

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-330)

SENATE AMENDMENT "A " to S.P. 593, L.D. 1664, Bill, "AN ACT to Revise the Physical Therapist Practice Act."

Amend the bill in section 2 in that part designated "§3111." by striking out all of sub-§2 and inserting in its place the following:

'2. Direction. "Direction" means continuing verbal and written contact by a physical therapist with a physical therapist assistant including periodic on-site supervision adequate to ensure the safety and welfare of the patient.'

Further amend the bill in section 2 by striking out in the 4th line of that part designated "§3112." (3rd line in L.D.) the underlined words "one physical therapist" inserting in their place the following '2 physical therapists'

Further amend the bill in section 2 in that part designated "§3112." in subsection 5, paragraph E, by inserting after the underlined word "motion" the following: 'or'

Further amend the bill in section 2 in that part designated "§3112." in subsection 5 by striking out all of paragraph G and inserting in its place the following:

'G. After hearing, to censure or proceed as provided in section 3117.'

Further amend the bill in section 2 in that part designated "§3112." in subsection 5, paragraph H, by striking out in the first sentence, the underlined word "licensures" and inserting in its place the following: 'licensure'

Further amend the bill in section 2 in that part designated "§3113." in subsection 4 in the first line, by inserting after the underlined word "therapist" the following: 'or'

Further amend the bill in section 2 in that part designated "§3114." by striking out all of the last underlined paragraph and inserting in its place the following:

'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 application fee and the examination fee and presentation of satisfactory evidence that he has graduated from a school of physical therapy approved or accredited in the country where the school is located, has educational credentials equivalent to those of the United States trained physical therapist, demonstrates proficiency in written and spoken English, has completed up to one year's experience in employment approved by the board under the supervision of a licensed physical therapist and has successfully passed an examination satisfactory to the board.'

Further amend the bill in section 2 in that part designated "§3115." by striking out in the first sentence the underlined word and figure "subchapter III" and inserting in its place the following:

'section 3114'

Further amend the bill in section 2 in that part designated "§3115" by inserting in the last sentence, after the underlined word "licensure" the following: 'and'

Further amend the bill in section 2 in that part designated "§3116." in subsection 1, by striking out in the first sentence, the  $\leftarrow$  number "3053" and inserting in its place the following: '3117'

Further amend the bill by inserting at the end the following:

'§3117. Revocation and reissuance

1. Board revocation.

/The board shall have the power in accordance with the Maine Administrative Procedure Act, Title 5, section 8001 et seq., to revoke the license of a licensed physical therapist or physical therapist assistant for:

A. Conviction of a violation of law by any court of competent jurisdiction which, if committed within this State, would:

(1) Constitute a Class C crime; or

(2) Be punishable by one year or more of imprisonment.

2. Administrative Court revocation. The board shall have the power to proceed in the Administrative Court seeking to revoke the license of a licensed physical therapist or physical therapist assistant for any of the following reasons:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered as a licensed physical therapist or physical therapist assistant;

B. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, which has resulted in the licensed physical therapist or physical therapist assistant being unable to perform his duties or perform those duties in a manner which would not endanger the health or safety of the patients to be served;

C. A medical finding of mental incompetency;

D. Aiding or abetting a person not duly licensed as a licensed physical therapist or physical therapist assistant in representing himself as a licensed physical therapist or physical therapist assistant; or

E. Any gross negligence, incompetency or misconduct in the practice of physical therapy.

Any person may prefer charges against any licensed physical therapist or physical therapist assistant. Any charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board. The board may direct the department to reissue a certificate of licensure as a physical therapist or physical therapist assistant to any person whose license has been revoked, provided 4 or more members of the board vote in favor of that reissuance. A new

certificate of licensure as a physical therapist or physical therapist assistant to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board.'

Statement of Fact

This amendment is necessary to correct an omission in the bill and make technical corrections pursuant to the change.

(Clark)  
NAME:

*Taney Rudell Clark*

COUNTY: Cumberland

Reproduced and distributed pursuant to Senate Rule 11-A.

June 7, 1979

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