



KENTUCKY STATE BOARD of PHYSICAL THERAPY

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Re: Opinion and Declaratory Ruling regarding state law governing physical therapy supervision of a home health aide by the Kentucky State Board of Physical Therapy

I. Introduction.

The Kentucky State Board of Physical Therapy has authorized this Opinion and Declaratory Ruling of the Board based solely on the facts presented, which will be summarized below. The Board has authorized this opinion 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.

II. Whether a licensed physical therapist may supervise a home health aide as “supportive personnel” as allowed by Board regulation.

The Board is first presented with the question whether a licensed physical therapist may supervise a home health aide. Under 201 KAR 22:053 Section 5, Standards for Supervision, a licensed physical therapist may supervise physical therapist’s assistants and “supportive personnel.” The Board interprets “supportive personnel” to include only those persons who provide direct physical therapy patient care to a patient of record of the physical therapist who is doing the supervision. Therefore, a licensed physical therapist may supervise a home health aide only if such person is engaged in direct physical therapy care so that such a health care employee is within the scope of the definition of “supportive personnel.” Supervision of an individual carrying out the duties of a home health aide or nurse is not addressed in KRS Chapter 327 unless such person is engaged in the direct physical therapy care of the patient of record, and is not otherwise engaged in nursing or other care.

While the Board understands that a physical therapist may be asked or directed by an employer to provide supervision of a home health aide by his or her employer, the physical therapist is not engaging in the practice of “physical therapy” when doing so. The Board does not prohibit this activity. However, the regulatory standards of the Board which govern a supervisor of supportive personnel will be specific to each employer. The regulations in 201 KAR Chapter 22 do not apply to such a supervisory

arrangement; they apply only to supervision of supportive personnel who are engaged in the direct physical therapy care of the patient of record.

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 supervision of "supportive personnel" contemplates only those persons involved in direct physical therapy care of a patient of record, which does not automatically include home health aides. Licensed physical therapists may supervise such persons, but only when they can provide "on-site" supervision of such supportive personnel who are engaged in direct physical therapy care of a patient of record and at the same time and location where the supervised person is providing such patient care. Supervision of persons not so engaged in direct physical therapy care of a patient of record should be established by the employer because it is outside the provisions of KRS Chapter 327 and the regulations thereunder.

Sincerely yours,

Kentucky State Board of Physical Therapy

By:

Stefanie Lawhorn, P.T., Chair

cc: Board members

Board Members

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