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**Kentucky State Board of Physical Therapy**

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July 10, 2000

Patricia Angeles, P.T.

Re: Opinion and Declaratory Ruling by the Kentucky State Board of Physical Therapy regarding the practice of physical therapy by a physical therapist working in the position of a physical therapist's assistant

Dear Ms. Angeles:

This correspondence is in response to your inquiry of November, 1998, asking for an opinion from the Kentucky State Board of Physical Therapy on the issue of a physical therapist working in the position of a physical therapist's assistant. Your inquiry was discussed at the last regularly scheduled meetings of the Board on November 13, 1998, and February 18, 1999. The Board finalized and authorized this opinion at its last regularly scheduled meeting on April 15, 1999.

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.

**Facts**

You have presented the following relevant facts in support of your inquiry. A local health care entity has reduced its physical therapy staff to four (4) licensed physical therapists with two (2) additional positions of certified physical therapist's assistants. The two (2) PTAs are "doing evaluations and everything that goes along with it" and are, of course, being paid a salary commensurate with that of a PTA. The employment description for those two (2) positions are those of a PTA.

**Issue presented.**

You have presented the issue of whether a licensed physical therapist can, consistent with the Physical Therapy Practice Act, KRS Chapter 327 and the regulations thereunder at 201 KAR Chapter 22, function as a PTA in a position whose duties are defined as those of a PTA.

## **Legal analysis Scope of practice**

The authority to credential and regulate PTAs comes from KRS 327.040(12) which provides in pertinent part:

The Board shall have the right to regulate physical therapists' assistants and may promulgate reasonable administrative regulations regarding certification, limitations of activities, supervision, and educational qualifications for physical therapists' assistants.

The Board has promulgated 201 KAR 22:101 §1(1), Eligibility and method of applying for physical therapist's assistant, which begins by defining a "physical therapist's assistant."

The physical therapist's assistant is a skilled health care worker who performs physical therapy and related duties as assigned by the physical therapist. This work shall be carried out only under the supervision and direction of the therapist to whom the employee is responsible. Supervision requires the responsible therapist to be available and accessible by telecommunications to the assistant at all times during the working hours of the assistant and to be responsible for the direction of the actions of the person supervised when services are performed by the assistant.

Under 201 KAR 22:101 §1(1), a PTA performs "physical therapy" and "related duties" as directed by the physical therapist. The definition of "physical therapy" is set forth in KRS 327.010(1) and need not be repeated here.

The sole limitations under this regulatory scheme are that the PTA can only carry out the functions of "physical therapy" and "related duties" as those "assigned by the physical therapist." Furthermore, this work must also be carried out only under the "supervision and direction of the therapist." Therefore, a PTA has no autonomy or discretion to carry out physical therapy on his own.

In contrast, a physical therapist has an independent credential, a license, to practice autonomously. A physical therapist is "a professional person who has met the educational requirements of [KRS Chapter 327] and who is licensed to practice physical therapy pursuant to [KRS Chapter 327]." KRS 327.010(2). A licensed physical therapist can practice under no one's supervision or direction.

Thus, the scope of practice of a PTA is: 1) the practice of physical therapy as defined by KRS 327.010(1), and; 2) "related duties." Both must be assigned by the physical therapist. Both must be performed only under the "supervision and direction" of a licensed physical therapist. 201 KAR 22:101.

201 KAR 22:053, Code of ethical standards and standards of practice for physical therapists and physical therapists' assistants, also provides the rules under which a PTA must operate. 201 KAR 22:053 §4, Standards of Practice for the Physical Therapist's Assistant, states:

When engaged in the practice of physical therapy the physical therapist's assistant shall:

- (1) Provide services only under the supervision and direction of a physical therapist;
- (2) Refuse to carry out procedures that he believes are not in the best interest of the patient or that he is not competent to provide by training or skill level;
- (3) Initiate treatment only after evaluation by the physical therapist;
- (4) Upon direction from the physical therapist, gather data relating to the patient's disability, but not determine the significance of the data as it pertains to the development of the plan of care;
- (5) Refer to the physical therapist inquiries that require an interpretation of patient information related to rehabilitation potential;
- (6) Comply with the plan of supervision established by the physical therapist; and
- (7) Communicate with the physical therapist any change or lack of change which occurs in the patient's condition which may indicate the need for reassessment.

It is the conclusion of the Board that a licensed physical therapist would be competent to carry out the scope of practice as a PTA so long as the requirements of 201 KAR 22:101 §1(1) and 201 KAR 22:101 §4 were met.

However, even though a physical therapist is competent to perform the duties of a PTA, Board regulation 201 KAR 22:101 §1(2) prohibits anyone other than a certified physical therapist's assistant from holding himself out to the public as a PTA. 201 KAR 22:101 §1(2) states:

Only individuals certified as a physical therapist's assistant under this chapter may hold himself out as a physical therapist's assistant, and may use the initials PTA or CPTA, or in any other manner imply that he is a physical therapist's assistant in designating his title. From the effective date of this administrative regulation, no person shall act, or hold himself out to be able to act as an assistant in this state unless he/she is certified in accordance with the provisions of the board's administrative regulations.

It is the opinion of the Board that because a PTA practices "physical therapy" but with limitations as set forth by regulation and identified above. A license physical therapist cannot hold himself out to the public as acting or as being able to act as an assistant because the physical therapist holds a license to practice independently versus a certificate to practice under the supervision and direction of another.

Regarding the title part of 201 KAR 22:101 §1(2), it is the opinion of the Board that it is misleading to the public for a licensed physical therapist to hold himself out to the public as a

PTA because the physical therapist holds a license from the Board and is competent to perform the duties of a PTA.

### **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, a licensed physical therapist may perform the duties and functions of a PTA, but may not hold himself out to the public as a PTA when in fact that person is licensed by this Board as a physical therapist. The issues of the reduced pay commensurate with that of a PTA and the elimination of the ability to practice independently by defining the job description as that of a PTA are not relevant to a determination of whether, under the Physical Therapy Practice Act, a licensed physical therapist can perform the functions of a PTA.

Sincerely yours,

Kentucky State Board of Physical Therapy  
Joan S. Dalton, P.T., Chair

Nancy Brinly, P.T.  
Executive Secretary

cc: Board members