
Kentucky State Board of Physical Therapy

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July 13, 2000

Re: **Opinion and Declaratory Ruling** regarding state law governing massage therapy by a credential holder of the Board by the Kentucky State Board of Physical Therapy

This correspondence is in response to your letter dated March 22, 2000, asking for an opinion from the Kentucky State Board of Physical Therapy regarding state law governing massage therapy and other "Well-Being Center" services. Please be advised that the Board took up this matter at its May 11, 2000, meeting and finalized this Opinion at its July 13, 2000, meeting.

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. Whether a licensed physical therapist or certified physical therapist's assistant may provide "Well Being Center" services.

The Board is first presented with the fact that Jenkins Community Hospital is operating a "Well-Being Center" which operates on a "private pay basis without a physicians referral." You also state that "the Well-Being Center is operating as a fitness center as well, providing custom fitness programs, massage therapy and educational opportunities to hospital employees and the general public."

You also state that "this is not being advertised or promoted as Physical Therapy, however a physical therapist's assistant is supervising the activities of the members and providing massage therapy." With regard to physical therapy services, you state that "the massage sessions are not preceded by a physical therapy evaluation as they do not require such." Finally, you conclude in pertinent part that "any person being treated for an injury or disorder will be evaluated by a physical therapist and have written documentation as per our practice act."

Nothing in KRS Chapter 327 prevents a person not credentialed by the Board from providing "massage therapy," "custom fitness programs," or "educational opportunities." Nothing in those services appears to meet the definition of the practice of physical therapy in KRS 327.010(1).

II. Whether a person credentialed by the Board is deemed to be practicing physical therapy.

KRS 327.020(3) prohibits any person from representing himself as a "physical therapist" or "physical therapist's assistant" unless appropriately credentialed by the Board. While the PTAs who conduct activities in the Well-Being Center may call themselves "physical therapist's assistants," the activities they are engaging in are clearly not "physical therapy." Especially since these activities will apparently be performed within the same locale and during the same time as when physical therapy services are being provided, you must take particular precautions so as not to confuse members of the public who may be misled into concluding that the services being provided are professional services under KRS Chapter 327 which are regulated by the Board.

You would be well-advised to inform in writing each participant in the Well-Being Center that while services and activities may be provided by credential holders of the Board (physical therapists or physical therapist's assistants), and that while these same services and activities may be provided during the same times and in the same places as other physical therapy department services, the services and activities of the Well-Being Center are not professional services. That is, they are not the provision of "physical therapy" under KRS Chapter 327 as defined by KRS 327.010(1).

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, the Jenkins Community Hospital may provide both physical therapy and Well-Being Center services but with written clarifications signed by each Well-Being Center client.

Sincerely yours,

Kentucky State Board of Physical Therapy

Barbara Bruening, P.T., Chairman

By: _____
Rebecca E. Klusch, Executive Director

Cc: Board Members