

1 IN THE SENATE

BY SENATOR MOODY BY REQUEST

2

SENATE BILL NO. 37

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act requiring the registration of Physi-
7 cal Therapists by the Territorial Medical
8 Board; prescribing registration procedures,
9 grounds for revocation and suspension of
10 registration, hearings, appeal, and criminal
11 penalties."

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

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

15 Sec. 2. DEFINITIONS. In this Act, unless the context other-
16 wise requires:

17 (a) "Physical Therapy" means the treatment of any bodily
18 or mental condition of any person by the use of the physical,
19 chemical and other properties of heat, light, water, electricity,
20 massage, and therapeutic exercise including physical rehabilita-
21 tion procedures. The use of roentgen rays and radium for diagnos-
22 tic and therapeutic purposes, and the use of electricity for
23 surgical purposes, including cauterization, are not included with-
24 in the term "physical therapy" as used in this Act.

25 (b) "Physical Therapist" means a person who practices
26 physical therapy.

27 (c) "Board" means the Territorial Medical Board.

28 (d) Words importing the masculine gender include the
29 female.

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

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

5 (b) Be of good moral character;

6 (c) Have graduated from a school of physical
7 therapy approved either by the Board or by the Council on
8 Medical Education and Hospitals of the American Medical Associ-
9 ation;

10 (d) Qualify by (1) passing to the satisfaction of
11 the Board an examination from the Professional Examination
12 Service of the American Public Health Association, conducted by
13 the Board, to determine his fitness for practice as a physical
14 therapist; or (2) being entitled to registration without examina-
15 tion as provided in Section 4 or Section 5 of this Act.

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

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

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

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

18 Sec. 7. EXAMINATIONS. The Board shall examine applicants
19 for registration as physical therapists at such times and places
20 as it may determine. It shall employ two Alaskan registered
21 physical therapists to aid it in such examinations. The examina-
22 tion shall be as provided in Section 3 (d).

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

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

10 Sec. 10. REFUSAL, REVOCATION, AND SUSPENSION OF REGISTRATION.

11 The Board, after due notice and hearing as required by this Act,
12 may refuse to register any applicant, and may refuse to renew
13 the registration of any registered person, and may suspend or re-
14 voke the registration of any registered person who:

15 (a) Is habitually drunk or who is addicted to the use
16 of narcotic drugs;

17 (b) Is, in the judgment of the Board, guilty of immoral
18 or unprofessional conduct;

19 (c) Has been convicted of violating any state or fed-
20 eral narcotic law;

21 (d) Has been convicted of any crime involving moral
22 turpitude;

23 (e) Is guilty, in the judgment of the Board, of gross
24 negligence in his practice as a physical therapist;

25 (f) Has obtained or attempted to obtain registration
26 by fraud or material misrepresentation;

27 (g) Has been declared mentally ill by a court of com-
28 petent jurisdiction and has not thereafter been lawfully declared
29 sane; or

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

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

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

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

1 misdemeanor.

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

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

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

28 Orders of the Board shall be final when in favor of the
29 applicant, registrant, or respondent. When an order is unfavorable

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as amended by the House

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

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

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

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