

1946

The American Physiotherapy Association

Maryland



Chapter

April 16, 1946

Miss Adelaide McGarrett
6 Everett Street
Cambridge, Mass.

Dear Miss McGarrett:

Please accept the report sent you January 16, 1946 as the annual report of the Legislative Committee, Maryland Chapter, with the following additions:

1. No report on the action of the Maryland State Legislative Council in regard to physical therapy legislation is expected until the next session of the Legislature (January 1947).

2. Several amendments to the Maryland Chapter A. P. A. constitution are under consideration, but no major changes are proposed in lieu of the changes and recommendations to be made by the National Chapter.

Respectfully submitted

Florence P. Kendall

Florence P. Kendall
Chairman, Legislative Committee

FPE/akr

Copy for Md. Chapt Secretarial File

For Secretary's File

*Semi-annual report by Legislative Chairman
Complete copies have been sent to Miss Elson
and Miss McGarrett.*

January 18, 1946

Miss Mildred Elson, Executive Sec.
Nat. Chapt., A. P. A.
1790 Broadway Room 505
New York 19, N.Y.

Dear Miss Elson:

The Md. Chapter of A. P. A., feel it is advisable to report to National on the matters of physical therapy legislation pending here in Maryland.

Our experience last year brought out several important factors:

1. The State Legislature does not wish to have recommendations regarding state legislation arise from out-of-state organizations, or from a local chapter of a National organization.
2. A bill cannot refer to A. P. A. standards (as suggested in the A. P. A. model law), but must specify such standards in detail.
3. Medical men and legislative men alike advised us that the Board of Examiners should and safely could be vested with a considerable amount of authority. This is contradictory to advise of National, but arguments in favor of such a course are very convincing when one sits in on a conference discussing the pros and cons.
4. An attempt to regulate the use of the modalities in physical therapy by placing restrictions on such use for non-medical purposes (as massage in beauty parlor or health clubs) is futile.
5. We were advised by members of the legislature that we should attempt by law to restrict the use of the title "Physical Therapist" to persons with certain definite qualifications, rather than try to restrict the use of the modalities to the field of medicine and physical therapy.
6. The (4) bills that were introduced into the Legislature in 1945 were all referred to the Legislative Council. This body of 20 Legislators has hearings between legislative sessions, and after reviewing the subjects, makes recommendations to the legislature at its next session.
7. No bill will have even a slight chance of being passed if it attempts to take away from an individual his present means of livelihood. In other words, one must be ready to accept the fact that anyone now practicing physical therapy and who can show that he has been in practice for a certain length of time, will almost surely be licensed if he makes application and wishes to conform to the rules and regulations laid down by the law. In order to prevent him from being admitted under the usual "grandfather clause" it would be necessary to prove that his work is endangering public health, - and this would be difficult in most cases if the person has been in successful practice for sometime.

The legislative chairman, Md. Chapter A.P.A., (Mrs. Cuyler at that time) received a letter in September requesting the appearance of the physical therapy group at a hearing of the Legislative Council in October. This date was conveniently postponed because none of us were ready for such a meeting.

In the meantime, the A.P.A. chapter, feeling the reactions of the legislature to legislation initiated by a local chapter of a national organization, and upon advice of the Sec. of the Legislative Council, decided to withdraw in initiating legislation, and to put our individual efforts together with the rest of the ethical physical therapists here in Maryland who have responded by joining the Md. State Registry of Physical Therapists. This local group was started though not well organized several years ago through the efforts of the Md. Chapt. A.P.A. members. The prime purpose of this move was to promote good will among the ethical physical therapists through-out the state. Many non-A.P. A. persons held a certain degree of bitterness because they had not been invited to join A.P.A. several years ago when their qualifications would have permitted membership.

We feel now that the move to organize this local group was definitely in the right direction because there is a very strong, coordinated effort toward good legislation by all members of this group, and the group is large enough that we have a chance of accomplishing something.

From this point on, this report will be a report on the activities of the Registry, in regard to P. T. legislation.

1. Sec. of the Legislative Council set the date of Jan. 16, 1946 for hearing before the Council.
2. Following several meetings of the legislative committee and the Registry as a whole, it became apparent that the job of working on the bill was too much without legal help. The group decided to engage a lawyer, and all members of the group were to be asked to contribute \$10.00 apiece if possible.
3. With holidays intervening, little was accomplished until early this month.
4. Copies of the summary prepared at the request of, and for distribution to the members of the Council, are enclosed. Also attached are letters sent to about 50 doctors and 50 physical therapists.
5. A tentative bill has been drafted, and a copy is enclosed. These mimeographed copies were finished yesterday in time for the meeting.
6. We will welcome your suggestions and criticisms, and we trust you will understand the many problems that face us at the "battle front". We may not follow the course that ideal from a distance but you may be sure of one thing - we are doing everything possible to uphold the highest possible standards for physical therapy.

If you were one of us, you would feel gratified as we do for the splendid cooperation and support that our leading medical men are giving us. The air has cleared for many of them - and they know very definitely now the difference between ethical and unethical persons practicing physical therapy.

Respectfully submitted,

Florence P. Kendall
Chairman, Legislative Committee
Md. Chapter, A. P. A.

Copy to
Miss Adelaide L. McGarrett

A BILL

Entitled

AN ACT to add a new sub-title and twelve new sections to Article 43 of the Annotated Code of Maryland (1939 Edition), title "Health", said new sub-title to read "Physical Therapy" and said new sections to be known as Sections 531 to 541, inclusive, and to follow immediately after Section 530 of said Article defining Physical Therapy and qualifying those permitted to use the title "Physical Therapist" its signs or symbols, and providing for the licensing of qualified Physical Therapists in this State, and to provide penalties for the unauthorized practice of Physical Therapy and for the illegal use of the title "Physical Therapist".

Section 1. Be it enacted by the General Assembly of Maryland, That a new sub-title and twelve new sections be and the same are hereby added to Article 43 of the Annotated Code of Maryland (1939 Edition), title, "Health", said new sub-title to be known as "Physical Therapy" and said new sections to be known as Sections 531 to 541, inclusive, to follow immediately after Section 530 of said Article, and to read as follows:

Definition of Physical Therapy.

531. Physical Therapy is defined for the purpose of this sub-title as the treatment of human injuries, diseases, or disabilities by means of the healing properties of massage, ultra-violet rays, mechanical devices, heat, cold, air, light, water, and electricity, but not by means of Roentgen rays, radium, surgery or drugs.

Definition of a Physical Therapist.

532. A Physical Therapist is defined for the purpose of this sub-title as one who: (a) Treats human diseases, injuries or disabilities by Physical Therapy (b) Treats only patients diagnosed and referred by licensed medical doctors (c) Treats for fees, and (d) Meets those requirements regarding experience and training in Physical Therapy as set forth in this sub-title.

State Board of Physical Therapy Examiners.

533. The Governor is hereby empowered and directed to appoint a State Board of Physical Therapy Examiners, to consist of five (5) members, the original five to be selected from a list submitted by the Maryland State Registry of Physical Therapists, and subsequent appointments to be selected from lists submitted by the State Board of Physical Therapy Examiners. One of the original appointees shall be appointed for a term of one (1) year; one for a term of two (2) years; one for a term of three (3) years; one for a term of four (4) years, and one for a term of five (5) years. Thereafter appointments shall be for a term of five (5) years. In case of any vacancy on said Board the Governor shall appoint a member with the same qualifications of the member whose death, resignation or expiration of term has caused such vacancy. For the transaction of business under this sub-title a quorum of said Board shall be three or more members. Members of said Board shall, out receipts, be entitled to a per diem not to exceed ten dollars (\$10.00) and their necessary expenses for each day that they are engaged in the business of the Board as required by this sub-title. The Board shall annually elect one of its members as chairman and shall also select a secretary who need not necessarily be a member of the Board, and said secretary shall receive such compensation as the Board shall determine.

534. Annually after January 1st. 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.

535. 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 sub-title, as are necessary for the examination and licensing of applicants, and for suspension or revocation of licenses.

536. The said Board shall be and is hereby empowered, after due notice and hearing, to suspend or revoke any licenses issued, under the provisions of this sub-title, to anyone who does or attempts to do any act, or holds himself or herself as being authorized to do any act as a Physical Therapist not expressly conferred herein upon such licenses, or for any violations of this sub-title.

Qualifications of Licensees.

537. (A) Without examination: Any person practicing Physical Therapy in the State of Maryland at the time of the effective date of this act 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 (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 prior to the application for license, and if: (b) he or she produces satisfactory evidence to the State Board of Physical Therapy Examiners, of Hospital experience and training in Physical Therapy. No applications for licenses without examination shall be accepted after January 1st. 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 537 (A) above, of good moral character, who has completed physical therapy training prior to the effective date of this act or who is attending a course in physical therapy at the time of the effective date of this act, 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.

(2) Persons who shall enter physical therapy training after the effective date of this act 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

(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
- (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.

(C) Any Physical Therapist licensed or registered in any other State 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.

538. All persons licensed as Physical Therapists under the provisions of this sub-title 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.

539. All persons licensed as Physical Therapists under the provisions of this sub-title, 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 the name and address of each person licensed as a Physical Therapist.

540. 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 that he or she is a licensed Physical Therapist in this State unless licensed as herein provided. Any person violating any provision of this sub-title shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100.00). The State Board of Physical Therapy Examiners shall cause to be presented to the State 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.

541. All laws or parts of laws inconsistent herewith are repealed to the extent of such inconsistency, but nothing herein contained shall be construed to amend the laws relating to the practice of chiropractic, osteopathy, dentistry, chiropody, nursing, optometry, medicine and surgery; 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.

Section 2. And be it further enacted, That this Act shall take effect June 1st. 1947.

January 9, 1946

To Members of the Legislative Council of Maryland

Re: Physical Therapy Legislation

Physical Therapy means of treatment

The types of treatment used in physical therapy consist of heat, massage, exercise, ultra-violet rays, mechanical devices, under-water therapy, and electricity in its various therapeutic forms (except roentgen rays and radium).

Non-medicinal as well as medicinal uses of these modes of treatment

1. Used for non-medicinal purposes by beauty parlors, health clubs, turkish baths, etc.
2. Used for medicinal and therapeutic purposes by physicians in the treatment of human diseases, injuries or disabilities.

Physical Therapists

Physical Therapists are trained persons who assist the physicians in the use of physical therapy for medicinal and therapeutic purposes, in the treatment of human diseases, disabilities, or injuries. In all schools giving approved courses in physical therapy, physicians assist in the training and instruction of the student physical therapists. Their training is scientific and based on sound medical principles.

Purpose of Legislation

Since the use of physical therapy forms of treatment is not confined to the field of medicine, we do not seek legislation which prevents other fields of practice from use of such forms of physical treatment as they now employ.

We do seek legislation which will restrict the use of the title "Physical Therapist" to those persons who have adequate training and experience to qualify them to use physical therapy forms of treatment in the treatment of human diseases, injuries, or disabilities, and who restrict their practice to cases diagnosed and referred by practicing physicians.

Reasons for seeking legislation

1. To help safeguard public health

Physical therapy is an adjunct of medicine, and treats the patient in the after-care of such conditions as poliomyelitis (infantile paralysis), fractures, nerve injuries, certain types of back pain, arthritis, circulatory disturbances, and many other abnormal conditions. To be competent in administering treatment to such conditions, persons must be trained under the supervision of medical men, and their training must include a certain amount of hospital experience and training.

Individuals dealing with the health of the public should be required by law to meet certain standards of training and experience, and their scope of practice should be limited to the field or fields in which they have been adequately trained. Persons not adequately trained to deal with public health should be prohibited by law from the use of a title which misleads the public into considering them qualified.

2. To protect a respectable profession from misuse of its title

Since there are no restrictions whatever on the use of the title "Physical Therapy", it has not been uncommon to find this title very much abused. Houses of ill-repute have found a disguise in the "Physical Therapy" placard.

3. To offset bad legislation which is constantly being advocated by the untrained or poorly trained who seek to make physical therapy a lucrative business rather than a profession.

January 9, 1946

Dear Dr.

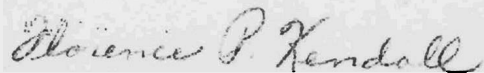
Enclosed is a copy of a brief summary of recommendations and reasons for legislation in regard to physical therapy. The outline has been approved by Dr. Frederic V. Beitler, Legislative Chairman, Med. and Chir. Faculty.

Copies have been prepared for members of the Legislative Council of Maryland who will meet
Wednesday, January 16, 2 P.M.
Legislative Council Chamber
3rd. Floor, City Hall, Baltimore
for a hearing relative to physical therapy legislation.

You are invited and urged to be present in our behalf. It has been requested that you bring or send a letter that may be left with Dr. Horace Flack, Sec. Legislative Council, stating your views on the necessity and advisability of the proposed legislation.

Sincerely,

Md. State Registry of Physical Therapists


Florence P. Kendall
Member, Legislative Committee

January 9, 1946

To members of Md. State Registry of Physical Therapists:

Enclosed is a copy of the recommendations for proposed legislation in regard to physical therapy. It has been approved by members of the Board of the Registry, Dr. Frederic V. Beitler, Legislative Chairman of the Med. & Chir. Faculty, and by Mr. Stephen Campbell, the lawyer who is drafting our bill.

The Md. Chapt. of A. P. A. is holding its regular meeting on Monday, January 14, at 8 P.M., at Gordon Wilson Hall, University of Md. Hospital. You have been invited to attend this meeting at which time a very interesting film on psychiatry is to be shown.

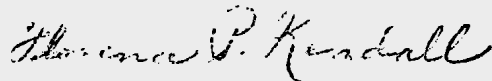
We plan to hold a very brief meeting of the Registry following the A. P. A. business meeting to outline the details of the meeting with the Legislative Council:

Wednesday, January 16, at 2 P.M.
Legislative Council Chamber
3rd. floor, City Hall, Baltimore

We should all make an effort to attend this hearing.

If you have not made your contribution to the Registry to help defray expenses for the lawyer, and other expenses incidental to work on legislation, please come prepared to do so Monday night.

Sincerely,



Florence P. Kendall
Member, Legislative Committee
Md. State Registry of Phy. Ther.