

TITLE 43. PROFESSIONS AND BUSINESSES  
CHAPTER 33. PHYSICAL THERAPISTS

O.C.G.A. TITLE 43 Chapter 33 (2016)

§ 43-33-1. Short title

This chapter shall be known and may be cited as the "Georgia Physical Therapy Act."

**HISTORY:** Ga. L. 1972, p. 388, § 1; Ga. L. 1997, p. 715, § 1.

§ 43-33-2. Declaration of purpose

This chapter is enacted for the purpose of safeguarding the public health, safety, and welfare by providing for state administrative control, supervision, and regulation of the practice of physical therapy. The practice of physical therapy is declared to be affected with the public interest; and this chapter shall be liberally construed so as to accomplish the purpose stated in this Code section.

**HISTORY:** Ga. L. 1972, p. 388, § 2; Ga. L. 1997, p. 715, § 1.

§ 43-33-3. Definitions

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.
- (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.
- (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 'physiotherapist' 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.

(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.

**HISTORY:** Ga. L. 1951, p. 175, § 1; Ga. L. 1962, p. 633, § 1; Ga. L. 1972, p. 388, § 3; Ga. L. 1980, p. 1053, § 1; Ga. L. 1986, p. 812, § 1; Ga. L. 1992, p. 2434, § 1; Ga. L. 1997, p. 715, § 1; Ga. L. 2011, p. 592, § 1/ HB 145; Ga. L. 2015, p. 288, § 1/ HB 505.

#### § 43-33-4. Creation of board

There is created a State Board of Physical Therapy.

**HISTORY:** Ga. L. 1962, p. 633, § 2; Ga. L. 1972, p. 388, § 4; Ga. L. 1997, p. 715, § 1.

#### § 43-33-5. Appointment of board members; terms; vacancies; removal

The board shall consist of eight members, as provided in Code Section 43-33-6, each of whom shall be appointed by the Governor and confirmed by the Senate for a term of three years and until a successor is appointed and qualified. Vacancies on the board shall be filled by the Governor's appointment of a successor to serve out the unexpired term. The Governor, after notice and opportunity for hearing, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of license of those licensee members, or other dishonorable conduct. No person shall serve consecutively more than two full terms as a member of the board.

**HISTORY:** Ga. L. 1962, p. 633, § 2; Ga. L. 1972, p. 388, § 5; Ga. L. 1980, p. 1053, § 2; Ga. L. 1986, p. 812, § 2; Ga. L. 1992, p. 2434, § 2; Ga. L. 1997, p. 715, § 1.

#### § 43-33-6. Qualifications of board members

To be eligible for appointment to the board, a person must be a resident of this state. Six members of the board shall be licensed as physical therapists under this chapter who have practiced or taught physical therapy for at least three years. At least one member shall be licensed and practicing as a physical therapist assistant for at least three years. The eighth member shall be appointed from the public at large and shall have no business connection whatsoever with the practice or profession of physical therapy.

**HISTORY:** Ga. L. 1962, p. 633, § 2; Ga. L. 1972, p. 388, § 6; Ga. L. 1980, p. 53, § 1; Ga. L. 1980, p. 1053, § 2; Ga. L. 1986, p. 812, § 3; Ga. L. 1992, p. 2434, § 3; Ga. L. 1997, p. 715, § 1.

#### § 43-33-7. Conduct of business by telephone

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.

**HISTORY:** Ga. L. 1972, p. 388, § 7; Ga. L. 1980, p. 1053, § 3; Ga. L. 1997, p. 715, § 1; Ga. L. 2015, p. 288, § 2/ HB 505.

#### § 43-33-8. Reimbursement of board members

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

**HISTORY:** Ga. L. 1972, p. 388, § 8; Ga. L. 1980, p. 1053, § 4; Ga. L. 1997, p. 715, § 1.

#### § 43-33-9. Division director as secretary of board; subpoena power; service of process and documents

The division director shall be secretary of the board and shall perform such other administrative duties as may be prescribed by the board. In a contested case, the division director on behalf of the board shall have the power to subpoena, throughout this state, witnesses, designated documents, papers, books, accounts, letters, photographs, objects, or other tangible things. All legal process and all documents required by law to be served upon or filed with the board shall be served upon or filed with the division director at his or her office.

**HISTORY:** Ga. L. 1972, p. 388, § 9; Ga. L. 1997, p. 715, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2010, p. 266, § 36/SB 195; Ga. L. 2011, p. 99, § 72/ HB 24.

#### § 43-33-10. General powers and duties of board

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.

**HISTORY:** Ga. L. 1951, p. 175, § 15; Ga. L. 1962, p. 633, § 2; Ga. L. 1972, p. 388, § 10; Ga. L. 1982, p. 1416, §§ 1, 10; Ga. L. 1983, p. 3, § 32; Ga. L. 1986, p. 812, § 4; Ga. L. 1992, p. 2434, § 4; Ga. L. 1997, p. 715, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2010, p. 838, § 10/SB 388.

§ 43-33-11. Physical therapists and physical therapist assistants to clearly inform public of credentials; license required; use of titles; limitation on scope of Code section

(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 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," "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 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;
- (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;

- (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.

**HISTORY:** Ga. L. 1951, p. 175, §§ 2, 14; Ga. L. 1964, p. 765, § 1; Ga. L. 1972, p. 388, § 12; Ga. L. 1982, p. 1416, §§ 2, 11; Ga. L. 1983, p. 3, § 32; Ga. L. 1992, p. 2434, § 5; Ga. L. 1993, p. 91, § 43; Ga. L. 1997, p. 715, § 1; Ga. L. 2015, p. 288, § 3/ HB 505.

#### § 43-33-12. Requirements for license to practice physical therapy

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.

**HISTORY:** Ga. L. 1951, p. 175, § 8; Ga. L. 1972, p. 388, § 14; Ga. L. 1982, p. 1416, §§ 4, 12; Ga. L. 1983, p. 3, § 32; Ga. L. 1986, p. 812, § 5; Ga. L. 1992, p. 2434, § 6; Ga. L. 1997, p. 715, § 1; Ga. L. 2008, p. 1112, § 18/ HB 1055; Ga. L. 2015, p. 288, § 4/ HB 505.

#### § 43-33-13. Requirements for license to practice as physical therapist assistant

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 (b) or (c) of Code Section 43-1-19.

**HISTORY:** Ga. L. 1972, p. 388, § 13; Ga. L. 1982, p. 1416, §§ 3, 13; Ga. L. 1986, p. 812, § 6; Ga. L. 1992, p. 2434, § 7; Ga. L. 1997, p. 715, § 1; Ga. L. 2015, p. 288, § 5/ HB 505.

##### § 43-33-13.1. Physical therapy aide

A physical therapy aide is one, other than a physical therapist or physical therapist assistant, who is employed to assist a physical therapist or a physical therapist assistant by performing only designated physical therapy tasks under direct supervision of a licensee as approved by the board by rule or regulation.

**HISTORY:** Code 1981, § 43-33-13.1, enacted by Ga. L. 1992, p. 2434, § 8; Ga. L. 1997, p. 715, § 1.

#### § 43-33-14. Determining competence of applicants

The board shall determine the competence of applicants to practice as physical therapists or as physical therapist assistants by any method or procedure which the board deems necessary to test the applicant's qualifications.

**HISTORY:** Ga. L. 1951, p. 175, § 7; Ga. L. 1962, p. 633, § 4; Ga. L. 1972, p. 388, § 17; Ga. L. 1982, p. 1416, §§ 7, 14; Ga. L. 1986, p. 812, § 7; Ga. L. 1997, p. 715, § 1.

#### § 43-33-15. Reciprocity; waiver of examination requirement for persons licensed in another state who meet certain qualifications

The board may, in its discretion, waive the examination provided for in paragraph (2) of Code Section 43-33-12 and may, subject to the provisions under Code Sections 43-33-18 and 43-33-19, grant to a person licensed in another state or territory of the United States full privileges to engage in an equivalent practice authorized by this chapter to any person who has qualifications the board determines to be the substantial equivalent of the qualifications described under paragraph (1) of Code Section 43-33-12 and who is properly licensed under the laws of another state or territory of the United States; provided, however, that the license held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standards established by the board. In waiving the examination requirement, the board may require additional education or training.

**HISTORY:** Ga. L. 1951, p. 175, § 6; Ga. L. 1972, p. 388, § 16; Ga. L. 1982, p. 1416, §§ 6, 15; Ga. L. 1992, p. 2434, § 9; Ga. L. 1997, p. 715, § 1; Ga. L. 2008, p. 1112, § 19/HB 1055.

#### § 43-33-16. Expiration, renewal, and restoration of licenses; canceled licenses; continuing education

All licenses shall expire biennially unless renewed. All applications for renewal of a license shall be filed with the division director prior to the expiration date, accompanied by the biennial renewal fee prescribed by the board. A license which has expired for failure of the holder to renew may only be restored after application and payment of the prescribed restoration fee within the time period established by the division director and provided the applicant meets such requirements as the board may establish by rule. Any license which has not been restored within such period following its expiration may not be renewed, restored, or reissued thereafter. The holder of such a canceled license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license. The board shall require no less than four hours of continuing education in order to renew any license issued pursuant to this chapter.

**HISTORY:** Ga. L. 1951, p. 175, § 9; Ga. L. 1962, p. 633, § 5; Ga. L. 1972, p. 388, § 18; Ga. L. 1980, p. 1053, § 6; Ga. L. 1986, p. 812, § 8; Ga. L. 1992, p. 2434, § 10; Ga. L. 1997, p. 715, § 1; Ga. L. 2000, p. 1706, § 19.

#### § 43-33-17. Training permits

(a) The board may issue a training permit to an applicant who is a graduate of an approved physical therapy program who is approved to take the physical therapy

licensing examination or who has taken the examination but not yet received the examination results.

(b) The board may issue a training permit to a foreign trained applicant who is a graduate from a physical therapy program outside the United States and its territories and who is approved to take the physical therapy licensing examination.

(c) The board may issue a training permit to a reinstatement applicant whose license to practice as a physical therapist or license to practice as a physical therapist assistant has been expired for more than two years.

(d) The training permit shall allow the holder thereof to work only under the direct supervision of a physical therapist who has been approved by the board and has practiced for not less than one year prior to assuming the supervisory role.

(e) Training permits are governed by rules and regulations authorized under this chapter and approved by the board.

**HISTORY:** Ga. L. 1972, p. 388, § 15; Ga. L. 1980, p. 1053, § 5; Ga. L. 1982, p. 3, § 43; Ga. L. 1982, p. 1416, §§ 5, 16; Ga. L. 1986, p. 812, § 9; Ga. L. 1987, p. 3, § 43; Ga. L. 1990, p. 8, § 43; Ga. L. 1992, p. 2434, § 11; Ga. L. 1997, p. 715, § 1.

§ 43-33-18. Refusal to grant or restore licenses; discipline of licensees; suspension, revocation, or restriction of licenses; immunity for violation reporters

(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 individual licensed pursuant to Article 2 of Chapter 11 of Title 43 or Article 2 of Chapter 34 of Title 43 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 or, regardless of the patient's condition, if after 21 days or eight visits from the initiation of a physical therapy plan of intervention, the physical therapist has not received a referral from the patient's provider who is licensed pursuant to Article 2 of Chapter 11 of Title 43 or Article 2 of Chapter 34 of Title 43. The day and visit limitations 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 or based on radiological imaging and that such services might not be covered by the patient's health plan or insurer;
  - (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 from an accredited institution 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) 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 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 24-9-21. 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 24-9-21. 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;

(5) 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;

(6) 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.

(d)(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) 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.

(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.

(g) The provisions of this Code section shall not prevent any other health care provider from administering techniques authorized within his or her scope of practice

**HISTORY:** Ga. L. 1951, p. 175, § 10; Ga. L. 1972, p. 388, § 20; Ga. L. 1982, p. 1416, §§ 8, 17; Ga. L. 1992, p. 2434, § 12; Ga. L. 1993, p. 91, § 43; Ga. L. 1997, p. 715, § 1; Ga. L. 2006, p. 501, § 1/ HB 801; Ga. L. 2008, p. 324, § 43/SB 455; Ga. L. 2011, p. 99, § 73/HB 24; Ga. L. 2015, p. 288, § 6/HB 505.

#### § 43-33-19. Unlicensed practice as constituting public nuisance; injunctions

The practice of physical therapy is declared to be an activity affecting the public interest and involving the health, safety, and welfare of the public. Such practice when engaged in by a person who is not licensed is declared to be harmful to the public health, safety, and welfare. The board or the district attorney of the circuit where such unlicensed practice exists, or any person or organization having an interest therein, may bring a petition to restrain and enjoin such unlicensed practice in the superior court of the county where such unlicensed person resides. It shall not be necessary in order to obtain an injunction under this Code section to allege or prove that there is no adequate remedy at law, or to allege or prove any special injury.

**HISTORY:** Ga. L. 1962, p. 633, § 6; Ga. L. 1972, p. 388, § 21; Ga. L. 1982, p. 1416, §§ 9, 18; Ga. L. 1997, p. 715, § 1.

#### § 43-33-20. Penalty

Any person convicted of violating this chapter shall be guilty of a misdemeanor.

**HISTORY:** Ga. L. 1951, p. 175, § 17; Ga. L. 1972, p. 388, § 22; Ga. L. 1997, p. 715, § 1.

#### § 43-33-21. Termination

Repealed by Ga. L. 1992, p. 3137, § 26, effective July 1, 1992.

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