

## House Bill 505

By: Representatives Cooper of the 43<sup>rd</sup>, Ramsey of the 72<sup>nd</sup>, Bennett of the 94<sup>th</sup>, Gasaway of the 28<sup>th</sup>, Cheokas of the 138<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 33 of Title 43 of the Official Code of Georgia Annotated, relating to physical  
10 therapists, is amended by revising Code Section 43-33-3, relating to definitions, as follows:  
11 "43-33-3.

12 As used in this chapter, the term:

13 (1) 'Board' means the State Board of Physical Therapy.

14 (2) 'License' means a valid and current certificate of registration issued by the board;  
15 which shall give the person to whom it is issued authority to engage in the practice  
16 prescribed thereon.

17 (3) 'Licensee' means any person holding a license under this chapter.

18 (4) 'Person' means a human being only, not a legal entity.

19 (5) 'Physical therapist' means a person licensed to practice physical therapy as defined  
20 in this chapter and whose license is in good standing. ~~A physical therapist shall be~~  
21 ~~designated by the initials 'P.T.'~~

22 (6) 'Physical therapist assistant' or 'physical therapy assistant' means a person who is  
23 licensed by the board to assist a physical therapist, whose activities are supervised and  
24 directed by a physical therapist, and whose license is in good standing. ~~A physical~~  
25 ~~therapist assistant shall be designated by the initials 'P.T.A.'~~

26 (7) 'Physical therapy' means the care and services provided by or under the direction and  
 27 supervision of a physical therapist who is licensed pursuant to this chapter. The term  
 28 'physiotherapy' shall be synonymous with 'physical therapy' pursuant to this chapter. The  
 29 practice of physical therapy means:

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

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

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

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

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

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

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

62 (9) 'Trainee' means an individual who is approved for a traineeship.

63 (10) 'Traineeship' means a period of activity during which a trainee works under the  
 64 direct supervision of a licensed physical therapist who has practiced for not less than one  
 65 year prior to assuming the supervisory role.

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

69 **SECTION 2.**

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

72 "43-33-7.

73 With the exception of hearings in contested cases, the board may conduct business in  
 74 conference by telephone or other digital means, provided that members of the board shall  
 75 not receive compensation for business conducted in conference by telephone or other  
 76 digital means."

77 **SECTION 3.**

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

80 "43-33-10.

81 In carrying out the provisions of this chapter, the board shall, in addition to the other  
 82 powers conferred upon it under this chapter, have the power to:

83 (1) Prepare or approve all examinations or applicants for licenses;

84 (2) Determine the qualifications of and authorize the issuance of licenses to qualified  
 85 physical therapists and physical therapist assistants;

86 (3) Determine the qualifications for and approve educational programs that prepare  
 87 physical therapists and physical therapist assistants for the purpose of determining  
 88 qualifications of applicants for licensure;

89 (4) Initiate investigations of alleged or suspected violations of the provisions of this  
 90 chapter or other laws of this state pertaining to physical therapy and any rules and  
 91 regulations adopted by the board. For this purpose, any board member or authorized  
 92 agent of the board shall have the power and right to enter and make reasonable inspection  
 93 of any place where physical therapy is practiced;

94 (5) Conduct all hearings in contested cases according to Chapter 13 of Title 50, ~~known~~  
 95 as the 'Georgia Administrative Procedure Act';

96 (6) Discipline any person licensed under this chapter; or refuse to grant, renew, or restore  
 97 a license to any person upon any ground specified in this chapter;

- 98 (7) Adopt a seal, the imprint of which together with the authorized signature of either the  
 99 division director or other member authorized by the board shall be effective to evidence  
 100 its official acts;
- 101 (8) Establish licensing fees and maintain in the office of the division director a register  
 102 of all persons holding a license and a record of all inspections made;
- 103 (9) Adopt and publish in print or electronically a code of ethics;
- 104 (10) Issue training permits; ~~and~~
- 105 (11) Adopt such rules and regulations as shall be reasonably necessary for the  
 106 enforcement and implementation of the provisions and purposes of this chapter and other  
 107 laws of this state insofar as they relate to physical therapy;
- 108 (12) Regulate the practice of physical therapy by interpreting and enforcing this chapter;  
 109 and
- 110 (13) Issue advisory opinions upon request regarding this chapter."

111 **SECTION 4.**

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

115 "43-33-11.

116 ~~A physical therapist shall display either the title 'physical therapist' or the abbreviation~~  
 117 ~~'P.T.' on a name tag or other similar form of identification during times when such person~~  
 118 ~~is providing direct patient care. A physical therapist assistant shall display either the title~~  
 119 ~~'physical therapist assistant' or the abbreviation 'P.T.A.' on a name tag or other similar form~~  
 120 ~~of identification during times when such person is providing direct patient care. A physical~~  
 121 ~~therapy aide shall be required to display the title 'physical therapy aide' on a name tag or~~  
 122 ~~other similar form of identification during times when such person is assisting a licensee.~~  
 123 ~~No person shall practice as a physical therapist or as a physical therapist assistant nor hold~~  
 124 ~~himself or herself out as being able to practice as a physical therapist or as a physical~~  
 125 ~~therapist assistant or as providing physical therapy or use the initials P.T. or P.T.A. in~~  
 126 ~~conjunction therewith or use any word or title to induce the belief that he or she is engaged~~  
 127 ~~in the practice of physical therapy unless he or she holds a license and otherwise complies~~  
 128 ~~with the provisions of this chapter and the rules and regulations adopted by the board.~~

129 (a) A physical therapist shall clearly inform the public of his or her professional credential  
 130 as a physical therapist. A physical therapist shall use the appropriate regulatory designator  
 131 as identified by the board.

132 (b) A physical therapist assistant shall use the letters 'PTA' immediately following his or  
 133 her name to designate licensure under this chapter. A person shall not use the title 'physical

134 therapist assistant,' the letters 'PTA,' or any other words, abbreviations, or insignia in  
135 connection with that person's name to indicate or imply, directly or indirectly, that the  
136 person is a physical therapist assistant unless that person is licensed as a physical therapist  
137 assistant pursuant to this chapter.

138 (c) A person or business entity and its employees, agents, or representatives shall not use  
139 in connection with that person's name or the name or activity of the business entity the  
140 words 'physical therapy,' 'physical therapist,' 'physiotherapy,' 'physiotherapist,' or 'doctor  
141 of physical therapy,' the letters 'PT,' 'CPT,' 'DPT,' 'LPT,' 'RPT,' or 'MPT,' or any other  
142 words, abbreviations, or insignia indicating or implying, directly or indirectly, that physical  
143 therapy is provided or supplied, unless such services are provided by or under the direction  
144 of a physical therapist licensed pursuant to this chapter. A person or business entity shall  
145 not advertise or otherwise promote another person as being a physical therapist or  
146 physiotherapist unless the individual so advertised or promoted is licensed as a physical  
147 therapist under this chapter. A person or business entity that offers, provides, or bills any  
148 other person for services shall not characterize those services as physical therapy or  
149 physiotherapy unless the individual directing and supervising those services is a person  
150 licensed under this chapter.

151 (d) Nothing in this Code section shall be construed as preventing or restricting the practice,  
152 services, or activities of:

153 (1) Any person licensed under any other law of this state who is engaged in the  
154 professional or trade practices properly conducted under the authority of such other  
155 licensing laws;

156 (2) Any person pursuing a course of study leading to a degree or certificate as a physical  
157 therapist or as a physical therapist assistant in an entry level educational program  
158 approved by the board, if such person is designated by a title indicating student status, is  
159 fulfilling work experiences required for the attainment of the degree or certificate, and  
160 is under the supervision of a licensed physical therapist;

161 (3) Any person enrolled in a course of study designed to develop advanced physical  
162 therapy skills when the physical therapy activities are required as part of an educational  
163 program sponsored by an educational institution approved by the board and are conducted  
164 under the supervision of a physical therapist licensed under this chapter. If such person  
165 provides physical therapy services outside the scope of the educational program, he or she  
166 shall then be required to be licensed in accordance with this chapter;

167 (4) A physical therapist licensed in another state or country or employed by the United  
168 States government conducting a teaching or clinical demonstration in connection with an  
169 academic or continuing education program;

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

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

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

182 **SECTION 5.**

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

185 "43-33-12.

186 A license to practice physical therapy shall be issued to any person who:

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

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

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

199 **SECTION 6.**

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

202 "43-33-13.

203 A license to practice as a physical therapist assistant shall be issued to any person who:

- 204 (1) Is a graduate of an educational program that prepares physical therapist assistants and  
 205 which is accredited by a recognized accrediting agency and approved by the board or, in  
 206 the case of an applicant who has graduated from an educational program which prepares  
 207 physical therapist assistants conducted in a foreign country, has submitted, in a manner  
 208 prescribed by the board, credentials approved by the board and who has further  
 209 demonstrated the ability to speak, write, and understand the English language and has  
 210 satisfactorily completed a three-month board approved traineeship under the supervision  
 211 of a physical therapist licensed under this chapter;
- 212 (2) Has satisfactorily passed an examination prepared or approved by the board; and
- 213 (3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18  
 214 or subsection ~~(a)~~ (b) or (c) of Code Section 43-1-19."

### 215 SECTION 7.

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

219 "43-33-18.

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

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

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

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

236 (i) In the case of services provided for health promotion, wellness, fitness, or  
 237 maintenance purposes, in which case the physical therapist shall refer a client seen for  
 238 health promotion, wellness, fitness, or maintenance purposes to an appropriate  
 239 individual licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43 if the client

240 exhibits or develops signs and symptoms beyond the scope of practice of the physical  
 241 therapist;  
 242 (ii) In the case of a patient diagnosed within the previous nine months with a  
 243 neuromuscular or developmental condition when the evaluation, treatment, or services  
 244 are being provided for problems or symptoms associated with that previously  
 245 diagnosed condition; or  
 246 (iii) In the case of a patient diagnosed within the previous 90 days with a chronic  
 247 musculoskeletal condition and noted by a current relevant document from an  
 248 appropriate licensed health care provider;  
 249 (B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing,  
 250 diagnosed disease, or practiced medicine;  
 251 (C) Failed to provide each self-referred patient with a written disclosure that a physical  
 252 therapy diagnosis is not a medical diagnosis by a physician;  
 253 (D) Not satisfied the additional requirements for seeing a patient who has self-referred,  
 254 which shall include:  
 255 (i) A doctorate in physical therapy or equivalent degree plus two years of clinical  
 256 practice experience;  
 257 (ii) A doctorate in physical therapy or equivalent and:  
 258 (I) Post graduate certification;  
 259 (II) American Board of Physical Therapy Specialties Board Certification; or  
 260 (III) Residency or fellowship training; or  
 261 (iii) Five years of clinical practice experience; or  
 262 (E) Performed dry needling treatment interventions without consulting an individual  
 263 licensed pursuant to Article 2 or 4 of Chapter 34 of Title 43; or  
 264 (3) Acted in a manner inconsistent with generally accepted standards of physical therapy  
 265 practice, regardless of whether actual injury to a patient occurs, or failed to provide the  
 266 expected minimal standard of patient or client management, which shall include that:  
 267 (A) A physical therapist is fully responsible for managing all aspects of the physical  
 268 therapy care of each patient. A physical therapist shall provide:  
 269 (i) The initial evaluation, determination of physical therapy diagnosis, prognosis, and  
 270 plan of intervention and documentation of the initial evaluation;  
 271 (ii) Periodic reevaluation and documentation of findings for each patient; and  
 272 (iii) The documented episode of care for each patient, including the patient's response  
 273 to the plan of intervention at the time of completion of the episode of care;  
 274 (B) A physical therapist shall assure the qualifications of all physical therapist  
 275 assistants and physical therapy aides under his or her direction and supervision;

276 (C) For each patient on each date of service, a physical therapist shall provide all of the  
 277 intervention that requires the education, skills, knowledge, and abilities of a physical  
 278 therapist;

279 (D) A physical therapist shall determine the use of physical therapist assistants and  
 280 physical therapy aides to ensure the delivery of care that is safe, effective, and efficient.

281 A physical therapist may use physical therapy aides for designated routine tasks. A  
 282 physical therapy aide shall work under the supervision of a physical therapist;

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

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

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

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

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

294 (1) Worked outside the supervision of a physical therapist;

295 (2) Failed to provide accurate documentation or billing of services provided;

296 (3) Failed to adhere to the recognized standards of ethical conduct and code of ethics as  
 297 established by rule; or

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

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

305 ~~(1)(A) Implemented or continued a program of physical therapy treatment without~~  
 306 ~~consultation with an appropriate licensed practitioner of the healing arts; except that a~~  
 307 ~~physical therapist may implement a program of physical therapy treatment without~~  
 308 ~~consultation with an appropriately licensed practitioner of the healing arts when:~~

309 ~~(i) Services are provided for the purpose of fitness, wellness, or prevention that is not~~  
 310 ~~related to the treatment of an injury or ailment; or~~

311 ~~(ii)(I) The patient was previously diagnosed and received treatment or services for~~  
 312 ~~that diagnosis and the patient returns to physical therapy within 60 days of discharge~~

313 ~~from physical therapy for problems and symptoms that are related to the initial~~  
 314 ~~referral to the physical therapist. In such a situation the physical therapist shall~~  
 315 ~~notify the original referral source of the return to physical therapy within five~~  
 316 ~~business days; and~~

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

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

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

331 ~~(2)(1)~~ Displayed an inability or has become unable to practice as a physical therapist or  
 332 as a physical therapist assistant with reasonable skill and safety to patients by reason of  
 333 illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a  
 334 result of any mental or physical condition:

335 (A) In enforcing this paragraph the board may, upon reasonable grounds, require a  
 336 licensee or applicant to submit to a mental or physical examination by an appropriate  
 337 ~~practitioner of the healing arts~~ licensed health care provider designated by the board.  
 338 The expense of such mental or physical examination shall be borne by the licensee or  
 339 applicant. The results of such examination shall be admissible in any hearing before  
 340 the board, notwithstanding any claim of privilege under a contrary rule of law or  
 341 statute, including, but not limited to, Code Section 24-5-501. Every person who shall  
 342 accept the privilege of practicing physical therapy in this state or who shall file an  
 343 application for a license to practice physical therapy in this state shall be deemed to  
 344 have given his or her consent to submit to such mental or physical examination and to  
 345 have waived all objections to the admissibility of the results in any hearing before the  
 346 board upon the grounds that the same constitutes a privileged communication. If a  
 347 licensee or applicant fails to submit to such an examination when properly directed to  
 348 do so by the board, unless such failure was due to circumstances beyond his or her  
 349 control, the board may enter a final order upon proper notice, hearing, and proof of such

350 refusal. Any licensee or applicant who is prohibited from practicing physical therapy  
 351 under this paragraph shall at reasonable intervals be afforded an opportunity to  
 352 demonstrate to the board that he or she can resume or begin the practice of physical  
 353 therapy with reasonable skill and safety to patients;

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

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

371 ~~(3)~~(2) Been convicted of a felony or crime involving moral turpitude in the courts of this  
 372 state; or the United States; or the conviction of an offense in another jurisdiction which  
 373 if committed in this state would be deemed a felony. For the purpose of this Code  
 374 section, a 'conviction' shall include a finding or verdict of guilty, a plea of guilty, or a plea  
 375 of nolo contendere in a criminal proceeding regardless of whether the adjudication of  
 376 guilt or sentence is withheld or not entered thereon pursuant to the provisions of Code  
 377 Sections 42-8-60 through 42-8-64, relating to first offenders, or any comparable rule or  
 378 statute;

379 ~~(4)~~(3) Knowingly made misleading, deceptive, untrue, or fraudulent representations to  
 380 a patient, consumer, or other person or entity in connection with the practice of physical  
 381 therapy or in any document connected therewith; practiced fraud or deceit or intentionally  
 382 made any false statement in obtaining or attempting to obtain a license to practice  
 383 physical therapy or as a physical therapist assistant; or made a false or deceptive biennial  
 384 registration with the board;

385 ~~(5)~~(4) Practiced physical therapy contrary to this Code section or to the rules and  
 386 regulations of the board; knowingly aided, assisted, procured, or advised any person to

387 practice physical therapy contrary to this Code section or to the rules and regulations of  
 388 the board; or knowingly performed any act which in any way aids, assists, procures,  
 389 advises, or encourages any unlicensed person to practice physical therapy;

390 ~~(6)~~(5) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or  
 391 practice harmful to the public, which conduct or practice need not have resulted in actual  
 392 injury to any person; unprofessional conduct shall also include any departure from, or the  
 393 failure to conform to, the minimal standards of acceptable and prevailing physical therapy  
 394 practice or the failure to comply with the code of ethics of the board;

395 ~~(7)~~(6) Failed to report to the board any act or omission of a licensee or applicant or any  
 396 other person which violates the provisions of this subsection; or

397 ~~(8)~~(7) Divided fees or agreed to divide fees received for professional services with any  
 398 person, firm, association, corporation, or other entity for bringing or referring a patient.

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

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

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

405 (C) Suspend any license for a definite period;

406 (D) Limit or restrict any license;

407 (E) Revoke any license;

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

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

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

420 ~~(c)~~(e) In its discretion, the board may restore and reissue a license issued under this chapter  
 421 or any antecedent law and, as a condition thereof, it may impose any disciplinary or  
 422 corrective measure provided in this chapter.

423 ~~(d)~~(f) A person, firm, corporation, association, authority, or other entity shall be immune  
424 from civil and criminal liability for reporting the acts or omissions of a licensee or  
425 applicant which violate the provisions of subsection (a), (b), or (c) of this Code section or  
426 any other provision of law relating to a licensee's or applicant's fitness to practice as a  
427 physical therapist or as a physical therapist assistant, if such report is made in good faith  
428 without fraud or malice. Any person who testifies without fraud or malice before the board  
429 in any proceeding involving a violation of the provisions of subsection (a), (b), or (c) of  
430 this Code section or any other law relating to a licensee's or applicant's fitness to practice  
431 as a physical therapist or as a physical therapist assistant shall be immune from civil and  
432 criminal liability for so testifying."

433

**SECTION 8.**

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