

1 IN THE HOUSE

BY MRS. HELEN FISCHER

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

FORTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act requiring the registration of Physical Therapists by the Territorial Medical Board; prescribing registration procedure, grounds for revocation and suspension of registration, hearings, appeal, and criminal penalties."

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BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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Section 1. SHORT TITLE OF ACT. This Act may be cited as the "Alaska Physical Therapists Practice Act".

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Sec. 2. DEFINITIONS. In this Act, unless the context otherwise requires:

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(1) "Physical Therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical and other properties of heat, light, water, electricity, massage, and therapeutic exercise including physical rehabilitation procedures. The use of roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not included within the term "physical therapy" as used in this Act.

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(2) "Physical Therapist" means a person who practices physical therapy.

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(3) "Board" means the Territorial Medical Board.

(4) Words importing the masculine gender include the female.

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1           Sec. 3. CONDITIONS OF REGISTRATION. To be eligible for  
2 registration by the Board as a physical therapist an applicant  
3 must:

4           (1) Be at least twenty-one years old;

5           (2) Be of good moral character;

6           (3) Have graduated from a school of physical therapy  
7 approved either by the Board or by the Council on Medical Educa-  
8 tion and Hospitals of the American Medical Association;

9           (4) Qualify by (1) passing to the satisfaction of the  
10 Board an examination prepared or approved by it, or (2) passing  
11 to the satisfaction of the Board an examination from the Profes-  
12 sional Examination Service of the American Public Health Associ-  
13 ation, conducted by the Board, to determine his fitness for  
14 practice as a physical therapist; or (3) being entitled to regis-  
15 tration without examination as provided in Section 4 or Section 5.  
16 of this Act.

17           Sec. 4. APPLICATION FOR REGISTRATION. Unless entitled to  
18 registration under Section 4 or Section 5 of this Act, a person  
19 who desires to be registered as a physical therapist shall apply  
20 to the Board, in writing, on a blank furnished by the Board. He  
21 shall include in his application evidence under oath, satisfactory  
22 to the Board, of his possessing the qualifications preliminary  
23 to examination required by the preceding section. He shall pay  
24 to the Board at the time of filing his application a fee of twenty-  
25 five dollars (\$25.00).

26           Sec. 5. REGISTRATION OF PERSONS QUALIFIED ON THE EFFECTIVE  
27 DATE OF THIS ACT. The Board shall furnish a certificate of  
28 registration to any person who applied therefore on or before  
29 March 1, 1957, who at the time of the passage of this Act is a

1 member of or is eligible for membership in the American Physical  
2 Therapy Association and/ or the American Registry of Physical  
3 Therapists, and is practicing physical therapy in the Territory  
4 of Alaska or was so practicing within two years preceding the  
5 effective date of this Act. At the time of making such applica-  
6 tion such applicant shall pay the Board a fee of five dollars  
7 (\$5.00).

8       Sec. 6. RECIPROCITY. The Board may, in its discretion,  
9 register as a physical therapist, without examination, on the  
10 payment of the required fee of five dollars (\$5.00), an applicant  
11 for registration who is a physical therapist registered under the  
12 laws of another State or Territory, if the requirements for regis-  
13 tration of physical therapists in the State or Territory in which  
14 the applicant was registered were at the date of his registration  
15 substantially equal to the requirements in force in this Territory,  
16 and if the state or territory whence such applicant comes accords  
17 a similar privilege or registration without examination to holders  
18 of certificates as Registered Physical Therapists under this Act.

19       Sec. 7. EXAMINATIONS. The Board shall examine applicants  
20 for registration as physical therapists at such times and places  
21 as it may determine. It shall employ three Alaskan registered  
22 physical therapists to aid it in such examinations. The examina-  
23 tion shall be as provided in Section 2 (d). If an examinee fails  
24 the first examination he is entitled to one retake.

25       Sec. 8. REGISTRATION. The Board shall register as a physi-  
26 cal therapist each applicant who proves to the satisfaction of the  
27 Board his fitness for registration under the terms of this Act.  
28 It shall issue to each person registered a certificate of regis-  
29 tration, which shall be prima facie evidence of the right of

1 such person to represent himself as a registered physical thera-  
2 pist, subject to the conditions and limitations of this Act.

3       Sec. 9. RENEWAL OF REGISTRATION. Every registered physical  
4 therapist shall, during the month of January, 1958, and during  
5 the month of January every third year thereafter, apply to the  
6 Board for an extension of his registration and pay a fee of three  
7 dollars (\$3.00). Registration that is not so extended, in the  
8 first instance before April 1, 1958, and thereafter before April 1  
9 every third year, shall automatically lapse. The Board may in its  
10 discretion revive and extend a lapsed registration on the payment  
11 of all past unpaid extension fees.

12       Sec. 10. REFUSAL, REVOCATION, AND SUSPENSION OF REGISTRATION.  
13 The Board, after due notice and hearing as required by this Act,  
14 may refuse to register any applicant, and may refuse to renew  
15 the registration of any registered person, and may suspend or  
16 revoke the registration of any registered person who:

17       (1) Is habitually drunk or who is addicted to the use  
18 of narcotic drugs;

19       (2) Is, in the judgment of the Board, guilty of immoral  
20 or unprofessional conduct;

21       (3) Has been convicted of violating any state or fed-  
22 eral narcotic law;

23       (4) Has been convicted of any crime involving moral  
24 turpitude;

25       (5) Is guilty, in the judgment of the Board, of gross  
26 negligence in his practice as a physical therapist;

27       (6) Has obtained or attempted to obtain registration  
28 by fraud or material misrepresentation;

29       (7) Has been declared insane by a court of competent

1 jurisdiction and has not thereafter been lawfully declared sane;  
2 or

3 (8) Has treated or undertaken to treat ailments of  
4 human beings otherwise than by physical therapy and as authorized  
5 by this Act, or who has undertaken to practice independent of  
6 the prescription and direction of a person licensed to practice  
7 medicine and surgery without limitation.

8 Sec. 11. FALSE CLAIM OF REGISTRATION FORBIDDEN. A person  
9 who is not registered under this Act as a physical therapist, or  
10 whose registration has been suspended or revoked, or whose regis-  
11 tration has lapsed and has not been revived, who uses in connec-  
12 tion with his name the words or letters "R.P.T.", "Registered  
13 Physical Therapist", or any other letters, words, or insignia  
14 indicating or implying that he is a registered physical therapist,  
15 or who in any other way, orally, or in writing, or in print, or  
16 by sign, directly or by implication, represents himself as a reg-  
17 istered physical therapist shall be guilty of a misdemeanor.

18 Sec. 12. FRAUD IN OBTAINING REGISTRATION FORBIDDEN. A  
19 person who makes a willfully false oath or affirmation in any case  
20 in which an oath or affirmation is required by this Act, or who  
21 obtains or attempts to obtain registration by any fraudulent rep-  
22 resentation shall be guilty of a misdemeanor.

23 Sec. 13. PRACTICE OF REGISTERED PHYSICAL THERAPIST. A  
24 person registered under this Act as a physical therapist shall  
25 not treat human ailments by physical therapy or otherwise except  
26 under the prescription and direction of a person licensed to  
27 practice medicine and surgery. Nothing in this Act shall be  
28 construed as authorizing a physical therapist, whether registered  
29 or not, to practice medicine, osteopathy, chiropractic, or any

1 other form or method of healing. Any person violating the provi-  
2 sions of this section shall be guilty of a misdemeanor.

3 Sec. 14. PRACTICE OF PHYSICAL THERAPY BY UNREGISTERED PERS-  
4 ONS. Nothing contained in this Act shall be construed to limit  
5 or prevent the practice of physical therapy by any person not reg-  
6 istered under the Act, if such person does not represent himself  
7 to be a registered physical therapist.

8 Sec. 15. POWERS AND DUTIES OF BOARD. The Board shall  
9 promulgate rules to carry this Act into effect and may amend and  
10 revoke such rules at its discretion. The Board shall keep minutes  
11 of its meetings and a stenographic record of its proceedings and  
12 hearings under this Act, and a register listing by number all  
13 persons registered to practice physical therapy in Alaska.  
14 The register shall show the name of every living registrant, his  
15 last known place of business and residence, the date and number of  
16 his registration and certificate as a registered physical thera-  
17 pist. The Board shall, during the month of May of every year in  
18 which the renewal of registration is required, compile a list of  
19 registered physical therapists authorized to practice physical  
20 therapy in the Territory.

21 Sec. 16. BOARD HEARINGS, ORDERS, AND APPEALS. The Board  
22 shall, at its first regular meeting, adopt rules for the holding  
23 of hearings, which rules shall provide for (1) application for a  
24 hearing, (2) adequate advance notice of a hearing, (3) procedure  
25 at the hearing including the right of the Board to subpoena  
26 witnesses and the right of an applicant to engage legal counsel  
27 and produce evidence, and (4) the making of written findings of  
28 fact, conclusions of law and orders based thereon, by the Board.

29 Orders of the Board shall be final when in favor of the

1 applicant, registrant, or respondent. When an order is unfavorable  
2 to the applicant, registrant, or respondent, he may appeal such  
3 order to the District Court of the judicial division in which he  
4 resides.

5       Sec. 17. VIOLATION OF ACT. Any person who violates the pro-  
6 visions of this Act shall be guilty of a misdemeanor, and upon  
7 conviction thereof shall be punished by a fine of not less than  
8 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00),  
9 or by imprisonment for not more than 30 days. The Board shall  
10 investigate every supposed violation of this Act coming to its  
11 notice and shall report all cases that in the judgment of the  
12 Board warrant prosecution to the proper law enforcement officials.

13       Sec. 18. CONSTITUTIONALITY. If any provision of this Act  
14 or the application thereof to any person or circumstances is held  
15 invalid, such invalidity shall not affect other provisions or  
16 applications of the Act which can be given effect without the  
17 invalid provision or application, and to this end the provisions  
18 of this Act are declared to be severable.