

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 521

H. P. 386

House of Representatives, February 13, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cloutier of South Portland.

Cosponsor: Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning the Physical Therapists Statutes.

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

Sec. 1. 32 MRSA § 3002, as amended by PL 1967, c. 378, § 2, is repealed:

Sec. 2. 32 MRSA § 3051, as amended by PL 1975, c. 575, § 36, is further amended to read:

§ 3051. Powers and duties

The board shall hold regular meetings, one in March, one in July and one in November ~~upon the same dates and at the same places as are held the regular meetings of the Board of Registration in Medicine~~ for the purpose of considering applicants ~~examining applicants~~ and such other business as may properly come before the board. The chairman of the Board of Registration in Medicine shall act as chairman of the board. The secretary and treasurer of the Board of Registration in Medicine shall act as secretary and treasurer of the board. Special meetings may be called at the pleasure of the chairman and, in case of death or inability of the chairman, the secretary may call special meetings. **This board shall have the power to conduct examinations in physical therapy.** Said board shall have power to make such rules and regulations, not inconsistent with law, as it may deem necessary for the successful enforcement of its authority and the

performance of its duties. The chairman and secretary shall be empowered to administer oaths in matters connected with the duties of said board. Said board shall keep a record of all its proceedings. The records of said board shall include, among other things, a record of all moneys received and disbursed by said board, a list of all applicants for licenses, giving the name, location of business and residence, record of professional education, date and number of license, and whether the applicant was granted or denied license. Said records ~~or duplicates thereof~~ shall be filed in the office of the ~~Secretary of State~~ **secretary of the board** and shall always be open to inspection during regular office hours and shall be prima facie evidence of all matters recorded therein. Five members of the board shall constitute a quorum for the transaction of business but no license to practice physical therapy shall be granted except on an affirmative vote of at least 5 members of the board.

Sec. 3. 32 MRSA § 3052, last sentence, as amended by PL 1967, c. 378, § 3, is further amended to read:

Members of the board shall each receive ~~\$20~~ **\$25** for every day actually spent in the performance of the duties imposed upon them by this chapter, and in addition thereto necessary traveling and hotel expenses actually incurred, to be certified by the chairman and secretary of the board.

Sec. 4. 32 MRSA § 3101 is amended to read:

§ 3101. License required; limitations and exceptions

No person unless he is duly licensed to practice physical therapy under the terms of this chapter shall practice or hold himself out as authorized to practice, nor use the title "Physical Therapist" or the abbreviations "P.T." nor other words, letters, signs or figures to indicate that the person using the same is a licensed physical therapist.

A license to practice physical therapy shall not permit the holder thereof to administer drugs, nor shall it permit the holder thereof to treat any human ailments by physical therapy, or otherwise, except upon the prescription, supervision, direction or referral of a duly licensed physician or surgeon, nor shall it permit the licensee to use the title "doctor." Nothing in this chapter shall be construed as authorizing a physical therapist, licensed or not, to practice medicine, osteopathy, chiropractic or any other form or healing. Any person violating this section shall be guilty of a Class E crime. This chapter shall not prevent the administration of physical therapy by a duly licensed physical therapist upon the oral prescription of a duly licensed physician or surgeon. This chapter shall not prevent the administration of physical therapy modalities by any person employed and under the control of a duly licensed physician or surgeon or licensed physical therapist in his office, or in the civil service of the State or employed in a duly incorporated hospital, clinic or infirmary maintained by a person, firm or corporation employing one of more full-time duly licensed physicians or surgeons, providing that person does not refer to himself as a

physical therapist, nor other words, letters, signs or figures to indicate that the person using the same is a licensed physical therapist.

Sec. 5. 32 MRSA § 3102, first sentence, as last amended by PL 1971, c. 598, § 74, is repealed and the following enacted in its place:

§ 3102. Application; qualifications; examinations

An applicant for a license to practice as a licensed physical therapist shall submit to the board, at least 30 days before the date of the next board meeting, an application for examination for licensure to practice physical therapy, which shall be submitted on a form prescribed by the examiners, together with the payment of the required application fee of \$50 plus the current examination fee if applicable; evidence verified by oath that the applicant is at least 18 years of age, is of good moral character, is in good physical and mental health, is a high school graduate and is graduated from a school of physical therapy approved for training physical therapist by an accrediting agency recognized by the United States Commissioner of Education or the Council on Postsecondary Accreditation and the Board of Examiners in Physical Therapy, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation.

Sec. 6. 32 MRSA § 3103, as repealed and replaced by PL 1967, c. 378, § 5, is amended to read:

§ 3103. License without examination

The board may license as a physical therapist without examination on payment of the fee of ~~\$25~~ \$50 any applicant who is a member of the American Physical Therapy Association or the American Registry of Physical Therapists who has been duly licensed by examination as a physical therapist in a state maintaining a standard equal to that maintained in this State upon presentation of satisfactory evidence of his license to practice physical therapy in such other state.

Sec. 7. 32 MRSA § 3104, as repealed and replaced by PL 1967, c. 378, § 6, is amended to read:

§ 3104. Licensure for physical therapists trained in other countries

A license to practice as a physical therapist may be issued by the board to an applicant who has been trained in other countries upon payment of the required application fee of ~~\$25~~ \$50, plus the current examination fee if applicable, and presentation of satisfactory evidence that he has graduated from a school of physical therapy approved by the physical therapy association affiliated with the World Confederation for Physical Therapy of the applicant's country of origin ~~and who held membership in the physical therapy association of his country of origin~~ and has completed a minimum of one year of experience in employment approved by the ~~American Physical Therapy Association and under the supervision of a member of the association~~ **Board of Examiners in Physical Therapy and who successfully passed an examination satisfactory to the board within a time specified by the ~~association~~ **board.****

Full citizenship is not required. Only those who have entered the United States on a permanent visa and who plan to make their home here are eligible.

Sec. 8. 32 MRSA § 3150, first sentence, as amended by PL 1967, c. 378, § 7, is further amended to read:

Every applicant for an examination for a license to practice physical therapy shall, at the time of filing his application, pay to the treasurer of the board an application fee of ~~\$25~~ **\$50**, plus the current examination fee if applicable.

Sec. 9. 32 MRSA § 3106, last sentence, is amended to read:

Every such certificate shall be conspicuously displayed at the place of practice of such person; and every renewal certificate for the current ~~year~~ **biennium** shall be displayed in connection with the original certificate.

Sec. 10. 32 MRSA § 3107, as amended by PL 1967, c. 378, § 8, is repealed and the following enacted in its place:

§ 3107. Reregistration; fees

On or before April, 1980, and of every even-numbered year thereafter, every physical therapist licensed under this chapter shall register with the Board of Examiners in Physical Therapy and pay a fee of \$20. At least 30 days before April 1st of every even-numbered year, the board shall mail to each licensee at his last known address a notice of requirement of reregistration with appropriate forms therefor. Licensure not so renewed shall automatically lapse.

Whenever a licensee fails to reregister within the required time, the board shall mail to him at his last known address a notification that his license has lapsed and that his request for reinstatement shall be considered by the board upon payment of the current registration fee, provided it is submitted to the board no later than 30 days following the date on which that notification is issued, and that a license lapsed in excess of 30 days shall be reinstated only by a majority vote of the board after the following conditions have been met:

1. No grounds for suspension or revocation. There exists no cause as set forth in section 3053 which may be considered grounds for suspension or revocation of license; and

2. Licensee shows cause. The licensee has shown cause why he failed to reregister and has paid to the board all registration fee arrearage plus an additional reinstatement fee of \$20.

Sec. 11. 32 MRSA § 3108, first sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

An applicant for certification to practice as a certified physical therapy aide shall submit to the board at least 30 days before the next ~~quarterly~~ board meeting an application **which shall be on a form prescribed by the examiners, and accompanied by a fee of ~~\$5~~ \$15**, evidence verified by oath that the applicant is at

least 18 years of age, is of good moral character, is in good physical and mental health, is a high school graduate or its equivalent thereof established by the general aptitude tests given by the appropriate state or federal agency and has successfully completed the training program as prescribed by the Maine Chapter, American Physical Therapy Association and the ~~Department of Human Services~~ **Board of Examiners in Physical Therapy**.

STATEMENT OF FACT

The purposes of this legislation are:

1. To clarify the physical therapy practice statute by combining Title 32, section 3002 with Title 32, section 3101, requirements for licensure with the limitations and exceptions to this requirement;
2. To provide for the increased costs of board operations;
3. To change the renewal requirement from annual to biennial;
4. To permit the board to conduct licensing examinations at times other than during board meetings; and
5. To eliminate trade association membership as a condition to licensure.