
Kentucky State Board of Physical Therapy

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August 19, 1999

M.S. McKlusky, P.T.A.
Angela Steele, P.T.
Kentucky Clinic South - Chandler Medical Center
2400 Greatstone Point
University of Kentucky
Lexington, Kentucky 40504-3274

Re: Kentucky State Board of Physical Therapy
Opinion and Declaratory Ruling regarding state law governing responsibilities of
a physical therapist's assistant in cardiopulmonary rehabilitation

Dear M.S. McKlusky, P.T.A., and Angela Steele, P.T.:

This correspondence is in response to your letter dated April 30, 1999, asking for an opinion from the Kentucky State Board of Physical Therapy on issues regarding state law governing responsibilities of a physical therapist's assistant in cardiopulmonary rehabilitation. Your letter was taken up by the Board at its meetings in May and June, 1999, and finalized by the Board at its August 19, 1999, regularly scheduled 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 repeated in full 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. Facts.

You have presented the following facts in support of your inquiry.

The Cardiopulmonary rehabilitation program currently offers both pulmonary rehabilitation and cardiac rehabilitation to patients upon referral of their physician. The services of a physical therapist's assistant are desired to complement the current multidisciplinary staff,

which includes a physical therapist and registered nurse.

In this setting, pulmonary patients are referred to this program for skilled physical therapy evaluation and treatment. The role of the physical therapist's assistant does not differ from the normal scope of practice. Cardiac rehabilitation patients, however, are treated by a multidisciplinary team governed by standard protocols, and do not have a documented physical therapy treatment plans or goals, nor are they billed for physical therapy.

This situation may fall outside of the normal scope of practice for a physical therapist's assistant because the cardiac patients do not have a physical therapy treatment plan. We feel the physical therapist's assistant in this setting is allowed to use his personal skills and abilities and additional education to monitor vital signs and educate patients in a similar capacity as an exercise physiologist who would be "non-certified." To insure safety and quality of care, our physical therapist will be required to be ACLS certified and demonstrate competence in dysrhythmia interpretation.

In addition, two days out of the week, the cardiopulmonary center will be opened as a gym for former patients who wish to continue their independent maintenance program. These members will pay out of pocket to use the equipment at the center. The physical therapist's assistant will be present to oversee the proper use of exercise equipment, etc.

I. What responsibilities may a physical therapist's assistant carry out in a cardiopulmonary rehabilitation program?

The Board first identifies the question as to what responsibilities may a physical therapist's assistant carry out in a cardiopulmonary rehabilitation program.

Kentucky law expressly prohibits anyone from practicing physical therapy unless credentialed by the Board. KRS 327.020(1) Exceptions exist for other health professionals licensed by other boards, such as physicians and chiropractors, who practice within the scope of their own profession. *Id*

It is clear from the facts that you presented that no physical therapist is supervising the services of the physical therapist's assistant, and that no physical therapy services are in fact being provided or billed for in the rehabilitation program.

II. What representations may a physical therapist's assistant make in a cardiopulmonary rehabilitation program?

While KRS 327.020(1) addresses the *practice part* of KRS Chapter 327, further provisions in statute govern the *title part* of KRS Chapter 327. Only a person credentialed by the Board may hold himself out as being able to practice physical therapy or may use any words, letters, abbreviations that would indicate or imply that such person provided or billed for "physical therapy" unless such services are "provided by or under the supervision of a physical therapist and practicing in accordance with this chapter." KRS 327.030(3)

Accordingly, a physical therapist's assistant may not, under any circumstances, provide physical therapy services unless provided under the supervision of a physical therapist. In other words, a physical therapist's assistant may only provide and bill for physical therapy services under the supervision of a physical therapist.

Such a requirement is also clearly set forth by regulation. 201 KAR 22:101 § 1(1) and (2) state in full:

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.

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 [9-24-91], 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.

The facts that you have stated, set forth above, have already revealed that it is not the intention to provide physical therapy services, "physical therapy" being defined by KRS 327.010(1). You have further stated that the patients "do not have a documented physical therapy treatment plan or goals, nor are they billed for physical therapy."

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With that in mind before the Board, the Board is of the opinion that a physical therapist's assistant, who is not providing physical therapy, must take all steps necessary to ensure that patients do not misunderstand that physical therapy services *are not being provided* by the physical therapist's assistant. In order to be assured that patients do not misunderstand the role in the context of the facts that you have provided, the Board is of the opinion that you must at least do the following.

First, you must not allow a physical therapist's assistant to refer to himself as a physical therapist's assistant, to call the services physical therapy, or to have the letters "PTA" or any other combination of letters that would imply that the physical therapist's assistant is acting in that capacity. For example, the physical therapist's assistant could not use the abbreviation "PTA" or the phrase "physical therapist's assistant" on his name tag.

Second, physical therapist's assistants who work at your facility under the supervision of a physical therapist on other days of the week or at other times must have a dual job description. The job description for the times when the physical therapist's assistant is working in the cardiopulmonary program must not refer to the duties of that position as being the services of physical therapy, and must also not refer to the position as being that of a physical therapist's assistant.

II. 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 physical therapist's assistant who works in a cardiopulmonary rehabilitation program, or any other rehabilitation program, and where physical therapy is not provided or billed in such program, must not make any representations that could possibly mislead the public that physical therapy services were being provided, or that the physical therapist's assistant was providing services in his capacity as a credentialed health care professional.

Sincerely yours,

Kentucky State Board of Physical Therapy
Tom Pennington, P.T., Chair

By:

Nancy Brinly, P.T., Executive Secretary

cc: Board members

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