



LAWS OF ALASKA

1980

Source

CSSB 261

Chapter No.

55

AN ACT

Relating to physical therapists.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 2, 1980
Actual Effective Date: August 31, 1980

AN ACT

Relating to physical therapists.

* Section 1. AS 08.84.010 is amended to read:

Sec. 08.84.010. STATE PHYSICAL THERAPY BOARD. (a) There is created the State Physical Therapy Board, which consists of five members appointed by the governor. The membership consists of one physician licensed to practice medicine in the state, three physical therapists licensed [REGISTERED] in the state or two physical therapists and a physical therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be U. S. citizens domiciled in the state and shall be appointed for a term of four [TERMS OF ONE, TWO AND THREE] years, [RESPECTIVELY; ALL SUBSEQUENT APPOINTMENTS SHALL BE MADE FOR A TERM OF THREE YEARS] and until their successors are appointed. No member may serve more than two terms in succession. The governor may remove from the board a member for neglect of duty, incompetence, dishonorable conduct, or suspension or revocation of license.

(b) The Physical Therapy Board shall [CONDUCT EXAMINATIONS FOR APPLICANTS AND SHALL] control all matters pertaining to the licensing [REGISTRATION] of physical therapists and physical therapy assistants and the practice of physical therapy. The board shall

- (1) pass upon the qualifications of applicants;
- (2) conduct examinations;
- (3) issue temporary permits and licenses [REGISTRATION

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CERTIFICATES] to physical therapists and physical therapy assistants qualified under this chapter;

(4) suspend, [OR] revoke, or refuse to issue or renew a license in accordance with AS 08.84.120 [REGISTRATION CERTIFICATES, WHEN NECESSARY];

(5) keep a current register listing the name, business address, date and number of the license [REGISTRATION CERTIFICATE] of each physical therapist and physical therapy assistant who is licensed [REGISTERED] to practice in this state;

(6) keep a record and minutes of its meetings, proceedings and hearings and submit an annual report of its activities to the governor and other interested parties;

(7) limit or condition the authority to practice physical therapy, or discipline a practitioner, in accordance with AS 08.84.-185(a); and

(8) adopt regulations under AS 44.62.180 - 44.62.290 necessary to carry out the purposes of this chapter including regulations establishing qualifications for licensure and renewal of licensure as a physical therapist or physical therapy assistant.

* Sec. 2. AS 08.84.030 is amended to read:

Sec. 08.84.030. QUALIFICATIONS FOR LICENSING [REGISTRATION]. To be eligible for licensure [REGISTRATION] by the board as a physical therapist or physical therapy assistant, an applicant, unless a graduate of a foreign school of physical therapy located outside the United States, shall

[(1) BE OF GOOD MORAL CHARACTER;]

(2) have graduated from a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association, or the American Physical Therapy Association;

(3) pass to the satisfaction of the board an examination prepared by [FROM] the Professional Examination Service Association or by a national testing service approved by the board [,] to determine his fitness for practice as a physical therapist or physical therapy assistant, or be entitled to licensure [REGISTRATION] without examination as provided in AS 08.84.060;

(4) meet qualifications for licensure established in regulations adopted by the board under AS 08.84.010(b)(8).

* Sec. 3. AS 08.84 is amended by adding a new section to read:

Sec. 08.84.032. FOREIGN-TRAINED PHYSICAL THERAPY OR PHYSICAL THERAPY ASSISTANT APPLICANTS. To be eligible for licensure by the board as a physical therapist or physical therapy assistant, an applicant who is a graduate of a school of physical therapy which is located outside of the United States shall

(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a school approved by the Council on Medical Education and Hospitals of the American Medical Association or the American Physical Therapy Association, and furnish documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;

(2) have completed, to the satisfaction of the board, an internship under the continuous direction and immediate supervision of a physical therapist in an institution which ordinarily provides physical therapy and is approved by the board, for that period of time specified by the board, and furnish documentary evidence of compliance with this paragraph;

(3) pass an oral examination administered by a member of the board;

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1 (4) have met applicable requirements under the federal Immi-
2 gration and Nationality Act (8 U.S.C. 1101 et seq), unless a United
3 States citizen;

4 (5) pass the examination administered by the board under
5 AS 08.84.030(3); and

6 (6) pay the fee prescribed under AS 08.84.050(2) and (3).

7 * Sec. 4. AS 08.84.040 is amended to read:

8 Sec. 08.84.040. APPLICATION FOR LICENSE [REGISTRATION]. To be
9 licensed [REGISTERED] as a physical therapist or physical therapy assis-
10 tant, an applicant shall apply to the board on a form prescribed by the
11 board. An applicant shall include in his application, evidence under
12 oath that he possesses the qualifications required by AS 08.84.030
13 or 08.84.032.

14 * Sec. 5. AS 08.84.050 is amended to read:

15 Sec. 08.84.050. FEES. The following fees shall be imposed under
16 this chapter when applicable:

- 17 (1) application.....\$50 [\$25]
18 (2) licensure [REGISTRATION] by examination.....50 [25]
19 (3) licensure [REGISTRATION] by acceptance of
20 credentials [ENDORSEMENT].....50 [25]
21 (4) quadrennial [BIENNIAL] renewal.....200 [25]
22 (5) temporary permit.....20 [10]

23 * Sec. 6. AS 08.84.060 is amended to read:

24 Sec. 08.84.060. LICENSURE [REGISTRATION] BY ACCEPTANCE OF CRE-
25 DENTIALS [ENDORSEMENT]. The board may license [REGISTER] without
26 examination an applicant who is a physical therapist or physical therapy
27 assistant licensed [REGISTERED] under the laws of another state or
28 territory or the District of Columbia, if the requirements for licensure
29 [REGISTRATION] in that state or territory or the District of Columbia,

were, at the date of his licensure [REGISTRATION], substantially equal to the requirements in this state.

* Sec. 7. AS 08.84.065 is amended to read:

Sec. 08.84.065. TEMPORARY PERMIT. (a) The board may issue a nonrenewable temporary permit to an applicant for licensure [REGISTRATION] by acceptance of credentials [ENDORSEMENT] or by examination who meets the requirements of AS 08.84.030(2) and 08.84.032(2) and (4) [AS 08.84.030(1) AND] and pays the required fee.

(b) A temporary permit issued to an applicant for licensure [REGISTRATION] by acceptance of credentials [ENDORSEMENT] is valid for eight months or until the board considers the applicant's [ENDORSEMENT] application for acceptance of his credentials, whichever occurs first.

(c) A temporary permit issued to an applicant for licensure [REGISTRATION] by examination is valid for eight months or until the results of the first examination for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take the first examination for which he is scheduled his temporary permit lapses on the day of the examination.

(d) A temporary permit issued to an applicant who is a graduate of a foreign school of physical therapy located outside the United States is valid until completion of the internship required under AS 08.84.-032(3).

* Sec. 8. AS 08.84.080 is amended to read:

Sec. 08.84.080. EXAMINATIONS. [(a)] The board shall examine applicants for licensure [REGISTRATION] as physical therapists or physical therapy assistants at the times and places it determines.

[(b) AN APPLICATION FOR EXAMINATION SHALL BE SUBMITTED TO THE DEPARTMENT AT LEAST 40 DAYS BEFORE THE EXAMINATION DATE.]

* Sec. 9. AS 08.84.090 is amended to read:

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1 Sec. 08.84.090. LICENSURE [REGISTRATION]. The board shall license
2 [REGISTER] an applicant who meets the qualifications for licensure
3 [REGISTRATION] under this chapter. It shall issue a license certificate
4 [OF REGISTRATION] to each person licensed [REGISTERED]. A license
5 certificate [OF REGISTRATION] is prima facie evidence of the right of
6 the person to represent himself as a licensed [REGISTERED] physical
7 therapist or licensed [REGISTERED] physical therapy assistant.

8 * Sec. 10. AS 08.84.100 is amended to read:

9 Sec. 08.84.100. RENEWAL OF LICENSE [REGISTRATION]. (a) A li-
10 icensed [REGISTERED] physical therapist or physical therapy assistant
11 shall renew his license every four years [REGISTRATION BIENNIALY] with
12 the Department of Commerce and Economic Development on or before the
13 date set by the department under AS 08.01.100(a). If the license
14 [REGISTRATION] is not renewed on or before that date, it lapses.

15 (b) A penalty of \$10 shall be charged in addition to all delin-

16 quent renewal fees for reinstatement of a license [REGISTRATION] which
17 remains lapsed for more than 60 days. If the license [REGISTRATION]
18 remains lapsed for more than three years, the board may require the
19 applicant to take and pass the examination given under AS 08.84.030(3).

20 (c) A license may not be renewed unless the applicant demonstrates
21 his competence as a physical therapist or physical therapy assistant in
22 a manner established by the board in regulations adopted under AS 08.-
23 84.010(b)(8).

24 * Sec. 11. AS 08.84.120 is amended to read:

25 Sec. 08.84.120. REFUSAL, REVOCATION AND SUSPENSION OF LICENSE
26 [REGISTRATION]. The board may refuse to license [REGISTER] an appli-
27 cant, may refuse to renew the license [REGISTRATION] of a person, and
28 may suspend or revoke the license [REGISTRATION] of a person who

29 (1) uses drugs or intoxicating liquors in any manner which

affects his practice of physical therapy [IS HABITUALLY DRUNK OR AD-
DICTED TO THE USE OF NARCOTIC DRUGS;

(2) IS, IN THE JUDGMENT OF THE BOARD, GUILTY OF IMMORAL OR
UNPROFESSIONAL CONDUCT];

(3) has been convicted of violating a state or federal nar-
cotic law and has not been rehabilitated to the satisfaction of the
board;

(4) has been convicted of a felony and has not been rehabili-
tated to the satisfaction of the board [CRIME INVOLVING MORAL TURPI-
TUDE];

(5) is guilty, in the judgment of the board, of gross negli-
gence in his practice as a physical therapist;

(6) has obtained or attempted to obtain a license [REGISTRA-
TION] by fraud or material misrepresentation;

(7) has been declared mentally ill by a court and has not
thereafter been lawfully declared sane; [OR]

(8) has treated or attempted to treat ailments of human
beings otherwise than by physical therapy, or has attempted to practice
independent of the prescription and direction of a person licensed to
practice medicine, [OR] osteopathy, dentistry or podiatry;

(9) as a physical therapy assistant, has attempted to prac-
tice physical therapy which has not been initiated, supervised and
terminated by a licensed [REGISTERED] physical therapist;

(10) has been held liable for malpractice in a civil action.

* Sec. 12. AS 08.84.130 is amended to read:

Sec. 08.84.130. FALSE CLAIM OF LICENSE [REGISTRATION] FORBIDDEN.

(a) A person not licensed [REGISTERED] as a physical therapist, or
whose license [REGISTRATION] is suspended or revoked, or whose license
[REGISTRATION] is lapsed, who uses in connection with his name the words

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1 or letters "L.P.T." ["R.P.T."], "Licensed [REGISTERED] Physical Thera-
2 pist," or other letters, words, or insignia indicating or implying that
3 he is a licensed [REGISTERED] physical therapist, or who in any way,
4 orally, or in writing, directly or by implication, represents himself as
5 a licensed [REGISTERED] physical therapist is guilty of a misdemeanor.

6 (b) A person not licensed [REGISTERED] as a physical therapy
7 assistant, or whose license [REGISTRATION] is suspended or revoked, or
8 whose license [REGISTRATION] is lapsed, who in any way, orally, or in
9 writing, directly or by implication, represents himself as a licensed
10 [REGISTERED] physical therapy assistant is guilty of a misdemeanor.

11 * Sec. 13. AS 08.84.140 is amended to read:

12 Sec. 08.84.140. PENALTY FOR FRAUD IN OBTAINING LICENSE [REGISTRA-
13 TION]. A person who wilfully makes a false oath or affirmation or who
14 obtains or attempts to obtain a license [REGISTRATION] by a fraudulent
15 representation is guilty of a misdemeanor.

16 * Sec. 14. AS 08.84.150 is amended to read:

17 Sec. 08.84.150. LICENSURE [REGISTRATION] OF PHYSICAL THERAPISTS.
18 [(a)] It is unlawful for anyone to practice physical therapy without
19 being licensed [REGISTERED] in accordance with this chapter unless a
20 student in an accredited physical therapy program or a graduate of a
21 foreign school of physical therapy fulfilling the internship requirement
22 of AS 08.84.032(3), and then only unless under the continuous direction
23 and immediate supervision of a physical therapist.

24 [(b) A PERSON PRACTICING PHYSICAL THERAPY WITHOUT BEING REGISTERED
25 ON APRIL 27, 1969 MAY CONTINUE TO PRACTICE FOR A PERIOD OF SIX MONTHS.
26 AT THE END OF THAT PERIOD HE MUST BE REGISTERED UNDER AS 08.84.090 IN
27 ORDER TO CONTINUE TO PRACTICE PHYSICAL THERAPY IN THE STATE.]

28 * Sec. 15. AS 08.84.160 is amended to read:

29 Sec. 08.84.160. PRACTICE OF LICENSED [REGISTERED] PHYSICAL THERA-

PIST. A person licensed [REGISTERED] under this chapter may not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person licensed to practice medicine, [OR] osteopathy, dentistry or podiatry. This chapter does not authorize any person to practice medicine, osteopathy, chiropractic, or other method of healing. [A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR.]

* Sec. 16. AS 08.84.180 is amended to read:

Sec. 08.84.180. INVESTIGATION [BY BOARD]. The board shall request appropriate authorities to conduct investigations of [INVESTIGATE] every supposed violation of this chapter coming to its notice and shall report all cases which in the judgment of the board warrant prosecution to the proper law enforcement officials.

* Sec. 17. AS 08.84.190(3) is repealed and re-enacted to read:

(3) "physical therapy" means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.

* Sec. 18. The provisions of this Act do not affect members of the State

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1 Physical Therapy Board serving on the board on the effective date of this
2 Act.

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