

SENATE . . . . . No. 2170

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The Commonwealth of Massachusetts

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SENATE, January 3, 1982.

The committee on Ways and Means, to whom was committed the House Bill providing for the licensing of practitioners of certain allied health professions (House, No. 6803), reports recommending that the same ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2170.

For the Committee,

CHESTER G. ATKINS

1 SECTION 1. Chapter 13 of the General Laws is hereby  
2 amended by inserting after Section 11 the following sec-  
3 tion: —

4 *Section 11A.* There shall be a board of allied health pro-  
5 fessions, hereinafter called the board, which shall consist of  
6 eleven members to be appointed by the governor. Members  
7 of the board shall be residents of the commonwealth and citi-  
8 zens of the United States. Three of such members shall be  
9 athletic trainers licensed in accordance with the provisions of  
10 section twenty-three B of chapter one hundred and twelve;  
11 two of such members shall be occupational therapists licensed  
12 in accordance with the provisions of section twenty-three B  
13 of chapter one hundred and twelve, one such member shall be  
14 an occupational therapy assistant licensed in accordance with  
15 the provisions of said section twenty-three B; two of such  
16 members shall be physical therapists licensed in accordance  
17 with the provisions of said section twenty-three B; one such  
18 member shall be a physical therapist assistant licensed in ac-  
19 cordance with provisions of said section twenty-three B; ex-  
20 cept that such members constituting the first board shall be  
21 persons who are eligible for licensing as practitioners of said  
22 allied health profession. One such members shall be a physi-  
23 cian licensed in accordance with the provisions of section two  
24 of chapter one hundred and twelve, and one of such mem-  
25 bers shall be selected from and shall represent the general  
26 public.

27 Each member of the board shall serve for a term of three  
28 years. No member shall be appointed to more than two con-  
29 secutive full terms, provided, however, that a member ap-  
30 pointed for less than a full term may serve two full terms in  
31 addition to such part of a full term, and a former member  
32 shall again be eligible for appointment after a lapse of one or  
33 more years.

34 A member of the board may be removed by the governor  
35 for neglect of duty, misconduct, malfeasance or misfeasance  
36 in office after being given a written statement of the charges  
37 against him and sufficient opportunity to be heard thereon.  
38 Upon the death, resignation or removal for cause of any  
39 member of the board, the governor shall fill such vacancy for  
40 the remainder of that member's year.

41 The board shall, at its first meeting, and annually there-  
42 after, elect from among its members a chairman, vice-chair-  
43 man, and a secretary. Such officers shall serve until their  
44 successors are elected and qualified. The board shall meet  
45 at least once a month or more often upon the call of the chair-  
46 man at such times and places as the chairman shall desig-  
47 nate.

48 Each member shall be reimbursed for necessary expenses  
49 incurred in the discharge of his official duties.

50 The board shall have the following powers and duties: —

51 (a) The board shall administer, coordinate, and enforce  
52 the provisions of this section, evaluate the qualifications, and  
53 approve the examinations for licensure under this section,  
54 and may issue subpoenas, examine witnesses, and administer  
55 oaths, and may investigate allegations fo practices violating  
56 the provisions of this section.

57 (b) The board shall adopt rules and regulations relating to  
58 professional conduct to carry out the policy of this section  
59 including, but not limited to, regulations relating to pro-  
60 fessional licensure and to the establishing of ethical standards  
61 of practice for persons holding a license to practice athletic  
62 training, occupational therapy, or physical therapy in the  
63 commonwealth.

64 (c) The board shall conduct such hearings and keep such  
65 records and minutes as are necessary to carry out its duties.  
66 The board shall provide reasonable public notice of the times  
67 and places of all hearings authorized under this section, in  
68 such manner and at such times as it may determine.

1 SECTION 2. Chapter 112 of the General Laws is hereby  
2 amended by striking out sections 23A to 23P, inclusive, and  
3 inserting in place thereof the following sixteen sections: —

4 *Section 23A.* The following words as used in sections  
5 twenty-three A to twenty-three P, inclusive, unless the con-  
6 text otherwise requires, shall have the following mean-  
7 ings: —

8 “Athletic trainer”, any person who is duly licensed in ac-  
9 cordance with this section as an athletic trainer and who  
10 limits his practice to schools, teams or organizations with  
11 whom he is associated and who is under the direction of a  
12 physician or dentist duly registered in the commonwealth.

13 "Athletic training", the application of principles, methods  
14 and procedures of evaluation and treatment of athletic in-  
15 juries, preconditioning, conditioning and reconditioning of the  
16 athlete through the use of appropriate preventative and sup-  
17 portive devices, temporary splinting and bracing, physical  
18 modalities of heat, cold, massage, water, electric stimulation,  
19 sound, exercise and exercise equipment under the discretion  
20 of a physician. Athletic training includes instruction to  
21 coaches, athletes, parents, medical personnel and communi-  
22 ties in the area of care and prevention of athletic injuries.

23 "Board", the board on allied health professions, established  
24 under section eleven A of chapter thirteen.

25 "Occupational therapy", the application of principles, meth-  
26 ods and procedures of evaluation, problem identification,  
27 treatment, education, and consultation which utilizes purpose-  
28 ful activity in order to maximize independence, prevent or  
29 correct disability, and maintain health. These services are  
30 used with individuals throughout the life span, whose abili-  
31 ties to interact with their environment are limited by physical  
32 injury or illness, disability, poverty and cultural differences  
33 or the aging process. Occupational therapy includes but is  
34 not limited to: (1) administering and interpreting tests nec-  
35 essary for effective treatment planning; (2) developing daily  
36 living skills, perceptual motor skills, sensory integrative func-  
37 tioning, play skills and prevocational and vocational work ca-  
38 pacities; (3) designing, fabricating or applying selected or-  
39 thotic and prosthetic devices or selected adaptive equipment;  
40 (4) utilizng designated modalities, superficial heat and cold,  
41 and neuromuscular facilitation techniques to improve or en-  
42 hance joint motion muscle function; (5) designing and apply-  
43 the specific therapeutic activities and exercises to enhance  
44 or monitor functional or motor performance and to reduce  
45 stress; and (6) adapting environments for the handicapped.  
46 These services are provided to individuals or groups through  
47 medical, health, educational, industrial or social systems.

48 Occupational therapy shall also include delegating of selec-  
49 tive forms of treatment to occupational therapy assistants  
50 and occupational therapy aides provided however that the oc-  
51 cupational therapist so delegating shall assume the responsi-  
52 bility for the care of the patient and the supervision of the oc-

53 cupational therapy assistant or the occupational therapy aide.  
54 “Occupational therapist”, a person who is duly licensed to  
55 practice occupational therapy in the commonwealth in accord-  
56 ance with section twenty-three B.

57 “Occupational therapy assistant”, a person duly licensed in  
58 accordance with section twenty-three B and who assists in  
59 the practice of occupational therapy who works under the  
60 supervision of a duly licensed occupational therapist.

61 “Physical therapy”, a health profession that utilizes the  
62 application of scientific principles for the identification, pre-  
63 vention, remediation and rehabilitation of acute or prolonged  
64 physical dysfunction thereby promoting optimal health and  
65 function. Physical therapy practice is evaluation, treatment  
66 and instruction related to neuromuscular musculoskeletal, car-  
67 divascular and respiratory functions. Such evaluation shall  
68 include but is not limited to performance and interpretation  
69 of tests as an aid to the diagnosis or planning of treatment  
70 programs. Such treatment shall include but is not limited to  
71 the use of therapeutic exercises, physical activities, mobiliza-  
72 tion, functional and endurance training, traction, bronchopul-  
73 monary hygiene, postural drainage, temporary splinting and  
74 bracing, massage, heat, cold, water, radiant energy, electric-  
75 ity or sound. Such instruction shall include teaching both  
76 patient and family physical therapy procedures as part of a  
77 patient’s on-going program. Physical therapy also shall in-  
78 clude the delegating of selctive forms of treatment to physi-  
79 cal therapist assistants and physical therapy aides; provided,  
80 however, that the physical therapist so delegating shall as-  
81 sume the responsibility for the care of the patient and the  
82 supervision of the physcial therapist assistant or physical  
83 therapy aide.

84 Physical therapy shall also include the providing of con-  
85 sultation services for health, educational, and community  
86 agencies.

87 “Physical therapist”, a person who is duly licensed to prac-  
88 tice physical therapy in the commonwealth in accordance  
89 with section twenty-three B.

90 “Physical therapist assistant”, a person duly licensed in  
91 accordance with section twenty-three B and who assists in the  
92 practice of physical therapy under the direction of a duly

93 licensed physical therapist.

94 "Recognized educational institution", a degree-granting col-  
95 lege or university recognized as such by the United States  
96 Office of Education of the Commonwealth.

97 *Section 23B.* The board shall examine applicants for licen-  
98 sure in each of the fields it supervises at such times and  
99 places as it may determine and shall conduct at least two such  
100 examinations in each field in each calendar year. The board  
101 shall establish examination and testing procedures to enable  
102 the board to ascertain the competency of persons wishing to  
103 be licensed as qualified athletic trainers, occupational thera-  
104 pists, occupational therapy assistants, physical therapists and  
105 physical therapist assistants. Applications for such licenses,  
106 signed and sworn by the applicants shall be made on forms  
107 furnished by the board. An applicant who furnished satisfac-  
108 tory proof that he is good moral character and that he has  
109 met the educational and clinical practice requirements set  
110 forth in section twenty-three F, twenty-three G, twenty-three  
111 H, twenty-three I, or twenty-three J, shall, upon payment of  
112 a fee determined by the secretary of administration and fi-  
113 nance, be examined by the board and if found qualified, and  
114 if he passes the examination, shall be licensed to practice.

115 Every person licensed hereunder shall, during January of  
116 every even numbered year, apply to the board for renewal of  
117 his license and pay a fee determined by the secretary of ad-  
118 ministration and finance to the board and thereupon the  
119 board shall issue a license showing that the holder is entitled  
120 to practice for the period covered by said payment. The  
121 board may require specific continuing education as a condi-  
122 tion for license renewal. The board may provide for the late  
123 renewal of a license which has lapsed and may require the  
124 payment of a late fee, an examination, continuing education  
125 and supervised experience prior to issuing said renewed li-  
126 cense.

127 *Section 23C.* A person who meets the qualifications to be  
128 admitted to the examination for licensure as an athletic  
129 trainer or an occupational therapist or occupational therapy  
130 assistant or physical therapist or physical therapist assistant,  
131 may between the date of filing an application for licensure  
132 and the announcement of the results of the next succeeding

133 examination for licensure, according to which application he  
134 has filed, practice as an athletic trainer; as an occupational  
135 therapist or as an occupation therapy assistant under the di-  
136 rection of an occupational therapist duly licensed under this  
137 chapter; as a physical therapist or physical therapist assist-  
138 ant under direction of a physical therapist duly licensed un-  
139 der this chapter. If any person so practicing fails to qualify  
140 for the pass the first announced examination after filing for  
141 licensure, all privileges under this section shall automatically  
142 cease upon due notice to the applicant of such failure. Such  
143 privileges shall be renewed upon filing for a second examina-  
144 tion for licensure and shall automatically cease upon notice  
145 to the applicant that he has failed to pass the second exami-  
146 nation. Such privileges may again be renewed upon the ap-  
147 plicant petitioning the board for permission to file a third  
148 application and said permission being granted by the board,  
149 and shall automatically cease upon due notice that he has  
150 failed to pass the third examination. The privilege shall not  
151 exceed beyond the third examination.

152 *Section 23D.* The board may without examination, license  
153 as an athletic trainer, or an occupational therapist or occu-  
154 pational therapy assistant, or physical therapist or physical  
155 therapist assistant, any applicant who is duly licensed or reg-  
156 istered under the laws of another state or territory of the  
157 United States, the District of Columbia, or the Commonwealth  
158 of Puerto Rico. At the time of making such application, the  
159 applicant shall pay a fee determined by the secretary of ad-  
160 ministration and finance to the board.

161 *Section 23E.* Nothing in this section shall be construed as  
162 prevention or restricting the practice, services, or activities  
163 of: —

164 (a) any person licensed in this Commonwealth by any  
165 other statute from engaging in the profession or occupation  
166 for which he is licensed or: —

167 (b) any person employed as an athletic trainer or occupa-  
168 tional therapist or occupational therapy assistant or physical  
169 therapist or physical therapist assistant by the Government of  
170 the United States or any agency of it, if such person provides  
171 occupational therapy or physical therapy solely under the  
172 direction or control of the organization by which he is em-

173 ploaed, or

174 (c) any person pursuing a supervised course of study lead-  
175 ing to a degree or certificate in athletic training or occupa-  
176 tional therapy or physical therapy at an accredited or ap-  
177 proved educational program, if the person is designated by  
178 a title which clearly indicates his status as a student or train-  
179 ee, or

180 (d) any person fulfilling the supervised field work experi-  
181 ence requirements of this section, if the experience constitutes  
182 a part of the experience necessary to meet the requirement  
183 of that section, or

184 (e) any person performing athletic training services or oc-  
185 cupational therapy services or physical therapy services in  
186 the commonwealth if these services are performed for no  
187 more than two days in a calendar year in association with an  
188 athletic trainer or occupational therapist or physical thera-  
189 pist licensed under this section, if the person is licensed un-  
190 der the law of another state which has licensure requirements  
191 at least as stringent as the requirements of this section.

192 *Section 23F.* An applicant for licensure as an athletic train-  
193 er shall: —

194 (a) be a graduate of a college or university approved by  
195 the board and completed such college's or university's curricu-  
196 lum in athletic training, or other curricula deemed acceptable  
197 to the board; and has completed a program of practical train-  
198 ing in athletic training deemed acceptable to the board.

199 (b) have passed an examination administered by the board.  
200 Such examination shall be written, and, in addition, at the  
201 discretion of the board, may be oral and demonstrative, and  
202 shall test the applicant's knowledge of the basic and clinical  
203 sciences as they apply to athletic training theory and prac-  
204 tice, including the applicant's professional skills and judg-  
205 ment in the utilization of atheltic training techniques and  
206 methods, and such other subjects as the board may deem use-  
207 ful to determine the applicant's fitness to act as an athletic  
208 trainer. The examination shall be condutced at least twice a  
209 year at times and places to be determined by the board.

210 *Section 23G.* An applicant for licensure as an occupational  
211 therapist shall: —

212 (a) successfully completed an accredited occupational ther-

213 apist educational program approved by the board.

214 (b) successfully completed the therapist level field work  
215 requirements as stipulated in the essentials of an accredited  
216 educational program for the occupational therapist or its  
217 equivalent.

218 (c) successfully passed an examination approved by the  
219 board for licensure as an occupational therapist. Such exam-  
220 ination shall be written and shall test the applicant's knowl-  
221 edge of the basic and clinical sciences related to the occupa-  
222 tional therapy theory and practice, including the applicant's  
223 professional skills and judgments in the utilization of occu-  
224 pational therapy techniques and methods, and such other sub-  
225 jects as the board may deem useful to determine the appli-  
226 cant's fitness to act as an occupational therapist. The exam-  
227 ination shall be conducted by the board at least twice each  
228 year and at times and places to be determined by the board;  
229 provided, however, that the board may utilize any existing  
230 national examination that meets the requirements in this sec-  
231 tion.

232 *Section 23H.* An applicant for licensure as an occupational  
233 therapy assistant shall: —

234 (a) successfully completed an accredited occupational ther-  
235 apy assistant educational program approved by the board.

236 (b) successfully completed a minimum of two months of  
237 supervised field work.

238 (c) successfully passed an examination conducted by the  
239 board for licensure as an occupational therapy assistant.  
240 Such examination shall be written and shall test the appli-  
241 cant's knowledge of the basic and clinical sciences related to  
242 the occupational therapy theory and practice, and such other  
243 subjects as the board may deem useful to determine the ap-  
244 plicant's fitness to act as an occupational therapy assistant.  
245 The examination shall be conducted by the board at least  
246 twice each year and at times and places to be determined by  
247 the board; provided, however, that the board may utilize any  
248 existing national examination that meets requirements of  
249 this section.

250 *Section 23I.* An applicant for licensure as a physical thera-  
251 pist shall: —

252 (a) be a graduate of a three or four year secondary  
253 school or has passed a high school equivalency test deemed  
254 acceptable by the board.

255 (b) be a graduate of an accredited educational program  
256 leading to professional qualification in physical therapy and  
257 approved by the board.

258 (c) or have graduated from an educational program in  
259 physical therapy chartered in a sovereign state outside the  
260 United States and have furnished to the board such evidence  
261 as it may require: (1) that his education is substantially the  
262 equivalent of that of graduates of approved programs in the  
263 United States, and (2) that he has sufficient qualifications, in-  
264 cluding the proficiency in the English language, to practice  
265 physical therapy.

266 (d) have passed an examination administered by the board.  
267 Such examination shall be written, and may, at the discretion  
268 of the board, in addition, be oral and demonstrative, and shall  
269 test the applicant's knowledge of the basic and clinical sci-  
270 ences as they relate to physical therapy, including the ap-  
271 plicant's professional skills and judgment in the utilization of  
272 physical therapy techniques and methods, and other subjects  
273 as the board may deem useful to determine the applicant's  
274 fitness to act as a physical therapist. The examination shall  
275 be conducted by the board at least twice each year and at  
276 times and places to be determined by the board.

277 *Section 23J.* An applicant for licensure as a physical thera-  
278 pist assistant shall: —

279 (a) be a graduate of a three or four year secondary school  
280 or has passed a high school equivalency test deemed accept-  
281 able to the board.

282 (b) be a graduate of an accredited educational program  
283 leading to professional qualification as physical therapist as-  
284 sistant and approved by the board.

285 (c) have passed an examination administered by the board.  
286 Such examination shall be written, and may, at the discretion  
287 of the board, in addition, be oral and demonstrative, and shall  
288 test the applicant's knowledge of the basic and clinical sci-  
289 ences as they relate to physical therapy and other subjects  
290 as the board may deem useful to determine the applicant's  
291 fitness to act as a physical therapist. The examination shall

292 be conducted by the board at least twice each year and at  
293 times and places to be determined by the board.

294 *Section 23K.* The board may, after a hearing pursuant to  
295 chapter thirty, revoke, suspend, cancel the license of or place  
296 on probation, reprimand, censure or otherwise discipline a  
297 licensee upon proof satisfactory to a majority of the board  
298 that said person: —

299 (a) obtained or attempted to obtain a license by fraud or  
300 deception,

301 (b) been convicted of a felony or of a crime involving moral  
302 turpitude,

303 (c) has been grossly negligent in his practice of athletic  
304 training or occupational therapy or physical therapy,

305 (d) been adjudged mentally ill or incompetent by the court  
306 of competent jurisdiction,

307 (e) used drugs or intoxicating liquors to the extent which  
308 adversely affects his practice,

309 (f) acted in manner which is professionally unethical ac-  
310 cording to ethical standards of the professions of occupational  
311 therapy or physical therapy.

312 *Section 23L.* Nothing in this section shall be construed as  
313 authorizing an athletic trainer, occupational therapist, occu-  
314 pational therapy assistant, physical therapist, or physical  
315 therapist assistant to practice medicine or any other form or  
316 method of healing not specified in said section.

317 *Section 23M.* The board shall adopt reasonable rules and  
318 regulations to carry into effect sections twenty-three A to  
319 twenty-three P inclusive and may amend and revoke such  
320 rules and regulations at its discretion. The board shall keep  
321 a record of its proceedings and a roster of all persons licensed  
322 by it under this section. The roster shall include the licensee's  
323 name, last known business and residential address, date of  
324 licensing, and license number.

325 *Section 23N.* No person shall hold himself out as an ath-  
326 letic trainer or as being able to practice athletic training or  
327 to render atheltic training services in this commonwealth un-  
328 less he is licensed in accordance with section twenty-three  
329 B.

330 *Section 23O.* No person shall hold himself out as an occu-  
331 pational therapist or as occupational therapy assistant or as

332 being able to practice occupational therapy or to render oc-  
333 cupational therapy services in the commonwealth unless he is  
334 licensed in accordance with section twenty-three B. No per-  
335 son not so licensed may use in connection with his name or  
336 place of business the letters, "O.T.R.," or "C.O.T.A.," or any  
337 other words, letters, abbreviations, or insignia indicating that  
338 he is an occupational therapist or occupational therapy as-  
339 sistant.

340 *Section 23P.* No person shall hold himself out as a physical  
341 therapist, or as a physical therapist assistant or as being able  
342 to practice physical therapy or to render physical therapy  
343 services in the commonwealth unless he is licensed in accord-  
344 ance with section twenty-three B. No person not so licensed  
345 may use in connection with his name the words or letters,  
346 "P.T.," "R.P.T." "L.P.T.A.," "P.H.T.," "P.T.A.," "P.T.D.,"  
347 "P.T.T.," "physical therapist," "physiotherapist," "physical  
348 therapist assistant," or any other words, letters, abbreviations,  
349 or insignia indicating that he is a physical therapist or physical  
350 therapist assistant

1 SECTION 3. For one year from the effective date of this  
2 act, a license as an athletic trainer or occupational therapist  
3 assistant shall be issued without examination to an applicant  
4 who satisfies the board, established by section one of this act,  
5 that when necessary he has obtained an appropriate educa-  
6 tional degree from an accredited institution, or who satisfies  
7 the board that he is an actually has been, engaged, for at  
8 least two years in the practice of athletic training, occupa-  
9 tional therapy, or physical therapy as defined by section  
10 twenty-three A of chapter one hundred and twelve of the Gen-  
11 eral Laws. Any person who is presently a duly registered  
12 physical therapist in the commonwealth will not be required  
13 to apply for physical therapy licensure under this chapter  
14 until his current registration expires and shall at that time  
15 be granted licensure by the board without examination.