

DRS. FOWLER, LYNN, MILONE AND HAACKER, P.A.

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20782

April 6, 1978

Earnest A. Burch, Jr.
Chairman, Board of Physical Therapy Examiners
441 Belvedere Avenue
Baltimore, Maryland 21212


Dear Mr. Burch:

As a practicing orthopedic surgeon and Board member of the Prince George's County Medical Society, I have become aware of the fact that physical therapy treatments are being given by unlicensed physical therapists or by untrained employees in at least six physicians offices in this county.

Can you tell me if this practice is legal even if done under the supervision of a doctor?

I would appreciate a prompt response so I can discuss this matter at the Executive Board Meeting of the Medical Society on April 18.

Sincerely,


Francis P. Milone, M.D.
Orthopaedic Surgeon

FPM/lb

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BOARD OF
PHYSICAL THERAPY EXAMINERS

April 13, 1978

Francis P. Milone, M.D.
Southern Building
9131 Piscataway Road
Clinton, MD 20735

Dear Dr. Milone:

The Maryland State Board of Physical Therapy Examiners is in receipt of your letter of April 6, 1978 relative to the use, by physicians, of unlicensed persons to administer physical therapy treatments. Such practice is not legal even when done under the supervision of a doctor as indicated by the following excerpts from an Attorney General Opinion dated July 25, 1977.

"Article 43, Section 613 of the Annotated Code of Maryland (1971 Repl. Vol., 1976 Cum. Supp.) provides that one who engages in physical therapy as that term is defined in Section 604 without being licensed by the Board is acting in violation of Maryland law. Accordingly, we would conclude that a person not licensed as a physical therapist or otherwise authorized by law to undertake a modality which falls within the definition of the practice of physical therapy who charges a patient or receives compensation for performing services which fall within the Section 604 definition would be engaged in the illegal practice of physical therapy and may be subject to the criminal penalties as set forth in Section 613."

In addition, the opinion states that:

"a person who charges a patient or third party payor for physical therapy services performed by an individual whom the person responsible for the billing knew or should have known was not a licensed physical therapist and not authorized to practice physical therapy, could reasonably be charged with aiding and abetting the illegal practice of physical therapy. In addition, it would seem that this person could also be charged with the crime of false pretenses since he is billing for physical therapy when the procedure performed was not done by one authorized by law to engage in the rendering of such a service."

The use of unlicensed persons to administer physical therapy has been under discussion by the Board of Medical Examiners of Maryland and the Board of Physical Therapy Examiners for some time and culminated in a meeting of the Boards on March 16, 1978. The information you have supplied has come at a most opportune time.

The Board requests permission to send a copy of your letter to the Board of Medical Examiners and to the Joint Practices Committee of MedChi, and will appreciate a response to this request at your earliest convenience, either by letter or a telephone call to the Board secretary at (301) 383-3248.

Sincerely,

Ernest A. Burch, Jr. Chairman