

HOUSE No. 3086

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 26, 1958.

The committee on Ways and Means, to whom was recommitted the Bill relative to the practice of physical therapy by registered physical therapists (House, No. 2844), and to whom were referred the Bill relative to providing for the appointment of an examining committee for the registration of physical therapists (House, No. 319); and the Bill authorizing the Board of Registration in medicine to register Bernice J. Hanson of Lynn as a physical therapist (House, No. 1419), report the accompanying bill (House, No. 3086).

For the committee,

RALPH W. CARTWRIGHT.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT RELATIVE TO THE PRACTICE OF PHYSICAL THERAPY BY REGISTERED PHYSICAL THERAPISTS.

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 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 sections: —

4 *Section 23A.* The following words as used in sections 23A
5 to 23Q, inclusive, unless the context otherwise requires, shall
6 have the following meanings: —

7 (a) "Physical Therapy", the treatment of any bodily or
8 mental condition of any person by the use of physical, chemical
9 and other properties of heat, light, water, electricity massage,
10 and active and passive exercise; the use of roentgen rays and
11 radium for diagnostic and therapeutic purposes, and the use
12 of electricity for surgical purposes, including cauterization, are
13 not authorized under the term "physical therapy" as used in
14 said sections.

15 (b) "Physical Therapist", a person who practices physical
16 therapy as defined in this act, under the prescription, super-
17 vision and direction of a person licensed in this commonwealth
18 to practice medicine and surgery.

19 (c) "Board", the board of registration in medicine estab-
20 lished under section ten of chapter thirteen.

21 *Section 23B.* A person who desires to be registered as a
22 physical therapist shall apply to the board, in writing, on an
23 application form prescribed and furnished by the board. He
24 shall include in his application statements under oath satis-
25 factory to the board, showing that he possesses the qualifica-
26 tions preliminary to examination required by section twenty-
27 three C. He shall pay to the board at the time of filing his
28 application a fee of twenty-five dollars.

29 *Section 23C.* To be eligible for registration by the board as
20 a physical therapist an applicant shall —

31 (a) Be at least twenty-one years old.

32 (b) Be a citizen of the United States of America or have filed
33 a declaration of intention to become a citizen and having made
34 such declaration of intention, has filed a petition for naturali-
35 zation within sixty days after becoming eligible to do so.

36 (c) Be of good moral character.

37 (d) Have been graduated from an approved high school or
38 its equivalent as determined by the board.

39 (e) Have been graduated from a school of physical therapy
40 approved for training physical therapists by the appropriate
41 sub-body of the American Medical Association, if any, at the
42 time of his graduation, or if graduated prior to nineteen hun-
43 dred and thirty-six, the school or course was approved by the
44 American Physical Therapy Association at the time of his
45 graduation; or have been graduated from a school of physical
46 therapy chartered in a sovereign state other than the United
47 States, such applicant having furnished to the board such
48 documentary evidence as the board may require that his edu-
49 cation is substantially the equivalent of that of graduates of
50 schools of physical therapy in the United States approved for
51 training physical therapists by the appropriate sub-body of the
52 American Medical Association, and such other evidence as
53 the board may require as to his qualifications to practice
54 physical therapy.

55 (f) Pass to the satisfaction of the board an examination
56 conducted by it to determine his fitness for practice as a regis-
57 tered physical therapist.

58 *Section 23D.* The board may, in its discretion, register as a
59 physical therapist, without an examination, on the payment
60 of the required fee, an applicant for registration who is a phys-
61 ical therapist registered under the laws of another state, if the
62 requirements for a registered physical therapist in the state in
63 which the applicant was registered were at the date of his
64 registration substantially equal to the requirements set forth
65 in sections twenty-three A to twenty-three O, inclusive. At
66 the time of making application, such applicant shall pay the
67 board a fee of twenty-five dollars.

68 *Section 23E.* The board shall examine applicants for regis-
69 tration as physical therapists at least twice a year, at such
70 times and places as it may determine. It shall employ three
71 registered physical therapists to aid it in such examinations.
72 The examination shall embrace the following subjects:— The
73 applied sciences of anatomy, kinesiology, physiology, path-
74 ology, psychology, physics, physical therapy, applied to medi-
75 cine, neurology, orthopedics, pediatrics, psychiatry and sur-
76 gery; medical ethics and technical procedures in the practice
77 of physical therapy. The type of examinations shall be de-
78 termined by the board. Any applicant who fails to pass the
79 examination given by the board may take another examination
80 payment of an additional application fee of ten dollars and
81 must be so re-examined at the next scheduled examination.
82 Upon failure of an applicant to pass a second examination the
83 board may require him to complete additional courses of study
84 as designated by the board, in which case he shall be required,
85 before taking another examination, to present to the board
86 satisfactory evidence of having completed the required addi-
87 tional courses and shall pay an additional fee of twenty-five
88 dollars.

89 *Section 23F.* The board shall register as a physical therapist
90 each applicant who proves to the satisfaction of the board his
91 fitness for registration under the provisions of sections twenty-
92 three A to twenty-three Q, inclusive. It shall issue to each
93 person registered a certificate of registration, which shall be
94 prima facie evidence of the right of such person to represent
95 himself as a registered physical therapist, subject to the con-
96 ditions and limitations of said sections.

97 *Section 23G.* Every registered physical therapist shall,
98 during January of every even year, apply to the board for a
99 renewal of his registration and pay a fee of five dollars. Any
100 registration that is not so renewed prior to April first in any
101 such year shall automatically lapse on said date. The board
102 may in its discretion revive and extend a lapsed registration
103 on the payment of all unpaid renewal fees.

104 *Section 23H.* Graduates of approved schools of physical
105 therapy who are eligible for registration by the board, may,

106 between the date of filing and the announcement of the results
107 of the next succeeding examination for registration, practice as
108 physical therapists under the supervision of a person licensed
109 in this commonwealth to practice medicine and surgery, and a
110 registered physical therapist in any licensed institution or in
111 any official or voluntary public health agency; or under the
112 direct and immediate supervision of a registered physical
113 therapist who is employed as such in the office of a person
114 licensed in this commonwealth to practice medicine and sur-
115 gery. If any person practicing physical therapy under this
116 section shall fail to qualify for and pass the first announced
117 examination after filing for registration, all privileges under this
118 section shall automatically cease upon due notice to the appli-
119 cant. Such privileges shall be renewed upon filing for a second
120 examination for registration as provided in section twenty-
121 three E of this act.

122 *Section 23I.* The board, after due notice and hearing, may
123 refuse to register any applicant, or may refuse to renew the
124 registration of any registered person, and may suspend or
125 revoke the registration of any registered person on the grounds
126 that such applicant

127 (a) Is habitually drunk or is addicted to the use of narcotic
128 drugs;

129 (b) Has been convicted of violating any state or federal
130 narcotic law;

131 (c) Is guilty of, in the judgment of the board, immoral or
132 professional conduct;

133 (d) Has been convicted of any crime involving moral turpi-
134 tude;

135 (e) Is guilty of, in the judgment of the board, gross negli-
136 gence in his practice as a physical therapist;

137 (f) Has obtained or attempted to obtain registration by
138 fraud or material misrepresentation;

139 (g) Has been declared insane by a court of competent juris-
140 diction and has not thereafter been lawfully declared sane; or

141 (h) Has treated or undertaken to treat ailments of human
142 beings otherwise than by physical therapy and as authorized
143 by sections twenty-three A to twenty-three Q, inclusive, or

144 has undertaken to practice independent of the prescription,
145 direction and supervision of a person licensed in this common-
146 wealth to practice medicine and surgery without limitation.

147 *Section 23J.* The board may adopt reasonable rules to carry
148 into effect sections twenty-three A to twenty-three Q, inclusive,
149 and amend and revoke such rules at its discretion. The board
150 shall keep a record of its proceedings under said sections and
151 a register of all persons registered by it. The register shall
152 contain the name of every living registrant, his last known
153 place of business and last known place of residence, and the
154 date and number of his registration and certificate as a regis-
155 tered physical therapist. The board shall, during the month
156 of May in every year in which the renewal of registration is
157 required, compile a list of the name and address of every regis-
158 tered physical therapist authorized to practice physical therapy
159 in the commonwealth.

160 *Section 23K.* The board shall investigate every alleged
161 violation of sections twenty-three A to twenty-three Q, inclu-
162 sive, coming to its notice, and shall report to the proper prose-
163 cuting officers all cases which in the judgment of the board
164 warrant prosecution. Every police officer shall investigate
165 each alleged violation of said sections which come to his notice
166 or of which he has received complaint, and he shall apprehend
167 and arrest all violators. It shall be the duty of the attorney
168 general and of the several district attorneys to prosecute
169 violators of said sections.

170 *Section 23L.* Any person, without a valid existing certificate
171 of registration as a physical therapist issued to him pursuant
172 to the provisions of sections twenty-three A to twenty-three Q,
173 inclusive, who shall, in any manner, represent himself as a
174 physical therapist, or who uses in connection with his name
175 the words or letters "Registered Physical Therapist", "Phy-
176 sical Therapist", "Physiotherapist", "Physical Therapy Tech-
177 nician", "Doctor of Physical Therapy", "R. P. T.", "P. T.",
178 "Ph.T.", "PT. D.", "P. T. T.", or any other letters, words,
179 abbreviations or insignia, indicating or implying that he is a
180 physical therapist, shall be punished by a fine of not less than
181 two hundred dollars.

182 *Section 23M.* A person who makes a wilfully false oath or
183 affirmation in any case in which an oath or affirmation is re-

184 quired under sections twenty-three A to twenty-three Q, inclu-
185 sive, or who obtains or attempts to obtain registration by any
186 fraudulent representation, shall be punished by a fine of not
187 less than two hundred dollars.

188 *Section 23N.* A person registered as a physical therapist
189 shall not treat human ailments by physical therapy or other-
190 wise except under the prescription, supervision and direction
191 of a person licensed to practice medicine and surgery in this
192 commonwealth. Nothing in sections twenty-three A to twenty-
193 three Q, inclusive, shall be construed as authorizing a physical
194 therapist to practice medicine, osteopathy, chiropractic or
195 any other form or method of healing. Any person violating
196 the provisions of this section shall be punished by a fine of not
197 less than two hundred dollars.

198 *Section 23O.* Nothing contained in sections twenty-three A
199 to twenty-three Q, inclusive, shall be construed to prohibit
200 any person licensed or registered, in this commonwealth, under
201 another law, from carrying out the therapy for which he is duly
202 licensed or registered; or any person employed as a physical
203 therapist by the agencies of the federal government while
204 discharging his official duties as an employee of the federal
205 government.

206 *Section 23P.* If any provisions of sections twenty-three A to
207 twenty-three Q, inclusive, or the application of such provision
208 to any person or circumstance shall be held invalid, the re-
209 mainder of said sections, or the application of such provision
210 to persons or circumstances other than those to which it is
211 held invalid, shall not be affected thereby.

212 *Section 23Q.* Sections twenty-three A to twenty-three Q,
213 inclusive, shall be known and may be cited as the "Registered
214 Physical Therapists Law".

1 SECTION 2. Notwithstanding the provisions of sections
2 twenty-three A to twenty-three Q, inclusive, of chapter one
3 hundred and twelve of the General Laws, inserted by section
4 one of this act, the board of registration in medicine shall regis-
5 ter without examination on or before March first, nineteen
6 hundred and fifty-nine, any person who, on the effective date
7 of this act, (1) is practicing physical therapy in a competent
8 manner in this commonwealth and was so practicing for three

9 of the five years immediately prior to said effective date; (2)
10 is of good moral character; and (3) is a citizen of the United
11 States of America or has filed a declaration of intention to
12 become a citizen, and having made such declaration of inten-
13 tion has filed a petition for naturalization within sixty days
14 after becoming eligible to do so. Such applicant, having proven
15 to the satisfaction of the board his fitness to practice physical
16 therapy, shall pay the board a fee of twenty-five dollars and
17 shall be entitled to a certificate of registration.

1 SECTION 3. This act will in no way affect those persons
2 currently registered as physical therapists under chapter six
3 hundred and fifty-six of the acts of nineteen hundred and fifty-
4 one known as the "Registered Physical Therapists Law".

1 SECTION 4. This act shall take effect on January first, nine-
2 teen hundred and fifty-nine.