

SENATE No. 312

To accompany the petition of Oscar Z. Blomquist, chairman of the legislative committee of the Massachusetts Chiropody Association, for the establishment of a board of registration of chiropodists and podiatrists, and the establishment of rules and regulations governing the same. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act to establish a Board of Registration of Chiropodists and Podiatrists, and establishing Rules and Regulations governing the Same.

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

1 Chapter one hundred and twelve of the General
2 Laws, as appearing in the Tercentenary edition,
3 is hereby amended by striking out sections thir-
4 teen to twenty-three, inclusive, and inserting in
5 place thereof the following:—

6 *Section 13.* Definition of chiropodist and podia-
7 trist. Within the meaning of this act a chiropodist
8 and hereinafter also to be called a podiatrist shall
9 mean the same and will be defined as one who, for
10 hire or reward, examines, diagnoses and treats ex-
11 ternally by medical, mechanical or surgical means
12 or manipulation, or by the various modalities of

13 physiotherapy, the structures and diseases of the
14 human foot and leg, without the use of other than
15 local anesthetics and shall not include the ampu-
16 tation of toes or foot. This and the following sec-
17 tions shall not apply to the surgeons of the United
18 States army, navy, or the marine hospital service
19 nor to the physicians registered in this common-
20 wealth.

21 *Section 14.* Definitions of the word "medical",
22 "mechanical", "surgical", "manipulation", "diag-
23 nosis", and "physiotherapy".

24 (a) "Medical", to apply to or prescribe for the
25 foot or leg thereof medicines, adhesive plaster, felt
26 plaster of any kind or of any medical agencies.

27 (b) "Mechanical treatment", to apply or fit a
28 mechanical appliance made of steel, leather or
29 felt, or of any other material or to insert in the
30 shoe for the purpose of treating foot diseases, de-
31 formity or pain.

32 (c) "Surgical", to treat by the use of any cut-
33 ting instrument not involving the bone structure,
34 and does not confer the right of amputation of toes
35 or joints or the severing of any tendons or the use
36 of an anesthetic other than local.

37 (d) "Manipulation", to operate or work the foot
38 in its articulations by means of hand or machinery.

39 (e) "Diagnosis", to ascertain a disease or ail-
40 ment by external symptoms.

41 (f) "Physiotherapy" shall mean the following
42 modalities: —

43 1. "Electrical treatments", to administer elec-
44 tricity to the foot or leg thereof by means of elec-
45 trodes, machinery, rays and the like.

46 2. "Massage", massage shall consist of rubbing

47 for any therapeutic purpose as pertaining to the foot
48 and leg therewith.

49 3. "Hydrotherapy", the use of water for thera-
50 peutic purposes.

51 *Section 15.* There shall be a board of registra-
52 tion of chiropodists and podiatrists, in this and the
53 following sections called the board, to be appointed
54 by the governor with the advice and consent of the
55 council and to consist of five members, citizens of
56 the commonwealth, one of which shall be the sec-
57 retary of the board of registration in medicine,
58 ex officio, who shall act as secretary of the board
59 of registration of chiropodists and podiatrists. Three
60 members of the said board shall be chiropodists or
61 podiatrists who have had at least five years of pri-
62 vate practice in such profession in this common-
63 wealth. The fifth member shall be a physician
64 who has had at least five years of private practice
65 in his profession in this commonwealth. The ap-
66 pointive members of said board shall be appointed
67 by the governor, with the advice and consent of
68 the council, within thirty days after the passage of
69 this act, to serve for one, two, three and four years,
70 and until their successors are appointed and duly
71 qualified, and upon the expiration of the term of
72 any member, the governor, with the advice and
73 consent of the council, shall appoint his successor
74 to serve for a period of four years. The board shall
75 choose annually a chairman from its membership
76 and formulate such rules and regulations as may
77 be necessary for the proper conduct of its business,
78 and shall keep a full and complete record of its
79 proceedings, including a list of all persons regis-
80 tered by it, and such records shall be open to public

81 inspection. Four members of the board shall con-
82 stitute a quorum for the transaction of business.

83 *Section 16.* The board shall prepare and dis-
84 tribute forms of applications for registration, cer-
85 tificates of registration and such other documents
86 as may be necessary or convenient in carrying out
87 sections thirteen to twenty-three C inclusive. It
88 shall hold one examination annually in the city of
89 Boston at a time designated by it, after due notice
90 of the same has been published at least twice a
91 week for three successive weeks in one or more of
92 the newspapers published in said city of Boston.

93 *Section 17.* Applications for registration signed
94 and sworn to by the applicant shall be made upon
95 blanks furnished by the board. An applicant shall
96 furnish the board with satisfactory proof that he
97 is twenty-one years of age or over and of good
98 moral character, is a citizen of the United States
99 of America, and is a graduate of a college of chi-
100 ropody and/or podiatry, accredited as being of
101 good standing, and which requires a four year high
102 school course, or its equivalent, prior to matricu-
103 lation; and a course of studies of at least three
104 years, covering at least thirty-nine hundred scho-
105 lastic hours, for graduation. Examinations shall be
106 in English and shall be wholly or partly written,
107 clinical and oral, as the board may determine.
108 Examinations shall cover a period of two days.
109 Applicants shall be examined in such subjects as
110 are included in the curriculum of recognized chi-
111 ropody colleges (and shall be limited in their scope
112 to the application of such subjects to lesions of the
113 foot and leg). The board may add such subjects
114 as may be subsequently taught by accredited col-

115 leges of chiropody and/or podiatry. The mini-
116 mum requirements for licenses shall be an average
117 of seventy-five per cent of all the subjects involved
118 and shall be the lowest passing mark. If found
119 qualified the applicant shall be registered and shall
120 receive a certificate as a registered chiropodist
121 and/or podiatrist, signed by the chairman and
122 secretary of the board.

123 *Section 18.* There shall be paid to the secretary
124 of the board by each applicant to said examination
125 the sum of twenty-five dollars which shall accom-
126 pany the application. Upon the receipt of the
127 application and the fee and verification of the ac-
128 curacy of the same and upon passing the average
129 mark, the board shall issue a license which shall
130 certify the holder thereof as a legal practitioner of
131 chiropody and/or podiatry for the ensuing year.
132 An applicant failing to pass an examination satis-
133 factorily to the board shall be entitled at the ex-
134 piration of one year from the date of examination
135 at which he fails, to a re-examination on the pay-
136 ment of fifteen dollars, and for each subsequent
137 examination the fee shall be the same. Every
138 such certificate shall expire on the last day of the
139 year when it was granted, but upon payment of
140 two dollars may be renewed by the board for each
141 subsequent year without examination. The board
142 shall send to every registered chiropodist in the
143 state a written notice of such expiration on or
144 before the first day of December of each year. A
145 licensee failing to renew his license before the first
146 day of February in any year shall pay to the board
147 the sum of fifteen dollars before receiving a renewal
148 certificate.

149 *Section 19.* Any person who shall unlawfully
150 obtain registration under this act whether by false
151 or untrue statements contained in his application,
152 presenting to the board a fraudulent diploma, cer-
153 tificate or license, or one fraudulently obtained,
154 shall be punished by a fine of not less than two
155 hundred dollars and not more than three hundred
156 dollars or imprisonment of not less than six months
157 and not more than two years, or by both such fine
158 or imprisonment; no person shall practice or at-
159 tempt to practice chiropody and/or podiatry in
160 this commonwealth or to hold himself out as a
161 chiropodist and/or podiatrist or to designate him-
162 self or describe himself or his occupation by the
163 use of any words or letters calculated to lead
164 others to believe that he is a registered chiropo-
165 dist or podiatrist unless he is duly registered as
166 provided in this act, and upon conviction of any
167 such offence, shall be punished by a fine of not
168 less than two hundred dollars and not more than
169 five hundred dollars or by imprisonment in jail of
170 not less than six months or not more than two
171 years or by both such fine and imprisonment at
172 the discretion of the court.

173 *Section 20.* "Reciprocity", any chiropodist and/or
174 podiatrist lawfully licensed to practice in another
175 state which maintains a standard of proficiency
176 equivalent to that maintained in this state, and
177 which extends the same reciprocal privilege to this
178 state, may, upon proper application, all statements
179 of which shall be verified by the board, and pay-
180 ment of a license fee of one hundred dollars to the
181 board, be issued a license, without examination.
182 There shall be no temporary licenses or permits
183 granted.

184 *Section 21.* On and after passage of this act it
185 shall be unlawful for any person or persons to in-
186 corporate under the laws of this state for the pur-
187 pose of practicing chiropody and/or podiatry within
188 this state and it shall be unlawful for any foreign
189 corporation to attempt to practice chiropody and/or
190 podiatry within the state.

191 *Section 22.* The board may, after a hearing,
192 refuse to issue a license to any person or may revoke
193 or suspend the license and registration of any per-
194 son registered under the provision of this act, who,
195 after conviction, shall be guilty of unprofessional
196 and dishonest conduct. The words "unprofessional"
197 and "dishonest conduct" shall be held, within the
198 provision of this act:—

199 (a) The willful betrayal of professional secrets.

200 (b) Knowingly having professional connections
201 with or knowingly lending the use of one's name
202 to an unregistered chiropodist and/or podiatrist,
203 or having professional connections with any one
204 who violates any of the provisions in sections thir-
205 teen to twenty-three C of this chapter.

206 (c) Being guilty of offences involving moral tur-
207 pitude, habitual intemperance or being habitually
208 addicted to the use of morphine, opium, cocaine or
209 other drugs having similar effect, or of using, selling
210 or giving away any substance or compound con-
211 taining alcohol or drugs for other than legal and
212 legitimate purposes.

213 *Section 23.* No chiropodist, owning or conduct-
214 ing a place where chiropody and/or podiatry work
215 is done or contracted for, shall teach chiropody
216 and/or podiatry, employ or permit any unlicensed
217 chiropodist and/or podiatrist or person to practice
218 chiropody and/or podiatry in said place. Viola-

219 tion of this section on part of chiropodist and/or
220 podiatrist or person shall subject him to the fine of
221 two thousand dollars and shall have his license
222 suspended for two years, or may be subjected to
223 both, at the discretion of the court.

224 *Section 23A.* No person registered under this
225 act shall display on any window, sign card or else-
226 where, any reproduction of a foot, leg or toes. Per-
227 sons registered under this act shall not use any
228 designation, other than his name and the words
229 "chiropodist" or "podiatrist", or "chiropody" or
230 "podiatry" except letters designating a legally
231 conferred degree.

232 *Section 23B.* No person or persons shall estab-
233 lish an office in a beauty parlor, shoe store, barber
234 shop or department store. Violation of this section
235 shall mean a suspension of license for not less than
236 one year.

237 *Section 23C.* All necessary expenses incurred in
238 carrying out the provisions of sections thirteen to
239 twenty-three C and in investigating complaints for
240 violation thereof, shall be paid by the common-
241 wealth, but they shall not in any year exceed the
242 amount received by the commonwealth for fees
243 under this act during the year. This shall also
244 include the compensation paid to the members of
245 the board of one hundred and fifty dollars each
246 annually and their traveling expenses for actual
247 services in the discharge of their duties, excepting
248 the secretary, whose salary and expenses shall be
249 fixed by the members of the board.