

CHAPTER 479—H. F. No. 1585

[Coded as Sections 148.65 to 148.78]

An act defining and regulating the practice of physical therapy in the state of Minnesota, providing for examination and registration of physical therapists, by the state board of medical examiners, providing for the enforcement of the provisions of this act, and prescribing penalties for the violation of the provisions thereof.

Be it enacted by the Legislature of the State of Minnesota:

[148.65] Section 1. **Definitions.** Subdivision 1. **Physical therapy.** As used in this act, the term "physical therapy" means the treatment of any bodily or mental disorder of any person by the use of the physical, chemical and other properties of heat or cold, light, water, electricity, massage, mechanical devices and therapeutic exercise, which includes posture and rehabilitation procedures, provided however, 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 act.

Subd. 2. **Physical therapist.** "Physical therapist" means a person who practices physical therapy as defined in this act under the prescription, and direct supervision of a person licensed and registered in this state to practice medicine and surgery and whose license is in good standing.

[148.66] Sec. 2. **Duties of state board of medical examiners.** The state board of medical examiners, as now or hereafter constituted, hereinafter termed "the board", in the manner hereinafter provided, shall administer the provisions of this law.

[148.67] Sec. 3. **Examining committee.** There is hereby created a state examining [examining] committee for physical therapists to assist the state board of medical examiners in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medi-

cine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of medical examiners.

[148.68] Sec. 4. **Members; terms, appointment, vacancies.** The governor, by and with the advice and consent of the senate, shall appoint the members of the state examining committee for physical therapists for a term of three years. The first appointments shall be made as soon as may be after this act shall take effect. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: two members for one year, two members for two years, and one member for three years, the said terms to end June 30 of the respective years. Upon the expiration of such terms and of all terms thereafter the governor shall appoint a successor to the member whose term expires, for a term of three years. For each of the above terms of the state examining committee, and at least 30 days prior to the expiration of each of said terms, and for any vacancy thereafter occurring, the governing body of the Minnesota chapter of the American Physical Therapy Association shall recommend to the governor three physical therapists qualified to serve on said state examining committee for each term of vacancy to be filled, and from said list of persons so recommended, the governor may appoint one member to said state examining committee. In the same manner the Council of the Minnesota State Medical Association shall recommend to the governor three doctors of medicine qualified to serve on said state examining committee, and from said list of persons so recommended the governor may appoint one doctor of medicine to said state examining committee. The state board of medical examiners shall recommend to the governor not less than two professors or associate or assistant professors qualified to serve on said state examining committee and from said list one may be appointed. After the appointment of the first state examining committee, each physical therapist appointed thereto shall be a duly registered physical therapist, shall have had not less than three years experience in the actual practice of physical therapy immediately preceding his appointment, and shall be actively engaged, in this state, in the practice of physical therapy during his incumbency. Each doctor of medicine appointed to the said state examining committee shall be duly licensed and registered to practice medicine and surgery in the State of Minnesota, and shall have had not less than four years actual experience in

the practice of medicine and surgery. Vacancies in said state examining committee shall be filled by appointment by the governor as provided above within 60 days after such vacancy occurs, for the balance of the unexpired term and each member shall serve until his successor qualifies. Each member of the state examining committee, before entering upon the discharge of his duties shall take, subscribe and file with the secretary of state, the oath of office prescribed by the constitution.

[148.69] Sec. 5. **Officers.** Within 30 days after the appointment of the members of the state examining committee for physical therapists provided for in section 3 of this act, they shall elect from their members a president, a vice-president, and a secretary, who shall each serve for one year or until their successors are elected and qualified. The examining committee shall serve in an advisory capacity to the state board of medical examiners, which board shall have authority to prescribe such reasonable rules and regulations relative to the qualification and examination of applicants as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction, the examining committee in session may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties under the provisions of this act, and any member of said committee shall have the power to administer oaths in the taking of such testimony. A simple majority of the committee shall constitute a quorum for the transaction of business. The secretary shall keep a record of all the proceedings of said committee. Said examining committee shall meet at the University of Minnesota, and under the direction of the board, there conduct the examination for physical therapists twice each year, in January and in June, and may hold other meetings at such times and places as the examining committee and board shall determine. The examining committee shall make recommendations to the board concerning rules and regulations governing examination of and registration of physical therapists for its approval. The board may appoint and fix the salary of an assistant secretary and such other employees necessary to assist the examining committee and shall have the power to employ such expert assistant or assistants as it may deem necessary to carry out the purposes of this act. The compensation of each member of said examining committee shall be \$10 for each day actually spent in the performance of his duties, together with actual necessary expenses payable out of the funds of the board, as approved by said board.

[148.70] Sec. 6. **Applicants, qualifications.** It shall be the duty of the state board of medical examiners with the advice and assistance of the state examining committee to pass upon the qualifications of applicants for registration, provide for and conduct all examinations; determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

(a) is at least 21 years old;

(b) is of good moral character;

(c) has obtained a high school education or its equivalent as determined by the board, and

(d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in this act. In determining whether or not such approval shall be given, the board may take into consideration the approval or non-approval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in this act, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in this act, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned.

[148.71] Sec. 7. **Registration.** The state board of medical examiners shall register as a physical therapist, and shall furnish a certificate of registration to each applicant who successfully passes the examination provided for in this act for registration as a physical therapist, and who is otherwise qualified as required herein.

[148.72] **Sec. 8. Examinations.** Subdivision 1. **When not required.** The state board of medical examiners may register as a physical therapist, and may furnish a certificate of registration without examination to any person who applies for such registration on or before December 31, 1951, and who at the time of the passage of this act, meets the qualifications for a physical therapist or junior physical therapist as set forth by the American Registry of Physical Therapists, and who, at the time of application, is practicing physical therapy in the State of Minnesota, and who is otherwise qualified as required herein. At the time of making such application, such applicant shall pay to the board a fee of \$15, no portion of which shall be returned.

Subd. 2. **Certificate of registration.** Said board may issue a certificate of registration in physical therapy without examination therein to an applicant who presents evidence satisfactory to the board of having passed the examination of the American Registry of Physical Therapists, or an examination before a similar lawfully authorized examining board or officer of another state or of a foreign country, if the standards of such other state or foreign country are determined by said board to be as high as those of this state. At the time of making such application the applicant shall pay to the Board a fee of \$15, no portion of which shall be returned.

[148.73] **Sec. 9. Renewals.** Every registered physical therapist shall, during the month of January 1952, and during each January thereafter, apply to the board for an extension of his registration and pay a fee of three dollars. Registration that is not so extended on or before January 31, each year, shall automatically lapse on said date. The board, in its discretion, may revive and extend a lapsed registration on the payment of the required fees.

[148.74] **Sec. 10. Rules.** The board is authorized to adopt such rules and regulations as may be necessary to carry out the purposes of this act. The secretary of the board shall keep a record of proceedings under this act and a register of all persons registered under it. The register shall show the name, address, date and number of registration, and the renewal thereof. The board shall, on or before April 30 of each year, compile a list of such registered physical therapists and mail a copy thereof to the state board of health and the county attorney of each county. Any other interested person in the state may obtain a copy of such list on request to

the board upon payment of such amount as may be fixed by the board, which shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates and such stationery and assistance as is necessary for the transaction of the business of the board and the state examining committee hereunder, and all money received by the board under this act shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board in carrying out and assisting in the enforcement of the provisions of this act.

[148.75] Sec. 11. **Grounds for revocation of certificate.** The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

- (a) habitual indulgence in the use of narcotic drugs or other habit forming drugs;
- (b) excessive indulgence in the use of alcoholic liquors;
- (c) conviction of a felony;
- (d) conviction of a crime involving moral turpitude;
- (e) conviction for violating any state or federal narcotic law;
- (f) procuring, aiding or abetting a criminal abortion;
- (g) obtaining, or attempting to obtain, registration by fraud or deception;
- (h) finding by a court of competent jurisdiction that the registrant is a mentally ill person and has not thereafter been restored to legal capacity;
- (i) conduct unbecoming a person registered as a physical therapist or detrimental to the best interests of the public;
- (j) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act, and the undertaking to practice physical therapy independent of the prescription

and direct supervision of a person licensed and registered in this state to practice medicine and surgery.

[148.76] Sec. 12. **Use of certain words prohibited.** Any person who shall, in any manner, represent himself as a physical therapist, or who uses in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, P.T., P.T.T. or R.P.T., or any other letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a valid existing certificate of registration as a physical therapist issued to him pursuant to the provisions of this act, shall be guilty of a gross misdemeanor. Provided, however, that nothing in this act shall prohibit any person licensed or registered, in this state, under another law, from carrying out the therapy or practice for which he is duly licensed or registered.

[148.77] Sec. 13. **Violations.** Subdivision 1. Any person employing fraud or deception in applying for or securing a certificate of registration as a physical therapist, shall be guilty of a gross misdemeanor.

Subd. 2. A person registered under this act as a physical therapist shall not treat human ailments by physical therapy except under the prescription and direct supervision of a person licensed in this state to practice medicine and surgery and whose license is in good standing.

Subd. 3. A person registered under this act as a physical therapist shall not treat human ailments other than by physical therapy unless duly licensed or registered so to do under the laws of this state.

Subd. 4. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

[148.78] Sec. 14. **Prosecution, allegations.** In the prosecution of any person for violation of this act as specified in section 12, it shall not be necessary to allege or prove want of a valid certificate of registration in physical therapy, but such matter shall be a matter of defense to be established by the accused.

Sec. 15. If any provision of this act or the application

thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 16. This act shall take effect and be in effect from and after May 1, 1951.

Approved April 18, 1951.

CHAPTER 480—H. F. No. 1658
[Not Coded]

An act authorizing the commissioner of conservation to transfer the water main serving the fisheries headquarters near Grand Rapids to the village of Grand Rapids.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Commissioner of conservation, convey water main to village of Grand Rapids. The commissioner of conservation is authorized in behalf of the state to transfer to the village of Grand Rapids, on application of the village council, the water main installed by the Division of Game and Fish, connecting with the village water system, and extending to the fisheries headquarters, hatchery, and residence established by the division outside of said village, together with necessary easements for said water main across any state-owned lands affected and any other easements therefor heretofore acquired by the state, on such terms not inconsistent herewith as he may agree upon with the village council, subject to the following conditions:

(1) The village will settle with the state for the difference in cost of the eight inch pipe used in said main over six inch pipe, either by paying cash or by deduction from charges for water furnished to said establishment over an agreed period not exceeding ten years, which amount is determined to be \$1,560;

(2) The village will supply the state with water for said establishment at rates commensurate with but not exceed-