

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Board of Physical Therapy
Rule No. 700-X-4-.06(1)(2)(3)
Rule Title: Discipline

_____ 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, AK Hornet

Date June 26, 2012

ALABAMA BOARD OF PHYSICAL THERAPY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Physical Therapy

RULE NO. & TITLE: 700-X-4-.06(1)(2)(3) Discipline

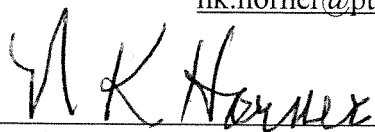
INTENDED ACTION: The Alabama Board of Physical Therapy proposes to amend the Discipline rule 700-X-4-.06(1)(2)(3).

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to rule 700-x-4-.06(1)(2)(3) will add a "restricted" license to the list of disciplinary actions, and will remove the words "registration 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
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Board of Physical Therapy
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Nettie Katharin Horner
Executive Director

700-X-4-.06 Discipline.

(1) Restriction, Revocation or suspension of License. Upon a finding that respondent has violated any enumerated provision of Code of Ala. 1975, §34-24-217, or any rule adopted pursuant thereto, the Board may restrict, revoke or suspend respondent's license to practice as a physical therapist or physical therapist assistant in Alabama.

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to restrict, revoke or suspend respondent's registration or license. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Considerations. In determining whether a ~~registration or~~ license should be restricted, revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the date of violation;
- (e) The number of complaints filed against the licensee;
- (f) The length of time the licensee has practiced;
- (g) The actual damage, physical or otherwise, to the patient;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the licensee's livelihood;

- (j) Any efforts of rehabilitation; and
- (k) Any other mitigating or aggravating circumstances.

(4) Public Notice. The Board shall publish semi-annually a listing of names, with offenses, of licensees disciplined via formal or informal means.

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Statutory Authority: Code of Ala. 1975, §§34-24-193, 34-24-217.

History: Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed June 19, 2012;