

Homes	4,446.84	Alaska Bar Association	
Aid to Blind	8,476.50	Total \$ 1,200.00
Total	\$546,604.59		

Section 3. This Act shall become effective April 1, 1957.

Approved March 20, 1957

CHAPTER 73

AN ACT

Increasing the excise tax on certain intoxicating liquors; amending Section 35-4-31 ACLA 1949; and setting an effective date.

(H. B. 114)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Section 35-4-31 ACLA 1949 is hereby amended to read as follows:

Sec. 35-4-31. Persons Required to Pay Tax: Rate of Tax. Every brewer, distiller, bottler, jobber, retailer, wholesaler or manufacturer, who sells intoxicating liquors in the Territory of Alaska or who consigns shipments of same into the Territory of Alaska, regardless of whether such liquors are brewed, distilled, bottled or manufactured within or without Alaska, shall pay on all malt beverages (alcoholic content of one per cent (1%) or more by

volume), wines and hard or distilled liquors, the following prescribed taxes: malt beverages at the rate of twenty-five cents (25c) per gallon, or fraction thereof; wine or any other liquor of twenty-one per cent (21%) of alcohol by volume or less, at the rate of fifty cents (50c) per gallon, or fraction thereof; any other liquors having a content of more than twenty-one per cent (21%) of alcohol by volume shall pay at the rate of three dollars fifty cents (\$3.50) per gallon.

Sec. 2. This Act shall take effect and be in force from and after April 1, 1957.

Approved March 20, 1957

CHAPTER 74

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.

(S. B. 37)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Short Title of Act. This Act may be cited as the "Alaska Physical Therapists Practice Act".

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

(a) "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.

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

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

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

Sec. 3. Conditions of Registration. To be eligible for registration by the Board as a physical therapist an applicant must:

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

(b) Be of good moral character;

(c) Have graduated from a school of physical therapy approved either by the Board or by the Council on Medical Education and Hospitals

of the American Medical Association;

(d) Qualify by (1) passing to the satisfaction of the Board an examination from the Professional Examination Service of the American Public Health Association, conducted by the Board, to determine his fitness for practice as a physical therapist; or (2) being entitled to registration without examination as provided in Section 5 or Section 6 of this Act.

Sec. 4. Application for Registration. Unless entitled to registration under Section 5 or Section 6 of this Act, a person who desires to be registered as a physical therapist shall apply to the Board, in writing, on a blank furnished by the Board. He shall include in his application evidence under oath, satisfactory to the Board, of his possessing the qualifications preliminary to examination required by the preceding section. He shall pay to the Board at the time of filing his application a fee of twenty-five dollars (\$25.00).

Sec. 5. Registration of Persons Qualified on the Effective Date of This Act. The Board shall furnish a certificate of registration to any person who applied therefore on or before September 1, 1957, who at the time of the passage of this Act is a member of or is eligible for membership in the American Physical Therapy Association and/or the American Registry of Physical Therapists, and is practicing physical therapy in the Territory of Alaska or was so practicing within two years preceding the effective date of this Act. At the time of

making such application such applicant shall pay the Board a fee of five dollars (\$5.00).

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

Sec. 7. Examinations. The Board shall examine applicants for registration as physical therapists at such times and places as it may determine. It shall employ two Alaskan registered physical therapists to aid it in such examinations. The examination shall be as provided in Section 3 (d).

Sec. 8. Registration. The Board shall register as a physical therapist each applicant who proves to the satisfaction of the Board his fitness for registration under the terms of this Act. It shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of such person to represent himself as a registered physical therapist, subject to the conditions and limitations of this Act.

Sec. 9. Renewal of Registration. Every registered physical therapist shall, during the month of January,

1958, and during the month of January every third year thereafter, apply to the Board for an extension of his registration and pay a fee of three dollars (\$3.00). Registration that is not so extended, in the first instance before April 1, 1958, and thereafter before April 1 every third year, shall automatically lapse. The Board may in its discretion revive and extend a lapsed registration on the payment of all past unpaid extension fees.

Sec. 10. Refusal, Revocation, and Suspension of Registration. The Board, after due notice and hearing as required by this Act, may refuse to register any applicant, and may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person who:

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

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

(c) Has been convicted of violating any state or federal narcotic law;

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

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

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

(g) Has been declared mentally ill by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or

(h) Has treated or undertaken to treat ailments of human beings

otherwise than by physical therapy and as authorized by this Act, or who has undertaken to practice independent of the prescription and direction of a person licensed to practice, without limitation, medicine, surgery, osteopathy, or chiropractic.

Sec. 11. False Claim of Registration Forbidden. A person who is not registered under this Act as a physical therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, who uses in connection with his name the words or letters "R.P.T.", "Registered Physical Therapist" or any other letters, words, or insignia indicating or implying that he is a registered physical therapist, or who in any other way, orally, or in writing, or in print, or by sign, directly or by implication, represents himself as a registered physical therapist shall be guilty of a misdemeanor.

Sec. 12. Fraud in Obtaining Registration Forbidden. A person who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required by this Act, or who obtains or attempts to obtain registration by any fraudulent representation shall be guilty of a misdemeanor.

Sec. 13. Practice of Registered Physical Therapist. A person registered under this Act as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person licensed to practice medicine, surgery, osteopathy, or chiropractic. Nothing in this Act shall be construed as authorizing a physical therapist, whether registered or not, to practice medicine, osteopathy, chiroprac-

tic, or any other form or method of healing. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 14. Practice of Physical Therapy by Unregistered Persons. Nothing contained in this Act shall be construed to limit or prevent the practice of physical therapy by any person not registered under the Act, if such person does not represent himself to be a registered physical therapist.

Sec. 15. Powers and Duties of Board. The Board shall promulgate rules to carry this Act into effect and may amend and revoke such rules at its discretion. The Board shall keep minutes of its meetings and a stenographic record of its proceedings and hearings under this Act and a register listing by number all persons registered to practice physical therapy in Alaska. The register shall show the name of every living registrant, his last known place of business and residence, the date and number of his registration and certificate as a registered physical therapist. The Board shall, during the month of May of every year in which the renewal of registration is required, compile a list of registered physical therapists authorized to practice physical therapy in the Territory.

Sec. 16. Board Hearings, Orders, and Appeals. The Board shall, at its first regular meeting, adopt rules for the holding of hearings, which rules shall provide for (1) application for a hearing, (2) adequate advance notice of a hearing, (3) procedure at the hearing including the right of the Board to subpoena witnesses and the right of an applicant to engage legal counsel and produce evidence, and (4) the making of written findings

of fact, conclusions of law and orders based thereon, by the Board.

Orders of the Board shall be final when in favor of the applicant, registrant, or respondent. When an order is unfavorable to the applicant, registrant, or respondent, he may appeal such order to the District Court of the judicial division in which he resides.

Sec. 17. **Violation of Act.** Any person who violates the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by im-

prisonment for not more than 30 days. The Board shall investigate every supposed violation of this Act coming to its notice and shall report all cases that in the judgment of the Board warrant prosecution to the proper law enforcement officials.

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

Approved March 20, 1957

CHAPTER 75

AN ACT

Relating to Duties and Powers of the Director of the Employment Security Commission; amending Article III, Chapter 5, ESLA 1955; and declaring an emergency.

(H. B. 13)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Sec. 311 of Article III, Chapter 5, ESLA 1955, is hereby amended to read as follows:

Sec. 311. Duties and Powers of the Director or Temporary Acting Director. It shall be the duty of the Director to administer this Act in accordance with the provisions of Section 306, and he shall employ such persons, including a Deputy Director, make such expenditures, require such reports, make such investigations,

and take such other action as he deems necessary or suitable to that end. The Director is authorized to delegate his powers and duties to the Deputy Director or to a responsible employee of the agency at such time as he may be absent from his office. The Deputy Director shall also assume all the duties and powers of the Director at such time as that of office is vacant. In the absence of a full Commission, Director or Deputy Director, the senior member of the Commission, determined from the date that his