therapy or the physical therapist has completed at least two years of practical experience as a licensed physical therapist.

If after 90 days of initiating physical therapy services the physical therapist determines that no substantial progress has been made with respect to the primary complaints of the patient, the physical therapist shall refer the patient to an appropriately licensed practitioner of the healing arts. If at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of the physical therapist, the physical therapist shall refer the patient to an appropriately licensed practitioner of the healing arts; or

(B) In the case of practice as a physical therapist assistant, practiced other than under the supervision and direction of a licensed physical therapist;

(2) Displayed an inability or has become unable to practice as a physical therapist or as a physical therapist assistant with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition:

(A) In enforcing this paragraph the board may, upon reasonable grounds, require a licensee or applicant to submit to a mental or physical examination by an appropriate practitioner of the healing arts licensed health care provider designated by the board. The expense of such mental or physical examination shall be borne by the licensee or applicant. The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing physical therapy in this state or who shall file an application for a license to practice physical therapy in this state shall be deemed to have given his or her consent to submit to such mental or physical examination and to have waived all objections to the admissibility of the results in any hearing before the board upon the grounds that the same constitutes a privileged communication. If a licensee or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond his or her control, the board may enter a final order upon proper notice, hearing, and proof of such
refusal. Any licensee or applicant who is prohibited from practicing physical therapy under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that he or she can resume or begin the practice of physical therapy with reasonable skill and safety to patients;

(B) For the purposes of this paragraph, the board may, upon reasonable grounds, obtain any and all records relating to the mental or physical condition of a licensee or applicant, including psychiatric records; and such records shall be admissible in any hearing before the board, notwithstanding any privilege under a contrary rule of law or statute, including, but not limited to, Code Section 24-5-501. Every person who shall accept the privilege of practicing physical therapy in this state or who shall file an application to practice physical therapy in this state shall be deemed to have given his or her consent to the board's obtaining any such records and to have waived all objections to the admissibility of such records in any hearing before the board upon the grounds that the same constitute a privileged communication; and

(C) If any licensee or applicant could, in the absence of this paragraph, invoke a privilege to prevent the disclosure of the results of the examination provided for in subparagraph (A) of this paragraph or the records relating to the mental or physical condition of such licensee or applicant obtained pursuant to subparagraph (B) of this paragraph, all such information shall be received by the board in camera and shall not be disclosed to the public, nor shall any part of the record containing such information be used against any licensee or applicant in any other type of proceeding;

(2) Been convicted of a felony or crime involving moral turpitude in the courts of this state; or the United States; or the conviction of an offense in another jurisdiction which if committed in this state would be deemed a felony. For the purpose of this Code section, a 'conviction' shall include a finding or verdict of guilty, a plea of guilty, or a plea of nolo contendere in a criminal proceeding regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon pursuant to the provisions of Code Sections 42-8-60 through 42-8-64, relating to first offenders, or any comparable rule or statute;

(3) Knowingly made misleading, deceptive, untrue, or fraudulent representations to a patient, consumer, or other person or entity in connection with the practice of physical therapy or in any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining or attempting to obtain a license to practice physical therapy or as a physical therapist assistant; or made a false or deceptive biennial registration with the board;

(4) Practiced physical therapy contrary to this Code section or to the rules and regulations of the board; knowingly aided, assisted, procured, or advised any person to
practice physical therapy contrary to this Code section or to the rules and regulations of the board; or knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice physical therapy;

(6) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice or the failure to comply with the code of ethics of the board;

(7) Failed to report to the board any act or omission of a licensee or applicant or any other person which violates the provisions of this subsection; or

(7) Divided fees or agreed to divide fees received for professional services with any person, firm, association, corporation, or other entity for bringing or referring a patient.

(1) When the board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a), (b), or (c) of this Code section, the board may take any one or more of the following actions:

(A) Refuse to grant or restore a license to an applicant;

(B) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(C) Suspend any license for a definite period;

(D) Limit or restrict any license;

(E) Revoke any license;

(F) Condition the penalty or withhold formal disposition, upon the physical therapist's, physical therapist assistant's, or other person's submission to the care, counseling, or treatment of physicians or other professional persons, and the completion of such care, counseling, or treatment, as directed by the board; or

(G) Impose a fine not to exceed $500.00 for each violation of law, rule, or regulation of the board.

(2) In addition to or in conjunction with the actions enumerated pursuant to paragraph (1) of this subsection, the board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty, or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee or applicant on probation, which probation may be vacated upon noncompliance with such reasonable terms as the board may impose.

(e) In its discretion, the board may restore and reissue a license issued under this chapter or any antecedent law and, as a condition thereof, it may impose any disciplinary or corrective measure provided in this chapter.
(d)(f) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting the acts or omissions of a licensee or applicant which violate the provisions of subsection (a), (b), or (c) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice as a physical therapist or as a physical therapist assistant, if such report is made in good faith without fraud or malice. Any person who testifies without fraud or malice before the board in any proceeding involving a violation of the provisions of subsection (a), (b), or (c) of this Code section or any other law relating to a licensee's or applicant's fitness to practice as a physical therapist or as a physical therapist assistant shall be immune from civil and criminal liability for so testifying."

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.