

After June 1947, ^{during} 1948

MEMORANDUM ON PHYSICAL THERAPY ACT

I Definitions and Powers of the Board of Physical Therapy Examiners

The Physical Therapy Act, according to its title, is an act to license and regulate the practice of physical therapy and provide "penalties for the unauthorized practice of physical therapy" and for the illegal use of the title "Physical Therapist".

For the purposes of the Act physical therapy is defined in sec. 531 as the "treatment of human injuries, diseases, or disabilities by means of the healing properties of exercise, massage, ultra-violet rays, mechanical devices, heat, cold, air, light, water, and electricity ----."

Sec. 532 defines a Physical Therapist as one who treats human diseases, injuries or disabilities by Physical Therapy. Such physical therapist treats only patients diagnosed and referred by licensed medical doctors, treats for fees and meets the qualifications for training and experience as set forth in the Act.

The Governor is given the authority to appoint a 5 man board for purposes of examining, licensing and controlling those who are licensed by means of revoking the license of any Physical Therapist violating the act. The Board is also given authority to prohibit anyone not so licensed from using any title such as "P.T." or "any other words, letters or symbols approved by the State Board of Physical Therapy Examiners indicating that he or she is a licensed Physical Therapist in this State ----." Violations are misdemeanors subject to a fine not to exceed \$100.00. (emphasis supplied)

Clearly, then, the Act only regulates those who are licensed or those who hold themselves out to the public as being licensed when they are not so licensed. It does nothing to prohibit anyone, regardless of experience, from practicing physiotherapy so long as such person does not use the term "P.T." or other words or symbols approved by the Board.

II Chiropractic Amendment

The Chiropractic Act which is part of the Maryland Code Art. 43, Health, regulating the Chiropractors, defines Chiropractic as a "drugless health system---." The practice of Chiropractic is defined as "diagnosis, the location of dislocated or displaced vertebrae of the human spinal column, the procedure preparatory to and the adjustment by hand of such misaligned or displaced vertebrae of the spinal column and its articulations, by any method not including the use of drugs, surgery or obstetrics, nor any branch of medicine, ----." (emphasis supplied)

An amendment to this Act was introduced in the legislature this year which would add to the definition of the practice of Chiropractic the following exception: "--- providing that nothing herein contained shall be construed to prohibit the use of by any licensed Chiropractor of all necessary electrical, mechanical, dietetic and sanitray measures incident to the care of the human body." (emphasis supplied)

This amendment was defeated but the Chiropractors were successful in having an amendment placed on the Physical Therapy Act which provided that nothing in the Physical Therapy Act was to be construed "to amend the laws relating to the practice of Chiropractic,----- or to prohibit Chiropractors from practicing physical therapy in their practice as Chiropractors."

It is obvious that, had the amendment to their Act passed, the Chiropractors would have placed the entire field of physical therapy within their own jurisdiction without having to comply with the regulations of the Physical Therapy Act which provides that Physical Therapists treat only those patients diagnosed and referred by licensed medical doctors.

The present status of the Chiropractic Act, fortunately, has not been changed by the Physical Therapy Act, because the Chiropractors cannot do, by means of another Act, what their own Act prohibits them from doing.

This, however, must not be taken as an excuse for relaxing vigilance. It is a very strong indication of their aims and is a part of their nation-wide campaign to expand their own interests and absorb physical therapy.

III The Medical Practice Act

The Medical Practice Act which is also a part of the Maryland Code, Title 43, Health, licenses and regulates the practice of Medicine in Maryland through the Medical and Chirurgical Faculty. The Act, first passed in 1892, added an amendment in 1908 which is sec. 139 of Article 43. This section provides in part as follows: "Any person shall be regarded as practicing medicine within the meaning of this sub-title who shall append to his or her name, with the intent thereby to imply that he or she is engaged in the art or science of healing, or in the practice of medicine in any of its branches, or who shall --- profess to heal, prescribe for, or otherwise treat any physical ---- ailment of another, or who shall for hire or for any gratuity or compensation, either directly or indirectly to him or her paid, undertake by any appliance, operation or treatment of whatever nature, to cure, heal or treat any bodily ----- ailment of another; ----- but nothing herein contained shall be construed to apply ----- to masseurs, or other manual manipulators who use no other means;". Provision is made for the police commissioners of Baltimore City and the sheriff of each county in the State to report to the State's Attorney all cases of violation of the provisions of this sub-title. It is the duty of the secretary of the State Board to investigate and institute all prosecutions or proceedings where such violations occur.

At this time, under the heading "Physiotherapists" in the classified section of the city telephone directory, 18 physiotherapists are listed as "Dr.", without any other qualifying symbols.

IV Conclusions:

The physical therapists, in this State and throughout the country, who are interested in the welfare of the patient, will take only those patients referred by licensed medical doctors. Patients coming to them do not need the protection sought through such measures as the Physical Therapy Act.

Physical Therapy is, in every sense of the term, a branch of physical medicine and as such should have the full support of the medical profession. The Physical Therapy Act provides that all those licensed, shall treat only patients diagnosed and referred by medical doctors. This provision is not to protect the doctor, the physical therapist or the profession. It, as well as the Medical Practice Act, is to protect the health and welfare of the public by assuring the individual that when he needs diagnosis and treatment, he is going to a person who is in fact a member of the medical profession or one who has been trained and approved by the medical profession.

This presupposes also that a medical man, not familiar with the physical

therapy field, but wishing his patient to have physical therapy treatment, will feel safe in recommending any licensed physical therapist.

To assure to the public, the medical profession, and the patient, the facilities for such treatment, the Physical Therapy Board of Examiners should consist of at least 3 licensed medical men familiar with problems and needs attending the use of physical therapy in the treatment of "human injuries, diseases, or disabilities."

The next session of the legislature in 1949 will, no doubt, again bring bills to amend the Chiropractic Act and probably also to amend the Physical Therapy Act. Because of the terrific political pressure involved in such legislation it is urgently recommended that the Medical and Chirurgical Faculty make known to all its members the provisions of the Medical Practice Act, the other Acts which have tended to take away from the jurisdiction of the medical profession, the protection of public health, and so amend the Medical Practice Act as to definitely make physical therapy a part of physical medicine.