

HOUSE No. 1171

By Mr. Nathanson of Boston, petition of Mary Macdonald and others for legislation relative to the practice of physical therapy by registered physical therapists. Public Health.

The Commonwealth of Massachusetts

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

AN ACT RELATING 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. *Definitions.* — In this act, unless the
2 context otherwise requires —

3 (a) "Physical therapy" means the treatment of
4 any bodily or mental condition of any person by the
5 use of the physical, chemical and other properties of
6 heat, light, water, electricity, massage and active and
7 passive exercise. The use of roentgen rays and
8 radium for diagnostic and therapeutic purposes, and
9 the use of electricity for surgical purposes, including
10 cauterization, are not authorized under the term
11 "physical therapy" as used in this act.

12 (b) "Physical therapist" means a person who
13 practices physical therapy as defined in this act under
14 the prescription, supervision and direction of a person
15 licensed in this state to practice medicine and surgery.

16 (c) "Board" means the board of registration in
17 medicine.

18 (d) Words importing the masculine gender may be
19 applied to females.

1 SECTION 2. *Practice without Registration forbidden.*

2 — A person who has not been registered by the
3 board as a physical therapist shall not represent him-
4 self as being so registered.

1 SECTION 3. *Conditions of Registration.* — To be
2 eligible for registration by the board as a physical
3 therapist an applicant must —

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

5 (b) Be of good moral character.

6 (c) Have been graduated by an approved high
7 school or its equivalent as determined by the board.

8 (d) Have been graduated by a school of physical
9 therapy approved for training physical therapists by
10 the appropriate sub-body of the American Medical
11 Association, if any, at the time of his graduation, or
12 if graduated prior to nineteen hundred and thirty-six,
13 the school or course was approved by the American
14 Physical Therapy Association at the time of his
15 graduation.

16 (e) Either (1) pass to the satisfaction of the board
17 an examination conducted by it to determine his fit-
18 ness for practice as a physical therapist; or (2) be en-
19 titled to registration without examination as provided
20 in section five or section six of this act.

1 SECTION 4. *Application for Registration.* — Unless
2 entitled to registration under section five or section six
3 of this act, a person who desires to be registered as
4 a physical therapist shall apply to the board, in writing,

5 on a blank furnished by the board. He shall embody
6 in that application evidence under oath, satisfactory
7 to the board, of his possessing the qualifications
8 preliminary to examination required by the preceding
9 section. He shall pay to the board at the time of
10 filing his application a fee of twenty-five dollars,
11 no portion of which shall be returned.

1 SECTION 5. The board shall register as a physical
2 therapist any person who (1) applies for such registra-
3 tion on or before ; (2) at the time of the
4 passage of this act is a member of or is eligible for
5 membership in the American Physical Therapy Asso-
6 ciation and/or the American Registry of Physical
7 Therapists; and (3) is practicing physical therapy in
8 Massachusetts and was so practicing at the time of
9 the passage of this act. Such applicant shall pay the
10 board a fee of five dollars.

1 SECTION 6. *Reciprocity.* — The board may, in its
2 discretion, register as a physical therapist, without
3 examination, on the payment of the required fee,
4 an applicant for registration who is a physical therapist
5 registered under the laws of another state or territory,
6 if the requirements for registration of physical thera-
7 pists in the state or territory in which the applicant
8 was registered were at the date of his registration sub-
9 stantially equal to the requirements in force in this
10 state, and if the state or territory whence the applicant
11 comes accords a similar privilege of registration with-
12 out examination to holders of certificates as a regis-
13 tered physical therapist under this act. At the time
14 of making application, such applicant shall pay the
15 board a fee of ten dollars.

1 SECTION 7. *Examination.* — The board shall exam-
2 ine applicants for registration as physical therapists
3 at such times and places as it may determine. It shall
4 employ three registered physical therapists to aid it
5 in such examinations. The examinations shall em-
6 brace the following subjects: The applied sciences of
7 anatomy, neuro-anatomy, kinesiology, physiology,
8 pathology, psychology, physics; physical therapy, as
9 defined in this act, applied to medicine; neurology,
10 orthopedics, pediatrics, psychiatry, surgery; medical
11 ethics; technical procedures in the practice of physical
12 therapy as defined in this act. The type of examina-
13 tion shall be determined by the board.

1 SECTION 8. *Registration.* — The board shall regis-
2 ter as a physical therapist each applicant who proves
3 to the satisfaction of the board his fitness for registra-
4 tion under the terms of this act. It shall issue to each
5 person registered a certificate of registration, which
6 shall be prima facie evidence of the right of the person
7 to whom it is issued to represent himself as a registered
8 physical therapist, subject to the conditions and
9 limitations of this act.

1 SECTION 9. *Renewal of Registration.* — Every regis-
2 tered physical therapist shall, during January, nine-
3 teen hundred and fifty-two, and during January every
4 third year thereafter, apply to the board for an exten-
5 sion of his registration and pay a fee of five dollars.
6 Registration that is not so extended, in the first in-
7 stance before April first, nineteen hundred and fifty-
8 two, and thereafter before April first every third year,
9 shall automatically lapse. The board may in its
10 discretion revive and extend a lapsed registration on
11 the payment of all past unpaid extension fees.

1 SECTION 10. *Refusal, Revocation and Suspension of*
2 *Registration.* — The board, after due notice and hear-
3 ing, may refuse to register any applicant, and may
4 refuse to renew the registration of any registered per-
5 son, and may suspend or revoke the registration of any
6 registered person.

7 (a) Who is habitually drunk or who is addicted
8 to the use of narcotic drugs;

9 (b) Who has been convicted of violating any state
10 or federal narcotic law;

11 (c) Who is, in the judgment of the board, guilty of
12 immoral or unprofessional conduct;

13 (d) Who has been convicted of any crime involving
14 moral turpitude;

15 (e) Who is guilty, in the judgment of the board,
16 of gross negligence in his practice as a physical ther-
17 apist;

18 (f) Who has obtained or attempted to obtain
19 registration by fraud or material misrepresentation;

20 (g) Who has been declared insane by a court of
21 competent jurisdiction and has not thereafter been
22 lawfully declared sane; or

23 (h) Who has treated or undertaken to treat ail-
24 ments of human beings otherwise than by physical
25 therapy and as authorized by this act, or who has
26 undertaken to practice independent of the prescrip-
27 tion, direction or supervision of a person licensed in
28 this state to practice medicine and surgery without
29 limitation.

1 SECTION 11. *False Claim of Registration forbidden.*—

2 A person who is not registered under this act as a
3 physical therapist, or whose registration has been
4 suspended or revoked, or whose registration has lapsed
5 and has not been revived, who uses in connection with

6 his name the words or letters "R. P. T.", "Registered
7 Physical Therapist", or any other letters, words or
8 insignia indicating or implying that he is a registered
9 physical therapist, or who in any other way, orally or
10 in writing, or in print, or by sign, directly or by impli-
11 cation, represents himself as a registered physical
12 therapist shall be guilty of a misdemeanor.

1 SECTION 12. *Fraud in obtaining Registration for-*
2 *bidden.* — A person who makes a wilfully false oath
3 or affirmation in any case in which an oath or affirma-
4 tion is required by this act, or who obtains or attempts
5 to obtain registration by any fraudulent representa-
6 tion, shall be guilty of a misdemeanor.

1 SECTION 13. *Practice of Registered Physical Thera-*
2 *pist.* — A person registered under this act as a physical
3 therapist shall not treat human ailments by physical
4 therapy or otherwise except under the prescription,
5 supervision and direction of a person licensed to prac-
6 tice medicine and surgery. Nothing in this act shall
7 be construed as authorizing a physical therapist,
8 whether registered or not, to practice medicine,
9 osteopathy, chiropractic, or any other form or method
10 of healing. Any person violating the provisions of
11 this section shall be guilty of a misdemeanor.

1 SECTION 14. *Practice of Physical Therapy by*
2 *Unregistered Persons.* — Nothing contained in this act
3 shall be construed to limit or prevent the practice of
4 physical therapy by any person not registered under
5 the act, if such person does not represent himself
6 to be a registered physical therapist.

1 SECTION 15. *Powers and Duties of Board.* — The
2 board is authorized to adopt reasonable rules to carry
3 this act into effect, and may amend and revoke such
4 rules at its discretion. The board shall keep a record
5 of its proceedings under this act and a register of all
6 persons registered under it. The register shall show
7 the name of every living registrant, his last known
8 place of business and last known place of residence,
9 and the date and number of his registration and
10 certificate as a registered physical therapist. The
11 board shall, during the month of May of every year
12 in which the renewal of registration is required, com-
13 pile a list of registered physical therapists authorized
14 to practice therapy in the state, and shall mail a copy
15 of that list to every state's attorney, every chief of
16 police in the state, the superintendent of every known
17 hospital, and every person licensed to practice medi-
18 cine and surgery in the state. Any interested person
19 in the state is entitled to obtain a copy of that list
20 on application to the board and payment of such
21 amount as may be fixed by the board, which amount
22 shall not exceed the cost of the list so furnished.

1 SECTION 16. *Duty of Enforcement.* — The board
2 shall investigate every supposed violation of this act
3 coming to its notice, and shall report to the proper
4 state's attorney all cases that in the judgment of the
5 board warrant prosecution. Every police officer shall
6 investigate every supposed violation of this act that
7 comes to his notice or of which he has received com-
8 plaint, and apprehend and arrest all violators. It shall
9 be the duty of the attorney-general and of the several
10 state's attorneys to prosecute violations of this act.

1 SECTION 17. *Constitutionality.* — If any provision
2 of this act or the application thereof to any person
3 or circumstances is held invalid, such invalidity shall
4 not affect other provisions or applications of the act
5 which can be given effect without the invalid provision
6 or application, and to this end the provisions of this
7 act are declared to be severable.

1 SECTION 18. *Short Title of Act.* — This act may be
2 cited as the “physical therapists practice act.”