



KENTUCKY BOARD OF PHYSICAL THERAPY

Steven L. Beshear
Governor

312 Whittington Pkwy, Suite 102
Louisville, KY 40222
Phone (502) 429-7140
Fax (502) 429-7142
<http://pt.ky.gov>

Rebecca E. Klusch
Executive Director

September 16, 2010

Re: Opinion and Declaratory Ruling regarding state law governing by the Kentucky Board of Physical Therapy and the documentation of the Initial Evaluation and subsequent treatment by the physical therapist assistant

Dear Ms. Shaver:

This correspondence is in response to your inquiry dated July 5, 2010, asking for an opinion from the Kentucky Board of Physical Therapy. The Board reviewed your request at its next regularly scheduled meeting on July 22, 2010, and has finalized this response. Your request involved the issue of the documentation of the initial evaluation and the subsequent treatment by a physical therapist assistant when the physical therapist has performed an initial evaluation and provided only verbal orders to the physical therapist assistant to treat the patient.

Please keep in mind that this correspondence is an opinion of the Board based solely on the facts you have presented, which will be summarized below. The Board has authorized this opinion to you as an Opinion and Declaratory Ruling pursuant to KRS 13A.130(3) and KRS 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and regulations governing the practice of physical therapy in the Commonwealth of Kentucky.

I. The Board is first presented with the following facts in support of your question.

In a home health setting, a physical therapy patient is initially evaluated by the physical therapist. However, the physical therapist is unable to have the entire initial evaluation complete before the physical therapy assistant is directed to treat the patient. As a specific example, a physical therapist may perform an initial evaluation late Friday afternoon when the physical therapist assistant is directed to provide physical therapy services to that patient over the weekend starting Saturday morning. The physical therapist is not able to document fully the initial evaluation on Friday afternoon.

You have asked: "what information about the initial evaluation is absolutely required to be complete before the physical therapist assistant may treat the patient? May the physical therapist assistant treat the patient after receiving only verbal information from the Physical Therapist who performed but did not fully document the initial evaluation?"

II. The Board must apply 201 KAR 22:053 Sections 2, 3, and 5 involving the duties of the physical therapist, the limitations of the physical therapist assistant, and the documentation requirements.

First, a physical therapist may not treat a patient without first performing an evaluation prior to the initiation of treatment. 201 KAR 22:053 Section 2(2)(a) mandates: "While engaged in the practice of physical therapy, a physical therapist shall evaluate each patient prior to initiation of treatment." The treatment may thereafter be performed by the physical therapist or be delegated to the physical therapist assistant. According to the facts you have presented, the physical therapist has indeed performed the initial evaluation, but has not fully documented the initial evaluation.

Second, 201 KAR 22:053 Section 5(1)(a)-(e) mandates detailed documentation to be completed by the physical therapist, who shall complete:

- 1) The initial evaluation, a written or typed report signed and dated by the physical therapist performing the evaluation that shall include:
 - (a) Pertinent medical and social history;
 - (b) Subjective information;
 - (c) Appropriate objective testing;
 - (d) Assessment, which may include problems, interpretation, and a physical therapy diagnosis identifying the nature and extent of the patient's impairment; and
 - (e) Plan of care, including:
 1. Treatment to be rendered;
 2. Frequency and duration of treatment; and
 3. Measurable goals.

Clearly, the above administrative regulation specifically contemplates and in fact mandates the initial evaluation be "written or typed" and not verbal.

Third, 201 KAR 22:053 Section 3(3) mandates the physical therapist assistant "while engaged in the practice of physical therapy . . . , initiate treatment only after evaluation by the physical therapist." While it is the responsibility of the physical therapist to perform and to document, in writing or typed, the initial evaluation, the above administrative regulation does not directly require the written or typed documentation of the initial evaluation by the physical therapist before the physical therapist assistant treats the patient. This administrative regulation mandates the physical therapist assistant treat the patient only after the initial evaluation is performed by the physical therapist, but does not require that it is performed and documented.

Based upon the facts presented and the application of those facts to the above-cited administrative regulations, the Board concludes as follows. For a physical therapist assistant to initiate treatment of the patient, the physical therapist's initial evaluation must be performed and complete to the extent that the physical therapist's plan of care can be developed and communicated to the physical therapist assistant, the next treating health care professional.

If the initial evaluation and plan of care are completed by the physical therapist per 201 KAR 22:053 Section (5)(1), but written documentation is not yet complete as otherwise required by 201 KAR 22:053 Section 5(1)(a)-(e), the physical therapist assistant may initiate treatment with the patient when verbal instructions have been

made by the physical therapist to the physical therapist assistant. This verbal instruction shall also be documented in the physical therapy record.

While the Board interprets this scenario to be acceptable under its applicable administrative regulations cited above, the Board further concludes that the documentation required by 201 KAR 22:053 Section 5(1)(a)-(e) is written or typed, and signed by the physical therapist within five (5) days.

III. Conclusion.

As the agency authorized by the Kentucky General Assembly to regulate the practice of physical therapy in this state, the Board is empowered to interpret its statutes and regulations. In summary, in unusual circumstances where the initial evaluation is performed but not contemporaneously documented by the physical therapist, the physical therapist assistant may initiate treatment upon the verbal instructions including the plan of care communicated by the physical therapist to the physical therapist assistant. Such communication shall also be documented in the physical therapy record of the patient.

Sincerely,

Kentucky Board of Physical Therapy

A handwritten signature in cursive script that reads "Peggy Block". The signature is written in black ink and is positioned above the printed name.

Peggy Block, P.T., Chair