

GENERAL LAWS OF MASSACHUSETTS
TITLE XVI.
PUBLIC HEALTH

CHAPTER 112. REGISTRATION OF CERTAIN PROFESSIONS AND OCCUPATIONS.

Section 23A: Definitions

Section 23A. The following words as used in sections twenty-three A to twenty-three P, inclusive, unless the context otherwise requires, shall have the following meanings:

"Athletic trainer", any person who is duly licensed in accordance with this section as an athletic trainer and who limits his practice to schools, teams or organizations with whom he is associated and who is under the direction of a physician or dentist duly registered in the commonwealth.

"Athletic training", the application of principles, methods and procedures of evaluation and treatment of athletic injuries, preconditioning, conditioning and reconditioning of the athlete through the use of appropriate preventative and supportive devices, temporary splinting and bracing, physical modalities of heat, cold, massage, water, electric stimulation, sound, exercise and exercise equipment under the discretion of a physician. Athletic training includes instruction to coaches, athletes, parents, medical personnel and communities in the area of care and prevention of athletic injuries.

"Board", the board on allied health professions, established under section eleven A of chapter thirteen.

"Occupational therapy", the application of principles, methods and procedures of evaluation, problem identification, treatment, education, and consultation which utilizes purposeful activity in order to maximize independence, prevent or correct disability, and maintain health. These services are used with individuals, throughout the life span, whose abilities to interact with their environment are limited by physical injury or illness, disabilities, poverty and cultural differences or the aging process. Occupational therapy includes but is not limited to: (1) administering and interpreting tests necessary for effective treatment planning; (2) developing daily living skills, perceptual motor skills, sensory integrative functioning, play skills and prevocational and vocational work capacities; (3) designing, fabricating or applying selected orthotic and prosthetic devices or selected adaptive equipment; (4) utilizing designated modalities, superficial heat and cold, and neuromuscular facilitation techniques to improve or enhance joint motion muscle function; (5) designing and applying specific therapeutic activities and exercises to enhance or monitor functional or motor performance and to reduce stress; and (6) adapting environments for the handicapped. These services are provided to individuals or groups through medical, health, educational, industrial or social systems.

Occupational therapy shall also include delegating of selective forms of treatment to occupational therapy assistants and occupational therapy aides; provided, however, that the occupational therapist so delegating shall assume the responsibility for the care of the patient and the supervision of the occupational therapy assistant or the occupational therapy aide.

"Occupational therapist", a person who is duly licensed to practice occupational therapy in the commonwealth in accordance with section twenty-three B.

"Occupational therapy assistant", a person duly licensed in accordance with section twenty-three B and who assists in the practice of occupational therapy who works under the supervision of a duly licensed occupational therapist.

"Physical therapy", a health profession that utilizes the application of scientific principles for the identification, prevention, remediation and rehabilitation of acute or prolonged physical dysfunction thereby promoting optimal health and function. Physical therapy practice is evaluation, treatment and instruction related to neuromuscular, musculoskeletal, cardiovascular and respiratory functions. Such evaluation shall include but is not limited to performance and interpretation of tests as an aid to the diagnosis or planning of treatment programs. Such treatment shall include but is not limited to the use of therapeutic exercise, physical activities, mobilization, functional and endurance training, traction, bronchopulmonary hygiene postural drainage, temporary splinting and bracing, massage, heat, cold, water, radiant energy, electricity or sound. Such instruction shall include teaching both patient and family physical therapy procedures as part of a patient's ongoing program. Physical therapy also shall include the delegating of selective forms of treatment to physical therapist assistants and physical therapy aides; provided, however, that the physical therapist so delegating shall assume the responsibility for the care of the patient and the supervision of the physical therapist assistant or physical therapy aide.

Physical therapy shall also include the providing of consultation services for health, educational, and community agencies.

"Physical therapist", a person who is duly licensed to practice physical therapy in the commonwealth in accordance with section twenty-three B.

"Physical therapist assistant", a person duly licensed in accordance with section twenty-three B and who assists in the practice of physical therapy under the direction of a duly licensed physical therapist.

"Recognized educational institution", a degree-granting college or university recognized as such by the United States Office of Education of the Commonwealth.

Section 23B: Examinations; applications for licensure; fees; renewal of license

Section 23B. The board shall examine applicants for licensure in each of the fields it supervises at such times and places as it may determine and shall conduct at least two such examinations in each field in each calendar year. The board shall establish examination and testing procedures to enable the board to ascertain the competency of persons wishing to be licensed as qualified athletic trainers, occupational therapists, occupational therapy assistants, physical therapists and physical therapist assistants. Applications for such licenses, signed and sworn by the applicants shall be made on forms furnished by the board. An applicant who furnished satisfactory proof that he is of good moral character and that he has met the educational and clinical practice requirements set forth in section twenty-three F, twenty-three G, twenty-three H, twenty-three I, or twenty-three J, shall, upon payment of a fee determined by the secretary of administration and finance, be examined by the board, and if found qualified, and if he passes the examination, shall be licensed to practice.

Licenses shall expire every 2 years on the birth anniversary of the licensee. Licensees shall pay to the board a renewal fee determined by the secretary of administration and finance. The board may require specific continuing education as a condition of license renewal. The board may provide for the late renewal of a license that has lapsed and may require the payment of a late fee, an examination, continuing education, and supervised experience before issuing the renewed license. For purposes of implementing the transition to birthday renewals, for licenses renewing on or about January 2006, the board may issue licenses that expire in less than 2 years.

Section 23C: Practice upon filing of license application

Section 23C. A person who meets the qualifications to be admitted to the examination for

licensure as an athletic trainer or an occupational therapist or occupational therapy assistant or physical therapist or physical therapist assistant, may between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure, according to which application he has filed, practice as an athletic trainer; as an occupational therapist or as an occupational therapy assistant under the direction of an occupational therapist duly licensed under this chapter; as a physical therapist or physical therapist assistant under direction of a physical therapist duly licensed under this chapter. If any person so practicing fails to qualify for or pass the first announced examination after filing for licensure, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filing for a second examination for licensure and shall automatically cease upon notice to the applicant that he has failed to pass the second examination. Such privileges may again be renewed upon the applicant petitioning the board for permission to file a third application and said permission being granted by the board, and shall automatically cease upon due notice that he has failed to pass the third examination. The privilege shall not exceed beyond the third examination.

Section 23D: Licensing of persons registered or licensed in other states, territories, etc.; fees

Section 23D. The board may without examination, license as an athletic trainer, or an occupational therapist or occupational therapy assistant, or physical therapist or physical therapist assistant, any applicant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

Section 23E: Construction

Section 23E. Nothing in this section shall be construed as preventing or restricting the practice, services, or activities of:

- (a) any person licensed in this commonwealth by any other statute from engaging in the profession or occupation for which he is licensed, or
- (b) any person employed as an athletic trainer or occupational therapist or occupational therapy assistant or physical therapist or physical therapist assistant by the Government of the United States or any agency of it, if such person provides occupational therapy or physical therapy solely under the direction or control of the organization by which he is employed, or
- (c) any person pursuing a supervised course of study leading to a degree or certificate in athletic training or occupational therapy or physical therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee, or
- (d) any person fulfilling the supervised field work experience requirements of this section, if the experience constitutes a part of the experience necessary to meet the requirement of that section, or
- (e) any person performing athletic training services or occupational therapy services or physical therapy services in the commonwealth if these services are performed for no more than two days in a calendar year in association with an athletic trainer or occupational therapist or physical therapist licensed under this section, if the person is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this section.

Section 23F: Athletic trainers; qualifications

Section 23F. An applicant for licensure as an athletic trainer shall:

- (a) be a graduate of a college or university approved by the board and completed such college's or university's curriculum in athletic training, or other curricula deemed acceptable to the board: and has completed a program of practical training in athletic training deemed acceptable to the board.
- (b) have passed an examination administered by the board. Such examination shall be written, and, in addition, at the discretion of the board, may be oral and demonstrative, and shall test the applicant's knowledge of the basic and clinical sciences as they apply to athletic training theory and practice, including the applicant's professional skills and judgment in the utilization of athletic training techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to act as an athletic trainer. The examination shall be conducted at least twice a year at times and places to be determined by the board.

Section 23K: Revocation, suspension, etc. of licensee

Section 23K. The board may, after a hearing pursuant to chapter thirty, revoke, suspend, cancel the license of or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that said person:

- (a) obtained or attempted to obtain a license by fraud or deception,
- (b) been convicted of a felony or of a crime involving moral turpitude,
- (c) has been grossly negligent in his practice of athletic training or occupational therapy or physical therapy,
- (d) been adjudged mentally ill or incompetent by the court of competent jurisdiction,
- (e) used drugs or intoxicating liquors to the extent which adversely affects his practice,
- (f) acted in manner which is professionally unethical according to ethical standards of the professions of occupational therapy or physical therapy.

Section 23L: Practice of medicine or other form of healing

Section 23L. Nothing in this section shall be construed as authorizing an athletic trainer, occupational therapist, occupational therapy assistant, physical therapist, or physical therapist assistant to practice medicine or any other form or method of healing not specified in said section.

Section 23M: Rules and regulations; record of proceedings; roster of licensees

Section 23M. The board shall adopt reasonable rules and regulations to carry into effect sections twenty-three A to twenty-three P inclusive and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed by it under this section. The roster shall include the licensee's name, last known business and residential address; date of licensing, and license number.

Section 23M1/2: Practice settings of licensees; regulations

Section 23M1/2. (a) The board shall promulgate regulations necessary to regulate and inspect the practice settings of its licensees and may require the practice settings to be licensed by the board if the practice settings are not regulated by the department of public health. Fees for the licensing of any practice setting and renewals thereof shall be determined by the secretary of administration pursuant to section 3B of chapter 7 and shall be deposited in the Division of Professional

Licensure Trust Fund established by section 35V of chapter 10.

(b) This section shall not apply to a physical therapist who owns and operates the practice, does not employ a physical therapist and is not in partnership with any other physical therapist.

Section 23N: Athletic trainers; necessity for licensure

Section 23N. No person shall hold himself out as an athletic trainer or as being able to practice athletic training or to render athletic training services in this commonwealth unless he is licensed in accordance with section twenty-three B.