

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 543**

H. P. 416

House of Representatives, February 3, 1971

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Licensure of Physical Therapy Assistants and  
Temporary Permits Under Physical Therapy Law.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is no law in Maine permitting therapy assistants to practice and there are 25 schools in the United States graduating such assistants with the possibility of 3 schools in Maine considering associate degrees for physical therapy assistants; and

Whereas, temporary permits are vitally necessary to permit therapists and assistants to work pending state examinations; and

Whereas, the regulation of physical therapists and assistants is vital to the well-being and health of the people of the State of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 32, §§ 3109, 3110, additional. Title 32 of the Revised Statutes is amended by adding 2 new sections, 3109 and 3110, to read as follows:

§ 3109. Licensure of physical therapy assistants

An applicant for licensure to act as a licensed physical therapy assistant shall submit to the board at least 30 days before the next quarterly board

meeting an application accompanied by an application fee of \$15, plus the current examination fee if applicable, and evidence verified by oath that he is of good moral character and that he has completed a program of education approved by the board. An approved program shall consist of at least a 2-year program offered by a college accredited by a recognized accrediting agency and including academic courses as may be prescribed by the board. An applicant for licensure shall be required to pass an examination designed to test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy theory and procedures to the satisfaction of the board conducted by it to determine the applicant's fitness to act as a physical therapy assistant. In case the application is denied and the examination refused, only the application fee shall be returned to the applicant. Any applicant who fails to pass the examination shall be entitled to a reexamination within 6 months upon repayment of the current examination fee only.

No person unless he is duly licensed by the board to act as a physical therapy assistant under the direction of a Maine physical therapist under the terms of this section shall act or hold himself out as authorized to use the title, "Physical Therapy Assistant" or the abbreviations "L.P.T.A.", nor other words, letters or signs or figures to indicate that the person using the same is a licensed physical therapy assistant.

The board may refuse to issue a license to any person, and after notice and hearing in accordance with its rules and regulations, may suspend or revoke the license of any person who has :

1. Practiced other than under the direction of a Maine licensed physical therapist;
2. Used drugs or intoxicating liquors to an extent which affects his professional competency;
3. Been convicted of a felony or of a crime involving moral turpitude;
4. Obtained or attempted to obtain a license by fraud or deception;
5. Been grossly negligent in acting as a physical therapy assistant;
6. Been adjudged mentally incompetent by a court of competent jurisdiction;
7. Been guilty of conduct unbecoming a person licensed as a physical therapy assistant or of conduct detrimental to the best interest of the public.

The board may license, as a physical therapy assistant, an applicant who has met the standards fixed by it and who is not disqualified to receive a license under this chapter.

The board may license as a physical therapy assistant without an examination on payment of the fee of \$15 any applicant who is a "Temporary Affiliate Member" of the American Physical Therapy Association, this category not to extend beyond December 31, 1973; and who has been duly licensed by examination as a physical therapy assistant in a state maintaining standards

equal to those maintained in this State upon presentation of satisfactory evidence of his license to act as a physical therapy assistant in such other state.

Every applicant who shall satisfactorily meet the requirements for license to act as a physical therapy assistant, as provided in this chapter, shall be granted a certificate signed by the chairman or the secretary of the board, or by both; which certificate shall entitle the person to whom it is granted to act as a physical therapy assistant in this State. Every such certificate shall be conspicuously displayed at the place of practice of such person, and each year replaced by the renewal certificate for the current year.

#### § 3110. Temporary permit

On payment to the board of a fee of \$25 by a physical therapist or a fee of \$15 by a physical therapy assistant, and the submission of a written application on forms provided by the board, the board after reviewing the applicant's qualifications may give written permission to an individual to practice physical therapy or act as a physical therapy assistant as the application indicates. Such permit will be effective in this State for the period prior to the next scheduled examination and shall expire when the board makes a final determination with regard to the issuance of a license.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.