

LAWS OF MARYLAND RELATING TO PHYSICAL THERAPY

*Jan + Feb. 1965
Presented to Board
previous to
meeting
Mar. 4, 1965.*

Annotated Code of Maryland, 1957
Article 43. Health

Sections 604-614. Physical Therapy

*This copy later used
for comparison &
Proposed
Revision
of entire
Health
Act.
see
1966*

- Sec. 604. "Physical therapy" defined.
- 605. "Physical therapist" defined.
- 606. State Board of Physical Therapy Examiners.
- 607. Examinations.
- 608. Qualifications of applicants; rules and regulations.

- Sec. 609. Suspension and revocation of licenses.
- 610. Licenses - In general
- 611. Same - Fees and renewal.
- 612. Use of letters "P. T."
- 613. Penalty.
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SEC. 604. "Physical therapy" defined.

As used in this subtitle, the term "Physical Therapy" means the treatment of any disability, injury, disease, or other condition of health of human beings; or the prevention of such disability, injury, disease, or other condition of health; and the rehabilitation as related thereto by use of the physical, chemical, and other properties of air, cold, heat, electricity, exercise, massage, radiant energy, including ultra-violet, visible, and infra-red rays, ultra-sound, water, and apparatus and equipment used in the application of the foregoing, or related thereto; the performance of tests of neuromuscular function as an aid to such treatment. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this subtitle. (1961, ch. 892.)

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SEC. 605. "Physical therapist" defined.

"Physical therapist", as defined in this subtitle, means a person who practices physical therapy. (1961, ch. 892.)

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SEC. 606. State Board of Physical Therapy Examiners.

[On June 1, 1949,] On June 1, 1965, the term of each member of the State Board of Physical Therapy Examiners then in office shall terminate, and on said date the Governor shall appoint five (5) persons who shall be known as the State Board of Physical Therapy Examiners. Each person Two (2) persons appointed to said Board shall be licensed to practice medicine under the laws of this State, and three persons shall be licensed to practice physical therapy under the laws of this State. One [of the appointments] Physical Therapist shall be appointed for a term of one (1) year, one Physician shall be appointed for a term of two (2) years, one Physical Therapist shall be appointed for a term of three (3) years, one Physician shall be appointed for a term of four (4) years, and one (1) Physical Therapist shall be appointed for a term of five (5) years; thereafter, appointments shall be for terms of five (5) years. Vacancies shall be filled by the Governor for [the] any unexpired term. All appointments shall be made from lists of names of qualified persons submitted to the Governor by the Medical and Chirurgical Faculty of Maryland, and shall contain not less than three (3) names for each appointment to be made. For the transaction of business, the concurrence of at least three (3) members of the Board shall be necessary. Members of the Board shall be entitled to receive such compensation as it may determine from time to time, not to exceed ten dollars (\$10.00) 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

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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. (An. Code, 1951, sec. 567; 1947, ch. 906, sec. 533; 1949, ch. 569, sec. 533.)

SEC. 607. Examinations. *New 1151 d.*

Annually after January 1, 1948, 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. (An. Code, 1951, sec. 568; 1947, ch. 906, sec. 534.)

SEC. 608. Qualifications of applicants; rules and regulations. *New 1151 c.*

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. (An. Code, 1951, sec. 569; 1947, ch. 906, sec. 535.)

SEC. 609. Suspension and revocation of licenses. *New 1156*

(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.
- ~~(7) The use of advertising other than the announcements and listings set forth in Section 612.~~

(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 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.** (1961, ch. 892.)

SEC. 610. Licenses - In general. *(a) omitted*

(a) Without examination. - Any person practicing physical therapy in the State of Maryland on June 1, 1947 shall be entitled to be licensed as a physical therapist if:

(1) He or she is a member of the Maryland State Registry of Physical Therapists, or Maryland State Physical Therapy Society, Inc., or

(2) if: (A) He or she produces statements from three (3) active, reputable licensed doctors of medicine certifying that he or she is of good moral character and has treated patients under the direction and supervision of the certifying doctor of medicine for a period of not less than two years in the State of Maryland prior to the application for license, or if: (B) He or she produces satisfactory evidence to the State Board of Physical Therapy Examiners, of experience and training in physical therapy for a period of not less than one year in an approved hospital. No applications for licenses without examination shall be accepted after January 1, 1948, unless the applicant shall be engaged in the military service of the United States or any of its allies, in which case such application shall be accepted at any time within six (6) months after honorable discharge from such military service.

(b) By examination. -

(1) Every person other than those covered by subsection (a), of good moral character, who has completed physical therapy training prior to June 1, 1947 or who is attending a course in physical therapy on June 1, 1947, may make application for examination for license providing that he or she produce evidence satisfactory to the Maryland State Board of Physical Therapy Examiners of his or her graduation from a school, college, hospital or university which has a complete and acceptable course in physical therapy, and which is accredited by the Maryland State Board of Physical Therapy Examiners.

Not included but should be considered for inclusion

(2) Persons who shall enter physical therapy training after June 1, 1947, shall be required to meet one of the following educational requirements in order to be eligible to take the examination for license in the State of Maryland:

(A) Graduation from an accredited school of nursing plus an accredited course in physical therapy of not less than 9 months; or

✓ New 1152

(B) Graduation from an accredited school of physical education plus an accredited course in physical therapy of not less than 9 months; or

(C) Completion of three years of college with science courses plus an accredited course in physical therapy of not less than 9 months; or

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(D) Graduation from a high school plus a four (4) year college course with a major in physical therapy; or

(E) Graduation in medical technology with B. S. degree plus an accredited course in physical therapy of not less than 9 months. ✓

3. All persons who shall make application for license after June 1, 1965, shall meet the following requirements:

(a) Be of good moral character

(b) If educated in the United States or Puerto Rico, he or she shall 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, he or she shall be a graduate of a school or course of physical therapy which has educational requirements comparable to those approved by Council on Medical Education of the American Medical Association and/or the American Physical Therapy Association, and shall have had his or her credentials approved by the American Physical Therapy Association.

(c) Before commencing the practice of physical therapy in this State, a written application for license shall have been approved by the Board.

(c) Persons licensed outside of State. Any physical therapist licensed or registered in any other State, District, Commonwealth, or Possession of the United States, which has heretofore or which will hereafter establish such licensing or registering requirements by a legally constituted board with standards approved by the State Board of Physical Therapy Examiners of Maryland, and whose qualifications are equal to those of this State, in the discretion of said Board, may be eligible to receive a license as a physical therapist in this State without examination. (An. Code, 1951, sec. 571; 1947, ch. 906, sec. 537)

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(d) Temporary license. The State Board of Physical Therapy Examiners shall issue a temporary license to a person who has applied for a license under subsection (b), and who is, in the judgement of said Board, eligible to take the examination as provided herein. Such temporary license shall be available to an applicant only with respect to his first application, and shall not exceed, by more than forty-five (45) days, the date of the next scheduled examination and shall expire when said Board shall make a final determination with respect to said application.

SEC. 611. 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 heretofore issued under the provisions of this subtitle shall expire on January 1, 1950, and shall be renewed by application to the Board, upon payment of a renewal fee of five dollars (\$5.00), and 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

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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 Sec. 610 of this subtitle and paid the ten dollars (\$10.00) fee hereinbefore set forth for such examination. (An. Code, 1951, sec. 572; 1947, ch. 906, sec. 538; 1949, ch. 569, sec. 538; 1951, ch. 246.)

SEC. 612. Use of letters "P.T.", announcements, and telephone listings.

No person shall practice physical the in this State or use the
(a) 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.

"P.T." in connect. with his name or use any other words, terms, signs, or symbols connected with P.T.E.

that he is a phy. ther.; unless he is licensed to practice phy. ther. by the State Board of P.T.E.
(b) All persons licensed as physical therapists under the provisions of this subtitle are prohibited the use of all advertising, but the following professional announcements and listings are permitted:

- (1) A physical therapist may use a personal professional card of not more than 3 1/2" x 2", upon which may be printed only his name, title, address, telephone number, office hours and an indication that patients are treated upon medical referral only.
- (2) Opening and removal notices may be mailed by any physical therapist notifying any physician, surgeon, or physical therapist that he is opening or removing his offices. Such notice shall be not more than 5" x 7" and may only contain the name, title, telephone number, office hours, new address, old address, and an indication that patients are treated upon medical referral only.
- (3) Each physical therapist may exhibit on the door or wall of the building wherein he practices not more than two signs on which shall be placed the name and title of such person, the letters of which shall not exceed three inches square. In addition he may exhibit such sign on the door of his office.
- (4) Telephone listings are permitted, and may only contain the name, title, telephone number, address, alternate telephone number and an indication that patients are treated upon medical referral only. Neither space advertising nor bold type is permitted.

Any person practicing physical therapy who shall solicit or advertise by mail, card, newspaper, pamphlet, radio or otherwise to the general public, except as set forth herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00 for each offense, and shall be subject to the revocation of his or her license as set forth in Section 609 of this Article.

(An. Code, 1951, sec. 573; 1947, ch. 906, sec. 539.)

SEC. 613. Penalty

Subject to the provisions of this sub-title, no person shall practice as a physical therapist as defined herein, nor use the abbreviation "P. T." or any other words, letters or symbols (approved by the State Board of Physical Therapy Examiners indicating) which indicates that he or she is a licensed physical therapist in this State unless licensed as herein provided. Any person violating any provisions of this sub-title shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1000). 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 of the receipts of said Board. (1961 ch. 892.)

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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 ~~gratuitous services, nor to physical therapy students in the fulfillment of their physical therapy educational program,~~ nor to amend the laws relating to the practice of chiropractic, osteopathy, dentistry, chiropody, nursing, optometry, medicine and surgery or to prohibit chiropractors from practicing physical therapy in their practice as chiropractors; nor to the practice of beauty culture, hairdressing or in the operation of health clubs, in nonmedical treatments, except as specifically provided in this subtitle, provided, that nothing in this subtitle shall be construed as to prohibit or prevent the advertising of health clubs as health clubs, nor shall any action be taken under the authority of this subtitle to accomplish such a result. (An. Code, 1951, sec. 575; 1947, ch. 906, sec. 541.)

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