

Chapter 688

1967 REPLACEMENT PART

Physical Therapists

| | | | |
|---------|---|---------|---|
| 688.010 | Chapter definitions | 688.130 | Restrictions on practice |
| 688.020 | Registration or permit required to practice physical therapy or use designation | 688.140 | Grounds for refusal, suspension or revocation of registration or permit |
| 688.030 | Application of chapter | 688.150 | Procedure for refusal, suspension or revocation |
| 688.040 | Registration procedure | 688.160 | Physical Therapy Advisory Committee |
| 688.050 | Qualifications of applicant; examination required unless exempt | 688.170 | Compensation and reimbursement of committee members |
| 688.060 | Examination in fundamental sciences not required | 688.180 | Records |
| 688.070 | Application; fee; examination | 688.190 | List of registrations and permits |
| 688.080 | Reciprocal registration; fee | 688.200 | Disposition of receipts |
| 688.090 | Certificates of registration | 688.210 | Rules and regulations |
| 688.100 | Renewal of registration; fee; lapse | 688.220 | Investigation and prosecution of violations |
| 688.110 | Permits | 688.990 | Penalties |
| 688.120 | False or fraudulent statements or representations prohibited | | |

CROSS REFERENCES

| | | |
|--|---------|--|
| Military or naval service, persons relieved from payment of fees, 408.450 | 688.160 | Appointive officers, term, removal and appointment of successor, 236.140 |
| 688.050 | | State agencies generally, Ch. 182 |
| Waiver of educational requirement for admission to examination, 670.010 | 688.170 | Subsistence and mileage allowance for travel, 292.210 to 292.260 |
| 688.140 | | 688.200 |
| Injunction against practicing after suspension or revocation of license, 676.220 | 688.150 | Expenditures without allotment prohibited in certain cases, 291.238 |
| 688.150 | | |
| Attorney General to supervise all legal proceedings for state agencies, 180.220, 180.230 | | |

688.010 Chapter definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Physical therapy" means treatment of a human being by the use of exercise, massage, heat or cold, air, light, water, electricity or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of tests as an aid to the diagnosis or treatment of a human being. Physical therapy shall not include radiology or electro-surgery.

(3) "Registered physical therapist" means a physical therapist registered as provided in this chapter.

[1959 c.461 §1; 1965 c.314 §1]

688.020 Registration or permit required to practice physical therapy or use designation. Unless he is a registered physical therapist or holds a permit issued under ORS 688.110, a person shall not:

(1) Practice physical therapy; or

(2) Use in connection with his name the words or letters, "P. T.", "R. P. T.", "physical therapist", "physiotherapist" or any other letters, words, abbreviations or insignia indicating that he is a physical therapist, or hold himself out as a physical therapist.

[1959 c.461 §2; 1965 c.314 §2]

688.030 Application of chapter. This chapter does not apply to:

(1) Any person engaging in the domestic application of any act included in the definition of physical therapy, or any person licensed under any other law of this state to do any such act or to persons working under the direction of any such person.

(2) Any trainer of athletes.

(3) Massage practiced at any bona fide athletic club, at any athletic department of any bona fide fraternal organization, at any public institution or at any athletic department of a school or college.

[1959 c.461 §3; 1965 c.314 §3]

688.040 Registration procedure. Any person desiring to be a registered physical therapist may apply in writing to the board, upon such form and in such manner as shall be provided by the board. Each application shall include or be accompanied by evidence, under oath or affirmation and satisfactory

to the board, that the applicant possess the qualifications prescribed by subsections (1) to (3) of ORS 688.050.

[1959 c.461 §6]

688.050 Qualifications of applicant; examination required unless exempt. Each applicant for registration under this chapter as registered physical therapist shall:

(1) Be at least 21 years of age.

(2) Be of good moral character.

(3) Be a graduate of:

(a) A school of physical therapy approved by the board; or

(b) A school of physical education approved by the board and in addition have completed to the satisfaction of the board an approved course in physical therapy; or

(c) A school of nursing approved by the board, and in addition have completed to the satisfaction of the board an approved course in physical therapy.

(4) Pass to the satisfaction of the board an examination conducted by the board to determine the fitness of the applicant for registration as a registered physical therapist, or be entitled to registration without examination as provided in ORS 688.080.

[1959 c.461 §5]

688.060 Examination in fundamental sciences not required. ORS 676.010 to 676.090 do not apply to registered physical therapists, persons applying for registration as registered physical therapists, persons who hold permits issued under ORS 688.110 or persons applying for such permits.

[1959 c.461 §4]

688.070 Application; fee; examination.

(1) Unless entitled to registration without examination as provided in ORS 688.080, each applicant for registration as a registered physical therapist shall include in his application a request for examination. Each applicant who requests examination shall pay to the board at the time of filing his application a fee of \$25.

(2) The board shall examine applicants for registration as registered physical therapists who request examination under subsection (1) of this section at such times and places as it may determine. The board shall employ the Physical Therapy Advisory Committee to aid in conducting the examinations. The examinations shall embrace the following subjects:

(a) The applied sciences of anatomy, neurology, kinesiology, physiology, pathology, psychology, physics, and physical therapy applied to medicine, surgery, neurology, orthopedics, pediatrics and psychiatry.

(b) Ethics.

(c) The technical procedures involved in the practice of physical therapy.
[1959 c.461 §7]

688.080 Reciprocal registration; fee. (1) The board, in its discretion, may register as a registered physical therapist, without examination, any person who:

(a) Applies for such registration as provided in ORS 688.040; and

(b) On the date of making application is a physical therapist licensed or registered under the laws of any other state or territory of the United States, if the requirements for the licensing or registration of physical therapists in the state or territory in which the applicant is licensed or registered on the date of his licensing or registration in such state or territory were substantially equal to requirements for the registration of physical therapists in this state on the date of his application.

(2) Each applicant under this section shall pay to the board at the time of filing his application a fee of \$25.
[1959 c.461 §9]

688.090 Certificates of registration. The board shall register as a registered physical therapist each applicant who proves to the satisfaction of the board his fitness for such registration as provided in this chapter. The board shall issue to each person registered a certificate of registration. The certificate shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a registered physical therapist, subject to the provisions of this chapter.
[1959 c.461 §10]

688.100 Renewal of registration; fee; lapse. Each registered physical therapist shall apply to the board in January, February or March of each year for a renewal of his registration. Each applicant for renewal of his registration shall pay to the board at the time of filing his application therefor a fee of \$10. Any registration that is not renewed before April 1 of each year shall automatically lapse. The board, in its discretion, may revive and renew any lapsed

registration upon payment to it of all past unpaid renewal fees.
[1959 c.461 §11]

688.110 Permits. (1) The board, in its discretion, may issue without examination to a person who is a graduate of a school of physical therapy located in a foreign country a permit authorizing the person to hold himself out as a registered physical therapist in this state if the person:

(a) Applies in writing to the board for the permit, and pays to the board at the time of filing his application a fee of \$5.

(b) Possesses the qualifications prescribed by subsections (1) and (2) of ORS 688.050.

(c) The school of physical therapy located in a foreign country of which he is a graduate is approved by the board.

(2) A permit issued under subsection (1) of this section is effective for a period of one year after the date it is issued. No more than one permit shall be issued under subsection (1) of this section to the same person, nor shall a permit be renewed or extended.

[1959 c.461 §12]

688.120 False or fraudulent statements or representations prohibited. No person shall:

(1) Obtain or attempt to obtain registration as a registered physical therapist or a permit under ORS 688.110 by any fraudulent representation.

(2) Wilfully make a false oath or affirmation under ORS 688.040.
[1959 c.461 §13]

688.130 Restrictions on practice. No registered physical therapist or person who holds a permit issued under ORS 688.110 shall use physical therapy upon any person except under a diagnosis, prescription and referral:

(1) By a person licensed by the Board of Medical Examiners for the State of Oregon or

(2) Made in a bordering state by a person licensed by an authority of that state similar to the Board of Medical Examiners for the State of Oregon.
[1959 c.461 §16; 1965 c.314 §4]

688.140 Grounds for refusal, suspension or revocation of registration or permit. The board, after notice of and hearing afforded such person as provided in ORS 688.150, may

refuse to register any applicant, may refuse to renew the registration of any registered physical therapist or may suspend or revoke the registration of any registered physical therapist or a permit issued under ORS 688.110 to a person who:

- (1) Is habitually drunk.
- (2) Is addicted to the use of narcotic drugs.
- (3) Has been convicted of violating any federal or state narcotic law.
- (4) In the judgment of the board, is guilty of immoral or unprofessional conduct.
- (5) Has been convicted of any crime, including violations of city ordinances, involving moral turpitude.
- (6) In the judgment of the board, is guilty of gross negligence in his practice as a physical therapist.
- (7) Has been adjudged mentally ill by a court of competent jurisdiction or has voluntarily committed himself to an institution for treatment of his mental illness, and thereafter has not been lawfully declared competent.
- (8) Has treated or undertaken to treat ailments of persons otherwise than by physical therapy.
- (9) Has undertaken to act as a physical therapist independently of the diagnosis, prescription and referral of a person licensed by the Board of Medical Examiners for the State of Oregon.
- (10) Has obtained or attempted to obtain registration or a permit under this chapter by fraud or material misrepresentation.

[1959 c.461 §14]

688.150 Procedure for refusal, suspension or revocation. (1) The board shall not refuse to register any applicant, refuse to renew the registration of any registered physical therapist or suspend or revoke the registration of any registered physical therapist or a permit issued under ORS 688.110 to a person under ORS 688.140 without at least 15 days' notice to the applicant, registered physical therapist or person who holds a permit, who shall be entitled to a hearing by the board as required by ORS 183.310 to 183.510 and shall have the right to be represented by counsel. At least 10 days prior to the date of the hearing the board shall notify the applicant, registered physical therapist or person who holds a permit of the filing of the charges and of the nature thereof. Within 20 days after the hearing, the board shall give notice of its

final decision to the applicant, registered physical therapist or person who holds a permit.

(2) Within 30 days after the notice of the final decision of the board under subsection (1) of this section has been received by the applicant, registered physical therapist or person who holds a permit, he may obtain judicial review under ORS 183.480 to 183.500.

[1959 c.461 §15]

688.160 Physical Therapy Advisory Committee. (1) There is created the Physical Therapy Advisory Committee. The advisory committee shall consist of four members appointed by the Governor. Each of the members shall be a registered physical therapist, shall have had not less than three years' experience in physical therapy immediately preceding his appointment as a member and shall be actively engaged in physical therapy in this state during his service as a member.

(2) Upon the expiration of the term of a member of the advisory committee, the Governor shall appoint a successor from a list of three names submitted to him by the Oregon Chapter of the American Physical Therapy Association to serve a term of four years. No member shall serve for more than two consecutive four-year terms.

(3) In the event of a vacancy in the office of a member of the advisory committee other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy and from a list of names as provided in subsection (2) of this section, shall appoint a person to fill the vacancy for the unexpired term.

[1959 c.461 §17]

688.170 Compensation and reimbursement of committee members. Each member of the advisory committee shall receive \$10 for each day actually spent in attendance upon meetings of the committee, and, subject to any other applicable law regulating mileage and traveling and other expenses for state officers, shall receive his actual and necessary traveling and other expenses incurred in the performance of his official functions.

[1959 c.461 §19]

688.180 Records. (1) The board shall keep a record of all its proceedings under this chapter.

(2) The board shall keep a register of all registered physical therapists and persons who hold permits issued under ORS 688.110. The register shall show the name of every living registered physical therapist and person who holds a permit, his last-known place of business, his last-known place of residence and the date and number of his registration and registration certificate or permit.

[1959 c.461 §20]

688.190 List of registrations and permits. During May in each year the board shall compile a list of registered physical therapists and persons who hold permits issued under ORS 688.110 and shall cause a copy of the list to be delivered to every district attorney, chief of police, hospital chief administrative officer and person licensed by the Board of Medical Examiners for the State of Oregon. The board shall make copies of the list available to any other interested person upon application to the board and payment of a fee fixed by the board not to exceed the cost of each list so furnished.

[1959 c.461 §21]

688.200 Disposition of receipts. All moneys received by the board under this chapter from any source shall be paid into the State Treasury. The State Treasurer shall credit the moneys to the State Board of Health Account in the General Fund. The moneys in the State Board of Health Account are continuously appropriated to the board to carry out this chapter. All expenses of the board incurred in administering this chapter

shall be paid in the manner provided by the law out of the State Board of Health Account.

[1959 c.461 §24; 1961 c.593 §4; 1967 c.637 §33]

Note: The 1967 amendment of ORS 688.200 becomes operative July 1, 1969. Until then, ORS 688.200 (1965 Replacement Part) remains in effect. See 1967 c.637 §35.

688.210 Rules and regulations. Subject to the provisions of ORS chapter 183, the board may promulgate, and from time to time modify or rescind, such reasonable rules and regulations as it deems necessary to facilitate the carrying out of its functions as provided in this chapter and to carry out the provisions and purposes of this chapter.

[1959 c.461 §23]

688.220 Investigation and prosecution of violations. The board shall investigate every alleged violation of this chapter coming to its notice, and shall report to the proper district attorney all cases that in the judgment of the board warrant prosecution. Every police officer, sheriff or other peace officer in this state shall investigate every alleged violation of this chapter coming to his notice or of which he has received complaint, and shall apprehend and arrest all violators. The Attorney General or proper district attorney shall prosecute violations of this chapter.

[1959 c.461 §22]

688.990 Penalties. Violation of any provision of ORS 688.020, 688.120 or 688.130 is a misdemeanor.

[1959 c.461 §25]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1967.

Robert W. Lundy
Legislative Counsel

