
Kentucky State Board of Physical Therapy

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June 17, 1999

Mr. Mark Clark, PT
Clark & Assoc. Physical Rehab P.S.C.
5201 Arrowshire Drive
LaGrange, KY 40031

Re: Opinion and Declaratory Ruling regarding the use of the term "physical therapy" by licensed physical therapists performing therapy on non-humans

Dear Mr. Clark:

This correspondence is in response to your letter dated October 18, 1998, asking for an opinion from the Kentucky State Board of Physical Therapy on whether a licensed physical therapist may perform therapy on non-humans, specifically, in the veterinary profession. You have asked whether licensed physical therapists may call these services "physical therapy" and whether they may bill as such for their services.

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 performance of "physical therapy" on non-humans.

The Board is first presented with the question whether a licensed physical therapist may perform physical therapy on non-humans. The definition of "physical therapy" is found in KRS 327.010(1), and states in part that the practice involves "the use of selected knowledge and skills . . . for the care of individuals . . ."

The Board has interpreted the word "individual" to mean "human being" and thus all non-human beings are excluded from the only class of living creatures upon whom physical therapy can be performed. Therefore, nothing in KRS Chapter 327 prevents any person from performing the acts which are set forth by KRS 327.010(1) on a non-human, whether licensed by the Board or not.

However, please be advised that the performance of acts upon animals by anyone other than a licensed veterinarian, certified veterinary technician, or veterinary assistant under the supervision and direction of a licensed veterinarian, may run afoul of KRS Chapter 321.181, which has a broad definition of the practice of veterinary medicine. See KRS 321.181(5)(a)-(c).

The Board is aware that the American Physical Therapy Association, Orthopaedic Section, sponsors training for course work for physical therapy on non-humans. Members of the public and the

physical therapy profession should be advised that the practice of such may not be lawful under Kentucky law and is subject to applicable statutes governing the practice of veterinary medicine, for example.

II. The labeling of services on non-humans as “physical therapy” by persons not credentialed by the Board.

The Board next must consider whether anyone who performs such therapy on non-humans may call their services “physical therapy” services.

The Board has relied upon KRS 327.020 which provides in part that only persons licensed or certified by the Board may hold themselves out as a physical therapist or physical therapist’s assistant, respectively, or may describe their services as “physical therapy” services. The General Assembly has not restricted this law to persons who describe their services as “physical therapy services *on human beings.*” Thus, any uncredentialed person who holds himself out to the public as performing “physical therapy” would be in violation of KRS 327.020. It would not matter whether the person stated that he was a physical therapist for human patients. Calling one’s services “physical therapy” is by itself a violation.

To describe an uncredentialed person’s services as “physical therapy” services would mislead the public to the education, training, and profession of that person. The Kentucky General Assembly mandates that *no one* use the words “physical therapy” unless licensed or credentialed by the Board.

III. The labeling of services on non-humans as “physical therapy” by persons credentialed by the Board.

The Board is of the opinion that a licensed physical therapist or certified physical therapist’s assistant, may hold themselves out to the public as simply a “physical therapist” or “physical therapist’s assistant,” respectively. Such a person who holds a valid credential from the Board may use that title whatever the context – whether in a business, professional, or social context.

However, based on the limitations of the practice of physical therapy as defined by Kentucky law, cited above, and being applicable to human beings only, the Board is of the opinion that it would be false, misleading, or deceptive for a person credentialed by the Board, that is, a physical therapist or physical therapist’s assistant, to use that credential in connection with services performed on animals. Services performed on animals are the exclusive purview of the practice of veterinary medicine and Kentucky law does not recognize the practice of “physical therapy” on non-humans.

In order for a person who is in fact credentialed by the Board to use his title as “physical therapist” or “physical therapist’s assistant” in a truthful manner, that credentialed person must use a disclaimer that states at least in part as follows: “Physical therapy on non-humans is not recognized by Kentucky law except as provided by KRS Chapter 321, the Veterinary Practice Act.”

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, nothing in KRS Chapter 327 prevents an unlicensed person from performing therapy on non-humans, though the Veterinary Practice Act may.

Despite this conclusion, any person holding themselves out to the public in any way as a “physical therapist” or as performing “physical therapy” must hold a license or a certificate from this Board and use a disclaimer. Finally, a person who is not credentialed by the Board may not use the words “physical therapy” or any such words or phrases that would imply that that person is credentialed by the Board.

Sincerely yours,

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

cc: Board members
Board of Veterinary Medicine