

Chapter 688

1973 REPLACEMENT PART

Physical Therapists

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GENERAL PROVISIONS

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

(1) "Board" means the Physical Therapy Licensing Board.

(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) "Licensed physical therapist" means a professional physical therapist licensed as provided in this chapter.

(4) "Physical therapy assistant" means a person who assists a licensed physical therapist in the administration of physical therapy.

[1959 c.461 §1; 1965 c.314 §1; 1969 c.339 §1; 1971 c.585 §1]

688.020 License required to practice physical therapy or use designation. (1) Unless he is a licensed physical therapist or holds a permit issued under ORS 688.110, a person shall not:

(a) Practice physical therapy; or

(b) Use in connection with his name the words or letters, "P.T.", "R.P.T.", "L.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.

(2) Unless he holds a license as a physical therapy assistant, a person shall not:

(a) Practice as a physical therapy assistant; or

(b) Use in connection with his name the words or letters, "L.P.T.A.", "P.T.A.", "physical therapy assistant", "licensed physical therapy assistant", or any other letters, words, abbreviations or insignia indicating that he is a physical therapy assistant or holds himself out as a physical therapy assistant.

[1959 c.461 §2; 1965 c.314 §2; 1969 c.339 §2; 1971 c.585 §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]

LICENSING

688.040 Licensing procedure. Any person desiring to be a licensed physical therapist or physical therapy assistant shall 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 for applicants for licensing as a physical therapist and ORS 688.055 for applicants for licensing as a physical therapy assistant.

[1959 c.461 §6; 1969 c.339 §3; 1971 c.585 §3]

688.050 Qualifications of physical therapist; examination. Each applicant for licensing under this chapter as physical therapist shall:

(1) Be at least 18 years of age.

(2) Be of good moral character.

(3) Be a graduate of a school of physical therapy approved by the board.

(4) Pass to the satisfaction of the board an examination conducted by the board to determine the fitness of the applicant for licensing as a physical therapist, or be entitled to be licensed as provided in ORS 688.080.

[1959 c.461 §5; 1971 c.585 §4; 1973 c.827 §73]

688.055 Qualifications of physical therapy assistant; examination. An applicant for a license under this chapter as a physical therapy assistant shall:

(1) Be at least 18 years of age.

(2) Be of good moral character.

(3) Have completed to the satisfaction of the board a course for physical therapy assistants approved by the board.

(4) Pass to the satisfaction of the board an examination conducted by the board to determine the fitness of the applicant for practice as a physical therapy assistant, or be

entitled to be licensed as provided in ORS 688.080.

[1969 c.339 §5; 1971 c.585 §5; 1973 c.827 §74]

688.060 Examination in fundamental sciences not required. ORS 676.010 to 676.090 do not apply to physical therapists or physical therapy assistants, persons applying for licensing as physical therapists or licensing as physical therapy assistants.

[1959 c.461 §4; 1969 c.339 §7; 1971 c.585 §6]

688.070 Application; fee; examination.

(1) Unless entitled to licensing as provided in ORS 688.080, each applicant for licensing as a physical therapist or licensing as a physical therapy assistant 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 \$35.

(2) The board shall examine applicants for licensing as physical therapists or licensing as physical therapy assistants who request examination under subsection (1) of this section at such times and places as it may determine.

(3) The examination for licensing as a physical therapist 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.

(4) The examination for licensing as a physical therapy assistant shall embrace the following subjects:

(a) Anatomy, physiology and behavioral science.

(b) Ethics.

(c) The technical procedures involved in the practice of physical therapy.

[1959 c.461 §7; 1969 c.339 §8; 1971 c.585 §7]

688.080 Reciprocity; fee. (1) The board may license as a physical therapist or license as a physical therapy assistant, without examination, any person who:

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

(b) On the date of making application is a physical therapist or physical therapy assistant licensed under the laws of any other state or territory of the United States, if the requirements for licensing of physical ther-

pists or physical therapy assistants in the state or territory in which the applicant is licensed are not less than those required in this chapter and the applicant passed to the satisfaction of the examiner of such state or territory a written examination which is approved by the board of this state.

(2) Each applicant under this section shall pay to the board at the time of filing his application a fee of \$35.

[1959 c.461 §9; 1969 c.339 §9; 1971 c.585 §8]

688.090 License; certificates. The board shall license as a physical therapist or a physical therapy assistant each applicant who proves to the satisfaction of the board his fitness for such license as provided in this chapter. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a licensed physical therapist or physical therapy assistant, whichever certificate he holds, subject to the provisions of this chapter.

[1959 c.461 §10; 1969 c.339 §10; 1971 c.585 §9]

688.100 Renewals; fee; lapse. Each licensed physical therapist or physical therapy assistant shall apply to the board in January, February or March of each year for a renewal of his license. Each applicant for renewal of his license shall pay to the board at the time of filing his application therefor a fee of \$20. Any license that is not renewed before April 1 of each year shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of all past unpaid renewal fees.

[1959 c.461 §11; 1969 c.339 §11; 1971 c.585 §10]

688.110 Temporary permits. (1) The board, in its discretion, may issue without examination a temporary permit to a person to practice physical therapy or as a physical therapy assistant in this state if the person files an application for license as provided in ORS 688.040 or 688.080, and pays to the board at the time of filing his application the fee of \$35.

(2) A person holding a temporary permit may practice physical therapy only under the direction of a licensed physical therapist.

(3) The temporary permit shall be granted for a period of not to exceed three months, and may be renewed by the board at its discretion for an additional three months, but no longer.

[1959 c.461 §12; 1969 c.339 §12; 1971 c.585 §11]

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

(1) Obtain or attempt to obtain a license as a physical therapist or as a physical therapy assistant 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; 1969 c.339 §13; 1971 c.585 §12]

688.130 Restrictions on practice. (1) No licensed physical therapist or person who holds a temporary permit issued under ORS 688.110 shall use physical therapy upon any person except under a diagnosis and prescription or referral:

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

(b) 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 or by a dentist licensed by an authority of that state similar to the State Board of Dental Examiners.

(2) No person shall practice as a physical therapy assistant unless he is licensed under ORS 688.090 and such practice is solely under the direction of a physical therapist.

[1959 c.461 §16; 1965 c.314 §4; 1969 c.339 §14; 1971 c.585 §13]

688.140 Grounds for refusal, suspension or revocation of license or permit. The board, after notice of and hearing afforded such person as provided in ORS 688.150, may refuse to license any applicant, may refuse to renew the license of any physical therapist or physical therapy assistant or may suspend or revoke the license of any physical therapist or physical therapy assistant or a permit issued under ORS 688.110 to a person who:

(1) Is habitually drunk.

(2) Is addicted to the use of a dangerous drug proscribed by the State Board of Pharmacy.

(3) Has been convicted of violating any federal or state narcotic law.

(4) In the judgment of the board, is guilty of unethical 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 or physical therapy assistant.

(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) As a licensed physical therapist has undertaken to act as a physical therapist independently of the diagnosis and prescription or referral of a person licensed by the Board of Medical Examiners for the State of Oregon or a dentist licensed by the State Board of Dental Examiners or 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 or by a dentist licensed by an authority of that state similar to the State Board of Dental Examiners.

(10) Has obtained or attempted to obtain a license or a permit under this chapter by fraud or material misrepresentation.

(11) As a physical therapy assistant has undertaken to practice physical therapy.

[1959 c.461 §14; 1969 c.339 §15; 1971 c.585 §14]

688.145 License denial procedure; review of orders. (1) Where the board proposes to refuse to issue or renew a registration or license, or proposes to revoke or suspend a registration or license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.500.

[1971 c.734 §140]

688.150 [1959 c.461 §15; 1969 c.339 §16; 1971 c.585 §15; repealed by 1971 c.734 §21]

STATE BOARD

688.160 Physical Therapy Licensing Board; members; terms; vacancies; confirmation; duties; meetings; executive secretary. (1) There is created in the Health Division the Physical Therapy Licensing Board. The Physical Therapy Licensing Board shall consist of six members appointed by the Governor who may be appointed from a list of not less than seven names, submitted by the Oregon Physical Therapy Association. Five of the members shall be licensed physical therapists, shall have had not less than three years' experience in physical therapy immediately preceding

their appointment as members and shall be actively engaged in physical therapy in this state during their service as members. One member shall be an orthopedic surgeon who shall serve without the right to vote.

(2) Notwithstanding subsection (1) of this section, one member of the board may be a licensed physical therapy assistant rather than a licensed physical therapist. If one of the members is a licensed physical therapy assistant, such member shall have not less than three years' experience as a physical therapy assistant immediately preceding his appointment and shall be actively engaged in work as a physical therapy assistant in this state during his service on the board.

(3) Upon the expiration of the term of a member of the board, the Governor shall appoint a successor who may be appointed from a list of three names submitted to him by the Oregon Physical Therapy Association to serve a term of four years. No member shall serve for more than two consecutive four-year terms.

(4) In the event of a vacancy in the office of a member of the board other than by reason of the expiration of a term, the Governor, not later than 90 days after the occurrence of the vacancy, shall appoint a person to fill the vacancy for the unexpired term. The person may be appointed from a list of three names submitted as provided in subsection (3) of this section.

(5) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(6) The board shall establish matters of policy affecting administration of this chapter, matters relating to examinations, and rules and regulations necessary to carry out the provisions of this chapter. The board shall establish standards and tests to determine the moral, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses to practice physical therapy in this state and to enforce the provisions of this chapter and to exercise general supervision over the practice of physical therapy within this state.

(7) The board shall meet not less than twice each year and at any other time at the call of the board chairman, who shall be elected by the members of the board.

(8) The board may appoint and fix the

compensation of an executive secretary subject to ORS 240.245. Such compensation shall not prohibit the secretary from receiving reimbursement for actual and necessary travel expenses incurred in the performance of his duties.

[1959 c.461 §17; 1969 c.339 §17; 1971 c.585 §16; 1971 c.850 §38; 1973 c.792 §43]

688.170 Compensation and expenses.

Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1959 c.461 §19; 1969 c.314 §88; 1971 c.585 §17]

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 licensed physical therapists, physical therapy assistants and persons who hold permits issued under ORS 688.110. The register shall show the name of every living licensed physical therapist, physical therapy assistant 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 license certificate or permit.

[1959 c.461 §20; 1969 c.339 §18; 1971 c.585 §18]

688.190 [1959 c.461 §21; 1969 c.339 §19; repealed by 1971 c.585 §23]

688.200 [1959 c.461 §24; 1961 c.593 §4; 1967 c.637 §33; 1971 c.585 §19; repealed by 1973 c.427 §33 (688.201 enacted in lieu of 688.200)]

688.201 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter.

[1973 c.427 §34 (enacted in lieu of 688.200)]

688.210 Rules and regulations. Subject to the provisions of ORS chapter 183, the board, pursuant to ORS 688.160, 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; 1969 c.339 §20; 1971 c.585 §20]

ENFORCEMENT

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. The district attorney will conduct such investigation as is necessary. 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, and in any proceeding brought against the board shall represent the board if the board so requests.

[1959 c.461 §22; 1971 c.585 §21]

PENALTIES

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, Thomas G. Clifford, 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 November 1, 1973.

Thomas G. Clifford
Legislative Counsel