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(Amendments underlined)*

LAWS OF MARYLAND RELATED TO PHYSICAL THERAPY

Annotated Code of Maryland, Article 43

"Health"

Sections 604 - 614. Physical Therapy

<u>SEC.</u>		<u>SEC.</u>	
604.	"Physical therapy" defined.	609.	Suspension and revocation of licenses.
605.	"Physical therapist" defined.	610.	Licenses - In general.
606.	State Board of Physical Therapy Examiners.	611.	Licenses - Fees and renewal.
607.	Examinations.	612.	Use of letters "P.T."
608.	Qualifications of applicants' rules and regulations.	613.	Penalty.
		614.	Inconsistent laws; scope.

SEC. 604. "Physical therapy" defined.

Physical therapy is a para-medical specialty concerned with the physical rehabilitation of persons having disability resulting from, or secondary to, injury, or disease.

The Practice of Physical Therapy defined.

The practice of physical therapy means the practice, for compensation directly or indirectly paid, of the para-medical specialty and includes:

1. Performing and interpreting tests and measurements of neuro-muscular and musculo-skeletal functions as an aid to treatment;
2. Planning initial and subsequent treatment programs, on the basis of test-findings, and within the orders of the referring physician; and
3. Administering treatment through the use of therapeutic exercise, massage, mechanical devices, and therapeutic agents which employ the physical, chemical, and other properties of air, water, electricity, sound, and radiant energy;

but does not include the use of Roentgen rays or radium, nor the use of electricity for cauterization or surgery.

SEC. 605. "Physical therapist" defined.

"Physical therapist," as defined in this subtitle, means a person who practices physical therapy.

SEC. 606. State Board of Physical Therapy Examiners.

The State Board of Physical Therapy Examiners as it existed prior to June 1, 1968 is hereby continued, except that on and after this date, the Board shall consist of five members. The Board shall be part of the Department of Health and Mental Hygiene. Three members of the Board shall be

physical therapists who are licensed to practice physical therapy under this subtitle and who are actively engaged in physical therapy in the State. Two members of the Board shall be licensed to practice medicine under the provisions of this Article. Members of the Board shall be appointed by the Governor, upon the recommendation of the Secretary of Health and Mental Hygiene, for terms of five years each. All appointments shall be made as terms on the Board respectively expire (other than by abolition of positions) and so as to preserve the composition of the Board; the appointments shall be made from lists of qualified persons submitted to the Governor and the Secretary of Health and Mental Hygiene by the Medical and Chirurgical Faculty of Maryland and shall contain not less than three names for each appointment to be made. Vacancies shall be filled by the Governor, upon the recommendation of the Secretary of Health and Mental Hygiene, for the unexpired term in the manner provided herein. A quorum of the Board for the transaction of business shall be four members. Members of the Board shall be entitled to receive such compensation as it may determine from time to time, not to exceed twenty-five dollars (\$25.00) per day for each day they are engaged in transacting the business of the Board. The members shall receive also their necessary traveling expenses. The Board shall elect annually one of its members as chairman, and shall also elect annually a secretary, who need not be a member of the Board. The secretary shall receive such compensation as may be provided in the budget; and the compensation of the members, the secretary and all expenses of the Board shall be paid from its receipts. The Board shall have the authority to obtain information which it may require in the field of physical therapy and for that purpose, may secure the advice of experts and consultants to be paid out of the funds of the Board.

Sec. 607. Examinations.

Semi-annually, or more often if the Board shall deem it necessary, the said Board shall hold an examination for applicants for licenses to practice physical therapy in this State. Notice of time and place of such examination shall be given by one or more announcements in a daily newspaper published in the City of Baltimore and by such other methods as the said Board may see fit to use.

Sec. 608. Qualifications of applicants; rules and regulations.

The said Board is empowered to pass upon the qualifications of applicants for licenses and shall make such rules and regulations, not inconsistent with this subtitle, as are necessary for the examination and licensing of applicants, and for suspension or revocation of licenses.

SEC. 609. Suspension and revocation of licenses.

a) The Board may refuse to grant a license to an applicant, or it may suspend or revoke a license on any of the following grounds:

- 1) Habitual indulgence in the use of narcotic drugs or other habit-forming drugs or in the use of alcoholic liquors to an extent which affects professional competency;
- 2) The treatment or attempt to treat ailments or other health conditions of human beings by means other than physical therapy, except where specifically licensed to do so;

- 3) Conviction of a felony or a crime involving moral turpitude;
- 4) Conviction of a violation of any municipal, state, or federal narcotic law;
- 5) Obtaining or attempting to obtain licensure by fraud or deception;
- 6) The practice of physical therapy other than under the written or verbal order of a physician licensed to practice medicine and surgery.

b) Before revoking or suspending any license, the Board shall furnish a copy of the complaint and charges to the person charged, and afford that person an opportunity for a hearing before the Board, in person or by his attorney. The Board's action shall be made in writing, giving the reasons for its action, and a copy shall be delivered or mailed to the person charged. Within sixty days after receipt of notice of revocation or suspension of the person charged may appeal the action of the Board to the Circuit Court of the county or the Baltimore City court where the person resides. Either party to the appeal has a further right to appeal to the Court of Appeals from the decision of the court on appeal from the Board.

SEC. 610. Licenses - In general.

a) All persons who make application for license shall meet the following requirements:

- 1) Be of good moral character.
- 2) If educated in the United States or Puerto Rico, be a graduate of a school or course of physical therapy which, in the year of graduation, is approved by the Council on Medical Education of the American Medical Association and/or the American Physical Therapy Association; if educated in a foreign country, be a graduate of a school or course of physical therapy which has educational requirements comparable to those approved by the Council on Medical Education of the American Medical Association and/or the American Physical Therapy Association, and have his or her credentials approved by the American Physical Therapy Association.

b) Any physical therapist who is licensed or registered in any other state, Commonwealth, Possession of the United States, or the District of Columbia, and who meets the qualifications for licensure by examination in Maryland, and was licensed by examination in the other State may, at the discretion of the Board, be eligible to receive a license as a physical therapist in this State, without examination.

c) Before commencing the practice of physical therapy in Maryland, a written application for license, and such other documents as the Board may require, must be filed with the Board and a temporary license issued. The Board shall issue a temporary license to a person who has applied for a license under sub-section (a) and who is eligible to take the examination as provided herein. The temporary license shall not exceed the date of the next scheduled examination and shall expire when the Board makes a final determination with respect to the application. At the discretion of the Board, a temporary license may be renewed only once, and the renewal shall not exceed the date of the next scheduled examination.

SEC. 611. Licenses - Fees and renewal.

All persons licensed as physical therapists under the provisions of this subtitle shall, as a condition precedent to the granting of such license, pay to the State Board of Physical Therapy Examiners, a fee of ten dollars (\$10.00) which shall accompany the application for the license. Said fee shall be retained by the Board, whether or not the license is issued. All licenses shall be renewed annually by application to the Board, upon payment of a renewal fee of five dollars (\$5.00), and the renewal of license shall be granted unless the licensee improperly; or unlawfully obtained the license in the first instance or since its issuance has committed a substantial violation of any of the provisions of this subtitle. Each license issued or renewed after June 1, 1951, shall be renewed annually upon payment of a renewal fee of five dollars (\$5.00). Any licensee who fails to make application for renewal of his or her license within three months of its expiration, accompanied by the required renewal fee, shall be refused a renewal until he or she shall have successfully passed the examination as set forth in subsection (b) of Section 610 of this subtitle and paid the ten dollars (\$10.00) fee hereinbefore set forth for such examination.

SEC. 612. Use of Letters "P.T."

All persons licensed as physical therapists under the provisions of this subtitle, and no others, shall be known as physical therapists and shall be entitled to use the abbreviation "P.T." or any other words, letters, or symbols which indicate that the person using the same is a licensed physical therapist and authorized to practice as such in this State. The State Board of Physical Therapy Examiners shall send to the State Board of Health and Mental Hygiene the name and address of each person licensed as a physical therapist.

SEC. 613. Penalty

Subject to the provisions of this subtitle, no person shall practice as a physical therapist as defined herein, not use the abbreviation "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 unless licensed as herein provided. Any person violating any provision of this subtitle shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00). The State Board of Physical Therapy Examiners shall cause to be presented to the State's Attorney of Baltimore City or of the county wherein any violation occurs, evidence of such violation and may incur any necessary expense in the performance of such duty, such expense to be paid out of the receipts of said Board.

SEC. 614. Inconsistent laws: scope.

All laws or parts of laws inconsistent herewith are repealed to the extent of such inconsistency, but nothing herein contained shall be construed to apply to students in the fulfillment of a physical therapy educational program of a school of Physical Therapy which is approved by the Board if the students are under the direct supervision of a licensed physical therapist, or be construed to amend the laws relating to the practice of chiropractic, osteopathy, dentistry, chiropody, nursing, optometry, medicine and surgery, except as

specifically provided in this subtitle. Nothing in this subtitle shall be construed to prohibit chiropractors from practicing physical therapy in their practice as chiropractors; or to apply to the practice of beauty culture, hairdressing, or in the operation of health clubs, so far as non-medical treatments are concerned; or to prohibit or prevent the advertising of health clubs as health clubs. Neither shall any section be taken under the authority of this subtitle to accomplish any of these results.