

April 22, 1947.

LEGISLATIVE COMMITTEE, MARYLAND CHAPTER
AMERICAN PHYSIOTHERAPY ASSOCIATION
ANNUAL REPORT

The members of the Maryland Chapter of the American Physiotherapy Association have been engrossed in the problems of Legislation and even now we are too close to these problems to have a proper perspective.

At the time of this report, the status is this: House Bill #69 was introduced on January 3, 1947. This bill was a Council Bill which means that it had been presented to the Legislative Council of the General Assembly for Hearing between Legislative Sessions and was approved by them. It was introduced by the Speaker of the House. Through a series of almost fantastic events (which are partially explained in the attached detailed report of events in chronological order) the Bill finally passed the House and the Senate and is now awaiting the Governor's signature.

Though we worked very hard and gave up much time going to Annapolis, we have even now requested that the Governor withhold his signature from this Bill if the Medical Faculty will make a move to amend the Medical Practice Act. Fortunately, the State meeting of the Medical and Chirurgical Faculty is being held this week and the opportunity has arisen to have the problem of Physical Therapy (and Occupational Therapy) legislation brought before the Governing body of the Faculty. The Faculty has requested that the Governor withhold his signature on House Bill #69 until they reach a decision in regard to whether an amendment can be proposed at the next legislative session.

We have had one objective since 1940 when matters of Physical Therapy legislation first appeared as a problem in our Chapter; namely, - To seek legislation by an Amendment to the Medical Practice Act. In 1945 we were forced to submit a bill to counter a poor Physical Therapy bill. These efforts in 1945 were a necessary substitute because we had made no progress in breaking down the barrier that stands in the way of a Medical Practice Act Amendment. The 1947 Bill was an outgrowth of the 1945 Bill because that Bill was passed into the hands of the Legislative Council. On December 17, before the January 1, 1947, date for the Legislature convening, we made another effort to arouse the Medical and Chirurgical Faculty into some action in regard to a Medical Practice Amendment. Since no such move was made, we were in the position of having to back our own Bill if introduced in the Legislature.

As you will see by the reports on the events that followed the introduction of this bill, we have been through a very trying period.

Thurs., Dec. 12

Representative of the National Chapter of the American Occupational Therapy and American Physiotherapy Association met at Pentagon Building, Washington, D.C., Purpose: To discuss problems of legislation and advisability of joint action. Suggestion was made to approach State Medical Societies in regard to amending Medical Practice Act.

Tues., Dec. 17

Meeting at Medical and Chirurgical Faculty Library. Members of Physical Therapy Committee of the Faculty, Representative Physical Therapists, and Occupational Therapists (national and local) were present.

Fri., Jan. 3

House Bill #69 re Physical Therapy introduced in Assembly.

Sat., Jan. 4

Florence P. Kendall went to Printer's to see what Physical Therapy bill was introduced. Bill not yet printed but obtained permission to see proof. Relieved to find it was Registry Bill.

Mon., Jan. 5

Copies of bill obtained from printers.

Tues., Jan. 6

Word for word comparison of printed bill with original disclosed that bill was verbatim as submitted except for injection into next to last section the words - (following the words - nothing herein contained shall be construed ----) "to prohibit chirepractors from practicing physical therapy".

Florence P. Kendall sought advice of our lawyer, Mr. Campbell. He advised that in view of the fact that the Chiropractors had strong representation through their lawyer at Annapolis, we would probably fail in efforts to take out this phrase. He recommended that we ask to amend the bill still further by adding "if they can qualify under the provisions of this subtitle".

Early Jan.

At the suggestion of Dr. F. V. Beitler, Chairman, Legislative Committee, Maryland Medical and Chirurgical Faculty, an effort was made to contact Mr. George Dobbin Penniman, requesting him to organize a citizens' committee to help promote Physical Therapy Legislation. Mr. Penniman agreed to assist.

Thurs., Jan. 16

Meeting of Maryland State Registry of Physical Therapy (At J.H.H.). [The Maryland State Registry of Physical Therapy was started by the Maryland Chapter, American Physiotherapy Association, several years ago in order to have a state organization for promoting legislation.]

Thurs., Jan. 16, cont'd.

Purpose: To discuss matters of Legislation. Mr. George Penniman, Dr. P. V. Beitler, and Mr. Forlifer (Manager of a Health Club) were present.

It was the intention of the Registry to inform Mr. Forlifer that the bill specifically exempted Health Clubs in non-medical treatments which employ Physical Therapy modalities; the reason being that Health Clubs opposed the 1945 bill relating to Physical Therapy. To our surprise we learned that this particular Health Club wished to be considered as an institution for medical cases. Statements were made which indicated that numerous doctors referred cases for follow-up Physical Therapy care. Before the meeting closed, the Health Club manager sought membership in our Registry.

Jan. 20

An article appeared in the Baltimore News Post stating that the Maryland State Physical Therapy Society, Inc., objected to House Bill #69 on grounds that it was monopolistic. They requested two main changes in the bill:

- 1.) That the Physical Therapy Society be added along with the Maryland State Registry for license without examination.
- 2.) That either letters from three medical doctors or evidence of hospital experience and training be required rather than both as the original bill stated.

Jan. 21

Attempts were made to answer this protest through the press but without success.

Fri., Jan. 24

Meeting at office of Mr. G. D. Penniman. "Drs." Roskopf, McLean, Becker and Cornblatt represented the Maryland State Society of Physical Therapy, Inc. Their lawyer, Mr. Broverman, and a stenotypist (supplied by the Society) were also present. Evelyn Byrd and Florence P. Kendall represented the Maryland State Registry of Physical Therapists.

The Society presented the Amendments they wished to have added to the House Bill #69.

They had come fully expecting that we would act in a legal capacity for our organization, and at least one of their members became very indignant when he found we were not there to sign any agreements but merely to hear their proposals and present them to our organization. Except for Mr. Penniman, the meeting would have ended abruptly at the outset.

Sun., Jan. 26

Meeting at home of Dr. P.V. Beitler (Legislative Committee, Chairman of Medical and Chirurgical Faculty), Evelyn Byrd, Henry O. and Florence P. Kendall. Purpose: To try again to ask the Medical and Chirurgical Faculty to amend the Medical Practice Act. The meeting

Jan. 26, Cont'd.

lasted almost two hours, discussing the pros and cons of compromising with the Physical Therapy Society, and the possibilities of Medical Practice Act Amendment. For the first time we felt that Dr. Beitler gave us some encouragement in regard to the possibility of an amendment.

Tues., Jan. 28

Meeting of Maryland State Registry.

The proposals made by the Society were discussed. Mr. Penniman was present, and advised us to agree to these proposals if it be our objective to obtain legislation.

Indecision was present in the group, and the final outcome was that Miss Byrd and Mr. and Mrs. Kendall (with the help of a committee chosen by them) would make the decision in regard to whether to amend the present bill or chose some other course. Group feeling - that amendment to Medical Practice Act be pursued.

Wed., Jan. 29

Calls were made requesting that we be permitted to present our problems to the officers of the Medical and Chirurgical Faculty. Through persistent effort such a meeting was arranged for the following afternoon.

Thurs., Jan. 30

Meeting with officers of Medical and Chirurgical Faculty and Chairman of Physical Therapy Committee of the Faculty. The attached letter states fully our efforts at this meeting. The outcome of the meeting was this: The officers of the Faculty felt that an effort should be made to amend the Medical Practice Act. They recommended that the present bill (House Bill #69) be left in Committee. If legislation does go through and it is not satisfactory we can change at later date. We were much relieved ^{that} nothing ^{is} done ^{yet} this year. We knew that what had been done was what all of us wanted done. But our worries were far from over.

Fri., Jan. 31

Mr. Penniman came to Children's Hospital School. He read the letter we had presented to the Faculty. He then conveyed our intent to the Directors of the Maryland Physical Therapy Society who were not pleased to let the matter drop. They requested a joint meeting of the Directors of their group, and a committee from our group who could act in legal capacity for the Registry. Again on Mr. Penniman's advice, we agreed to the meeting.

Sun., Feb. 2

A meeting of the Directors of the Maryland State Physical Therapy Society and a committee of five from the Maryland State Registry. Meeting lasted from 10:30 a.m. to 2:45 p.m. Again the Society furnished a stenotypist. (But the Maryland Registry has not received copies of the proceedings from either of the meetings at which the stenotypist was present ^{at the} we requested copies at the close of this and previous meeting when stenotypist was present. The outcome of this meeting is stated in the enclosed copies of correspondence.

Sun., Feb. 2, Cont'd.

We hoped these letters would bring a statement from the Faculty advising us that we should drop present legislation. But no reply came other than an acknowledgment of receipt of the letter. We waited two weeks and finally Miss Byrd called Dr. Beitler, who merely said there was no way the Faculty could draw up an amendment this year. Work to put House Bill #69 through. In our bewilderment about what really was the best course to follow - and under constant pressure by the Physical Therapy Society, and in fear of Chiropractors seeking legislation to control Physical Therapy, we set about to work hard for passage of House Bill #69. The more obstacles we encountered, the more effort we put forth.

Tues., Feb. 18

Trips to Annapolis started for members of our group. Miss Byrd and Miss Huether met "Drs." Rosskopf, McLean and Becker at Annapolis and went to Chairman of *Public Health* and Hygiene Committee to inform him that both Physical Therapy Groups had agreed to support the bill with amendments as sent him. Unable to contact Dr. Stewart, *they* saw Mr. Bustard, the Vice-Chairman, Hy. Committee instead.

Tues., Mar. 4

Miss Nancy Wolfe and Miss Helen Coburn of the Registry met the Director of the Physical Therapy Society at Annapolis. They learned there was to be a Committee Hearing on a Health Club Amendment the next day. Dr. Stewart had bill with Health Club Amendment but minus all eight original amendments. [Contact with Dr. Beitler and Mr. Donovan revealed that they still had the copies of the ^{eight} amendment which had been sent to them by Dr. Stewart for their approval or otherwise.]

Wed., Mar. 5

The Directors of the Physical Therapy Society and Henry and Florence Kendall went to Annapolis for Committee Hearing. Before the Hearing, Mr. & Mrs. Kendall approached Mr. Forlifer and asked his motive in submitting an amendment. When the amendment was read by them, they were shocked to find such latitude in the proposed amendment. *Health Club Amendment:*

By the Committee.

AMENDMENT TO HOUSE BILL NO. 69.

In lines 6,7,8 and 9, Section 541, page 4 of the printed bill, strike out "; nor to the practice of beauty culture, hair dressing or in the operation of health clubs, in non-medical treatments, except as specifically provided in this sub-title" and insert in lieu thereof the following:

"or health clubs or physical culture institutions from treatment of the human body, whether such treatments be medical or non-medical, by means of exercise, massage, mechanical devices, heat, cold, light, water and

electricity, to the same degree and extent that such health clubs and physical culture institutions were permitted by law to render such treatments prior to the effective date of this Act; nor to the practice of beauty culture and hair dressing."

They proceeded to point out to Mr. Forlifer that such an amendment was ridiculous - Health Clubs could not ask for such exemption in view of the Medical Practice Act, let alone the Physical Therapy bill.

The Amendment was tempered a great deal by the time the Hearing started - but the Hearing ended with dismissal (supposedly) of the Amendment. Later the rather innocuous amendment that appears in House Bill #69 was attached.

Tues., Mar. 11

Miss Johnson and Miss Byrd and "Drs." McLean, Becker, and Rosskopf went to Annapolis. They signed an agreement to permit inclusion of the Health Club Amendment as it appears.

Wed., Mar. 12

Another Committee Hearing at Annapolis. This time the Chiropractors objected to our request to drop the phrase that had been mysteriously added to our bill before original introduction into the House. This Hearing was very brief. No Chiropractors were present and the Committee dismissed us with the statement that the Amendments agreed upon would stand as originally proposed. This meant taking out the phrase relating to Chiropractors. Bill reported favorably out of Committee.

Mar. 14

Florence P. Kendall called printers. Information received was that third Reading bill had been printed and sent to Annapolis.

Mar. 18

Miss Byrd, Mr. & Mrs. Kendall, Drs. Becker and McLean went to Annapolis. Bill had not yet come up for third Reading. Mr. Kendall obtained assistance of Mr. Bertram Boone (Governor Lane's assistant) in tracing the Bill. It was found in the Safe. The record book listed one place that it had been sent up to Clerk of Court, but rechecking in back of book showed it had not. The Bills were brought out and Clerk carried them directly up to Clerk of Court's Office. The Chiropractors Bill (H.B.#83) was due for a Hearing the next day and we wanted our bill cleared first. With equal effort (and more success) they wanted our bill side-tracked until after their Hearing.

Wed., Mar. 19

House Bill #69 was voted upon at night session and was defeated by lack of constitutional majority.

10:30 p.m.

Following the adjournment, Mr. J. Davis Donovan (Medical Legal Advisor for Medical and Chirurgical Faculty) called Kendalls from Annapolis to inform them what had occurred and advised them that the bill could be brought up for revote the next day providing one member of the House made the motion and two others seconded it.

Thurs., Mar. 20

Several of our members went to Annapolis, as did those of the State Physical Therapy Society. Legislators were urged to pass the bill. It passed by a vote of 82 to 24.

Fri., Mar. 21

Miss Byrd went to Annapolis to see what should be done next in re to the Bill. Mr. Donovan said the Bill had been signed in at the office of the Clerk of the Senate and would be assigned to a Committee. Senate recessed.

Sun., Mar. 23

All possible contacts were made by Mr. & Mrs. Kendall to bring pressure on Senators to pass the Bill. Several members of the Senate Hygiene Committee were reached by telephone. Special Delivery letters went from Children's Hospital School to all members of the Senate. Telegrams were sent by various members of the Registry and by doctors whom the members had contacted. The State Physical Therapy Society flooded the Senate with telegrams. We are told that they spent over \$700.00 on telegrams to the Senators.

Mon., Mar. 24

"Drs." McLean, Roskopf and Becker, Miss Byrd and Mr. & Mrs. Kendall went to Annapolis expecting a Senate Hearing on House Bill #69. The Bill had not yet reached the Committee. Many Senators were contacted and asked to support House Bill #69. Chiropractors had sent many wires in opposition to the Bill. A Hearing was demanded by the Chiropractors and Mr. Donovan aided us in obtaining a definite time and date for the Hearing. It was set for 10:00 a.m. Wednesday, March 26.

Tues., Mar. 25

A special meeting of the Registry was called at the home of Miss Byrd. Of 52 Registry members, only 12 appeared for this important meeting. A motion was made and passed that a \$10.00 assessment be placed on all members.

Six doctors were called to see if any could possibly go to Annapolis the following day. All were busy - and we realized the request was very late.

Wed., Mar. 26

Committee Hearing at Annapolis on Proposed
Chiropractic Amendment.

On way to Annapolis, Mr. & Mrs. Kendall were told by "Dr." Becker that a member of the Medical and Chirurgical Faculty (who had attended a meeting of the Faculty the night before) said that word had been passed around at the meeting that there was to be no Medical representation at Annapolis in behalf of our bill. (This, so "Dr." Becker said, had not been made as a public announcement). Not knowing why the Faculty might have made such a decision, we felt quite "let down" by such news.

The Chiropractors and friends present at the Hearing probably numbered well over 100. There were eight Physical Therapy Registry members, ~~two~~ ^{occupational} physiotherapists and six Physical Therapy Society members plus the Society's lawyer, Mr. Broverman. Two representatives of Beauticians were in opposition to what they thought was same as 1945 Bill. Mr. Donovan who represented the Medical and Chirurgical Faculty appeared in favor of the Bill but in opposition to the Chiropractors amendment.

The Hearing had been delayed in starting, and there was much preliminary discussion between Physical Therapists and Chiropractors trying to reach an agreement. With no alternative except blocking the entire bill, we were forced into accepting the Chiropractic amendment which reads:

Nothing herein construed -- "to prohibit chiropractors from practicing physical therapy in their practice as chiropractors".

In the face of a seemingly pro-chiropractic Committee, there was no alternative. Mr. Broverman, Mr. Donovan and Mrs. Kendall spoke in behalf of the Physical Therapists. The bill with amendment was reported favorably out of Committee.

Thurs., Mar. 27

Miss Wolfe of the Registry went to Annapolis with "Drs." McLean, Becker and Rosskopf. After a great deal of personal effort on the part of McLean the Bill was kept moving until the Senate passed it, and it was sent to the House to concur on the Chiropractors Amendment.

Fri., Mar. 28

Miss Byrd went with member of Maryland State Physical Therapy Society to Annapolis. After considerable press ure, the bill was brought out for a vote in the House and passed by 114 to 8.

Thurs., April 17

Meeting at JMH. Maryland State Registry of Physical Therapy invited the entire membership of the Physical Therapy Society to be present. Seven of their members appeared. Gordon McLean introduced the members as - Dr. McLean, Dr. Rosskopf, Dr. Becker, Dr. Cornblatt, Dr. London, Dr. Chris and Dr. McGlothlin.

Thurs., April 17, Cont'd.

At this meeting which lasted over two hours, only two topics were covered:

- 1.) A gentleman's agreement had been reached, which closed membership in the Society and in the Registry until after the Bill became a law. We considered it necessary to wait on the Governor's signature - did they also, or had they started to accept new members. *previously*
Answer was slightly confusing.
- 2.) Mr. Kendall brought up the subject asking for a Medical Doctor on the Board of Physical Therapy Examiners. About an hour of time was taken up, mainly by the Society in arguing against this move. Miss Byrd attempted to solve the disagreement by recommending a Medical Advisory Group. Mr. Kendall contended that in fairness to both societies we should insist on a Medical Doctor because otherwise one of the two groups would necessarily hold a majority on the Board. The discussion regarding a Medical Doctor on the Board was closed by a secret ballot of Registry members; 12 voted for and 5 against a Medical Doctor on the Board.

Wed., Apr. 23

The Governor held a Hearing in regard to the Physical Therapy and Chiropractic Bills, with Medical Doctors and Chiropractors both present.