

HOUSE No. 1009

By Mr. Lally of Boston, petition of William H. Conlon and others for the establishment of a board of registration of physical therapists and regulating the practice of said profession. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF PHYSICAL THERAPISTS AND REGULATING THE PRACTICE OF THE PROFESSION OF PHYSICAL THERAPY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is
2 hereby amended by inserting after section 48 the
3 following new sections under the following heading: —

4 BOARD OF REGISTRATION OF PHYSICAL THERAPISTS.

5 *Section 49.* There shall be a board of registration
6 in physical therapy, to be appointed by the governor,
7 with the advice and consent of the council, in this
8 and the two following sections called the board, con-
9 sisting of five members, citizens of the common-
10 wealth, four of whom shall have had at least five
11 years of practice in physical therapy in this com-
12 monwealth. The fifth member shall be a registered
13 physician who shall have had at least five years of

14 practice in physical medicine in the commonwealth.
15 Not more than two members of the board shall at
16 one time be members of the same society composed
17 of physical therapists. No member of the board
18 shall be connected in any way with a school of
19 physical therapy or be financially interested in any
20 manufacturing, wholesale or retail business, pertain-
21 ing to physical therapy in any form whatsoever. As
22 the term of a member expires, his successor shall be
23 appointed by the governor, with like advice and
24 consent, to serve for five years.

25 *Section 49A.* The board shall hold meetings on
26 the second Tuesdays in March, July and November
27 in each year and additional meetings at such times
28 and places as it may determine. At the regular
29 meeting in July it shall organize by electing a chair-
30 man and secretary, who shall be members of the
31 board, and who shall hold office for one year. Three
32 members of the board shall constitute a quorum^u for
33 the transaction of business.

34 *Section 49B.* There shall be paid by the com-
35 monwealth to the secretary of the board a salary of
36 three hundred dollars, and his necessary expenses
37 incurred in the discharge of his official duties, and to
38 each of the other members thereof a salary of one
39 hundred and fifty dollars, and his necessary expenses
40 so incurred; provided, that the salary and expenses of
41 the members of the board, and the expenses of the
42 board, shall not be in excess of the receipts for
43 registration and from other sources received by the
44 state treasurer from the board.

1 SECTION 2. Chapter 112 of the General Laws is
2 hereby amended by inserting after section 87JJ the
3 following new sections under the following heading: —

4 REGISTRATION OF PHYSICAL THERAPISTS.

5 *Section 87KK.* “Physical therapy” as used in
6 this chapter shall mean the treatment of various
7 conditions and diseases of the human body by the
8 effective use of the physical properties of hydro-
9 therapy, thermo-therapy, photo-therapy, electro-
10 therapy and mechano-therapy.

11 “Physical therapist” as used in this chapter shall
12 mean one trained or schooled in the use and appli-
13 cation of the five phases of physical therapy.

14 *Section 87LL.* No person shall practice or attempt
15 to practice physical therapy in the commonwealth,
16 or hold himself out as a physical therapist, or desig-
17 nate himself, or describe his occupation, by the use
18 of any words or letters calculated to lead others to
19 believe that he is a registered physical therapist,
20 unless he is registered as provided in section eighty-
21 seven MM.

22 *Section 87MM.* Applications for registration,
23 signed and sworn to by the applicant, shall be made
24 upon blanks furnished by the board. If an applicant
25 furnishes the board with satisfactory proof that he
26 is twenty-one and of good moral character, and that
27 he is a graduate of a high school or its equivalent
28 and has had four years of practical experience in
29 physical therapy in the commonwealth, except that
30 starting in the year nineteen hundred and fifty-six
31 in lieu of the four years practical experience, the
32 applicant has successfully completed one thousand
33 hours in physical therapy in a school of physical
34 therapy excluding correspondence schools and only
35 such schools proved by the board, the applicant,
36 upon payment of twenty-five dollars be examined

37 by the board as provided in the following section,
38 and if found qualified, shall be registered and shall
39 receive a certificate as a registered physical therapist
40 signed by the chairman and secretary of the board.
41 An applicant failing to pass an examination satis-
42 factory to the board, if not disqualified under sec-
43 tions eighty-seven OO and eighty-seven PP be en-
44 titled to be re-examined from time to time upon the
45 payment of five dollars for each such re-examination.
46 No such applicant shall be registered unless he ob-
47 tains a general average of seventy per cent in the
48 subjects in which he is examined. Every such
49 certificate shall expire on the last day of the year
50 when it is granted, but upon payment of five dollars
51 shall be renewed by the board for each subsequent
52 year without examination.

53 Upon failure to make payment of such fee on or
54 before the last day of the year, such registration shall
55 expire. The board, not later than five days there-
56 after shall so notify him. Upon application by a
57 physical therapist whose registration has expired
58 within six months after the date of such notice and
59 upon payment of five dollars in addition to the
60 regular fee for renewal, such registration shall be
61 renewed by the board.

62 Any person who shall present to the board a certi-
63 fied copy or certificate of registration or license which
64 was issued to him after examination by a board of
65 registration in physical therapy in any other state,
66 where the requirements for registration are in the
67 opinion of the board equivalent to those of this
68 commonwealth, may be registered and given a
69 certificate of registration in this commonwealth
70 without a written examination; provided, that such

71 state accords a like privilege to holders of certificates
72 of registration issued in this commonwealth, and
73 that the applicant has not previously failed to pass
74 the examination required in this commonwealth,
75 and that he has engaged in the reputable practice of
76 physical therapy continuously for not less than five
77 years immediately preceding his application, and that
78 he intends to reside and practice physical therapy in
79 this commonwealth. The fee for such registration
80 shall be one hundred dollars.

81 Any applicant aggrieved by the refusal of the board
82 to approve a physical therapy school under this
83 section shall be entitled to have the reasonableness
84 of such refusal reviewed by a justice of the superior
85 court whose decision shall be final.

86 The board shall, upon the request of any college,
87 university or physical therapy school in this com-
88 monwealth, inspect such college university or physical
89 therapy school and notify the trustees or other gov-
90 erning body in writing if said college, university or
91 physical therapy school is approved by the board
92 for the purpose of this section, or, if not, what steps
93 said college, university or physical therapy school
94 must take in order to gain the approval of the board.
95 The board and the commissioner of education acting
96 in an advisory capacity, shall forthwith establish
97 standards to be met by colleges, universities or
98 physical therapy schools and when, in the opinion of
99 the board, such standards have been met by any
100 college, university or physical therapy school, a
101 certificate of approval shall be awarded to it; pro-
102 vided, that if at any such time an approved college,
103 university or physical therapy school has, in the
104 opinion of the board, lowered its standing below

105 that established by the board, such certificate, after
106 notice and hearing, may be revoked by the board
107 and said commissioner.

108 Any college, university or physical therapy school
109 desiring to be approved for the purpose of this sec-
110 tion may file with the board a written request for
111 the approval of such college, university or physical
112 therapy school and thereupon a public hearing shall
113 be seasonably granted by the board and a written
114 decision made by it within twenty days after the
115 termination of such hearing and the applicant for
116 such approval shall be notified of such decision. A
117 written decision of the board refusing to approve any
118 college, university or physical therapy school shall
119 not become effective until thirty days after written
120 notice of such decision is given to the college, uni-
121 versity or physical therapy school seeking such
122 approval. Every such college, university or physical
123 therapy school aggrieved by such refusal shall have
124 the right to file a petition in the superior court for
125 Suffolk county to revise or reverse the decision of
126 the board. Notice of the entry of such petition shall
127 be given to the board and all proceedings connected
128 therewith shall be according to rules regulating the
129 trial of civil causes without jury. The court shall
130 hear the case and finally determine whether or not
131 such approval shall be granted or revised.

132 If such a petition is so filed within the aforesaid
133 period of thirty days, said decision of the board shall
134 not become effective unless and until a final decree
135 affirming said decision is entered upon the aforesaid
136 petition.

137 *Section 87NN.* Examinations shall be in English
138 and shall be wholly or partly written, oral or clinical,
139 as the board may determine, and shall include, and be

140 limited to, subjects taught in recognized schools of
141 physical therapy.

142 *Section 87OO.* The board shall keep a full record
143 of its proceedings and a registry of all persons regis-
144 tered by it, which shall be public records and open to
145 inspection. The board shall make such rules and
146 regulations as may be necessary for the proper con-
146 duct of its duties. It shall make an annual report
148 of the condition of physical therapy in the common-
149 wealth.

150 The board shall investigate all complaints of the
151 violation of any provision of sections eighty-seven KK
152 to eighty-seven TT, inclusive, or of section sixty-five
153 relative to physical therapy and report the same to
154 the proper prosecuting officers.

155 *Section 87PP.* The board shall refuse to issue a
156 certificate to a person, or may, after a hearing if re-
157 quested by a person to whom a certificate has been
158 issued, revoke such certificate if, in the opinion of
159 the board, such person is intemperate in the use of
160 alcoholic liquors or narcotic drugs, or has been
161 guilty of misconduct involving moral turpitude, or
162 has been convicted of an offence involving moral
163 turpitude, or has violated any provision of sections
164 eighty-seven KK to eighty-seven TT, inclusive, or of
165 section sixty-five relative to physical therapy, or has
166 been guilty of unprofessional conduct, or if in any
167 other manner disqualified morally, mentally or physi-
168 cally to receive or hold such certificate, or has in his
169 application therefor knowingly made any false state-
170 ments or presented to the board a fraudulent diploma,
171 certificate or other document.

172 *Section 87QQ.* "Unprofessional conduct" as used
173 in the preceding section shall include: — (a) the will-
174 ful betrayal of a professional secret; (b) lending the

175 use of one's name to an unregistered physical thera-
176 pist, or having professional connection with such a
177 person or with any one convicted of any offence in-
178 volving moral turpitude; (c) selling or giving of any
179 substance or compound containing alcohol or narcotic
180 drugs for other than legal purposes; (d) the in-
181 clusion of any fraudulent, misleading or deceptive
182 statement in any form of advertising, or advertising
183 fixed prices for professional services.

184 *Section 87RR.* The board, after a hearing if re-
185 quested by the person registered, may suspend any
186 certificate for not more than six months because of
187 any misconduct on the part of the person registered
188 which would not in its opinion, justify the revoca-
189 tion thereof.

190 *Section 87SS.* Every person registered under sec-
191 tion eighty-seven MM shall before entering upon
192 the practice of physical therapy submit his certificate
193 of registration to the clerk of the town or city where
194 he proposes to practice, and shall inform the clerk
195 that he is the person designated therein, and shall
196 pay him fifty cents. Thereupon the clerk shall record
197 the name and address and the date and number of his
198 certificate, and the said record shall be open to public
199 inspection, and the clerk shall furnish a copy thereof
200 to the board within one week.

201 *Section 87TT.* Whoever obtains or attempts to
202 obtain registration under section eighty-seven MM by
203 any fraudulent means or violates any provision of
204 section eighty-seven LL, shall except as provided in
205 section sixty-five of this chapter, be punished by a
206 fine of not less than one hundred nor more than five
207 hundred dollars or by imprisonment for not less than
208 three months nor more than one year, or both.

209 Whoever violates any provision of the preceding
210 section shall be punished by a fine of not less than
211 three nor more than twenty dollars.

212 On or before the effective date of this act, any
213 citizen of the commonwealth having a certificate of
214 graduation from a physiotherapy or physical therapy
215 school, said school not to be a school of correspond-
216 ence, with a minimum of six hundred school hours,
217 or practical experience in physical therapy as defined
218 in section eighty-seven KK for four years shall upon
219 application be registered by the board, after investi-
220 gation of his qualifications, without examination.

