



Since the very beginning of civilization there has always existed some form of law or system of rules enforced in order to help construct and govern social behavior and practice. As society has grown and progressed, more laws have been created to protect human rights. Many individuals believe that laws are exclusively restrictive, holding one back from performing a designated task. This may be true in some circumstances; however, the main purpose of laws and regulations are to protect and ultimately benefit an individual, as well as groups of individuals. For example, constitutional laws, statutory law, common law, and administrative law are the four basic laws in America, that citizens are obligated to follow. When laws are not adhered to, people are made vulnerable to a greater risk of harm, whether that is the lawbreaker himself or those indirectly involved.

In the field of physical therapy, laws and regulations have greatly impacted and benefited such practice. There are a variety of rules in which a physical therapist must follow; PTBC, APTA, and CAPTA are all organizations that have established laws, regulations, rules, codes, acts, etc. for all professional physical therapists to respect and abide by. If a therapist goes against such laws, people (especially patients) may be put at risk, deprived of optimal treatment, and experience hindered healing and strengthening.

Laws in physical therapy include areas involving client relationships, insurance, billing, malpractice, report of injury, government inspections, general powers and duties, false advertising, renewal of license, scope of practice, etc. Surely, there is a vast range of laws for one to abide by; however, that is no excuse for a professional to take shortcuts. As a professional physical therapist, he/she is called to be a professional and act like a professional, obeying all that he/she is called to obey.

The most important area involving these legal and ethical factors deals with the physical therapist and patient interaction. The entire practice is based around a relationship between the therapist and patient; "physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person... the practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy intervention" (Business and Professions Code Section, 2620). The physical therapist is a licensed professional that has completed the proper education and displays the practical knowledge to apply his/her abilities to real life cases. Due to this patient and therapist relationship, many laws and regulations have been created to protect the patient as well as the professional. These rules may include, but are not limited to, patient care, scope of practice, ethics and professionalism, and legal matters. Consider the California codes, for example, which state that "a physical therapist licensed pursuant to this chapter may apply topical medication... nothing in this section shall be construed to authorize a physical therapist to

PT - pt relationship

prescribe medications... a physical therapist may, upon specific authorization of a physician and surgeon, perform tissue penetration for the purpose of evaluating neuromuscular performance" (Business and Professions Code Section, 2620.3 and 26020.5).

When rules and regulations are not adhered to, the physical therapist, the company or employer, the client, and other patients in the vicinity are put at risk of harm. The client performing the therapy and exercises is typically the individual at the highest risk; this patient may face both physical and emotional disadvantages. Physically, the rate of healing and progression of strength will decline. In addition, one may also experience mental fatigue and hardship. Mental distress may increase due to factors such as unresolved or increased pain, dissatisfaction of overall progress, stress on the body, financial obligations, etc. Generally, the laws established for practicing physical therapy help guide the therapist in providing optimal services in order for an individual to profit both physical strength and mental health. Therefore, if the laws are not followed, the physical therapist's service will not be optimal for the patient.

I can relate to several of these issues from a first-hand basis. While volunteering at a physical therapist clinic, I encountered many situations at which legal/ethical issues regarding patient care were not acted upon properly. At that time, however, I had never been informed of certain laws and regulations; therefore, I was blinded to the inappropriate practice and "wrongness" of the situation. The duties of a physical therapist are by no means easy; however, that gives absolutely no right for a professional to cut corners. Sadly, many therapists do in fact break the law and practice shortcuts that seem better in their opinion.

One circumstance that stands out in my memory involves the physical therapist assistant (PTA) and patient relationship. PTAs abide by different rules and practices compared to a physical therapist. In general, a PTA can perform all duties that a physical therapist does, except a small portion of skills, but only under the direct supervision of a physical therapist. Assistants can help direct patients with exercises, perform ultrasound and laser, direct an evaluation, etc. Unfortunately, this was not the practice that I witnessed at the clinic at which I volunteered.

The clinic that I interned at was a popular and well-respected business throughout the entire town. Hundreds of clients would come in weekly for therapy. Due to the high volume of patients and high demand of service needed, certain parts of the day became extremely busy. My main responsibilities were to clean, wash, and stock supplies, which was appropriate for a college intern. However, the problem lied with the PTAs. Almost everyday I worked there were at least three PTAs and two physical therapists. Legally this is an appropriate ratio (one PT per two PTAs). Yet, the physical therapists were never present in the same room when the PTAs were working with the clients. One physical therapist in particular was typically found in his office completing paperwork, only to be seen in the treatment room when paperwork was finished or when a question needed to be answered. On the other end of the spectrum, the other physical therapist would work on her patients, disregarding what the PTAs were doing. Both therapists assumed that the PTAs knew exactly what to do and would not make a mistake. These illegal actions were solely based on convenience, getting the most people in and out in one day.

Volunteer

PTA - pt relationship

3 PTAs
2 PT's

NO

What is the supervisor requirement?

7
1

Moreover, the clinic would frequently book too many clients, therefore the therapists and PTAs would be outside of legal ratio. Rarely during the 12 months that I interned at this clinic did I see the two physical therapists assess to determine if the PTAs were correctively and appropriately completing their assignments. The PTAs would complete evaluations, massage therapy, ultrasound, and even develop new exercises with no guidance or oversight of the therapists. On the outside, everything looked appropriate, professional, and thorough. The patients were satisfied, they were getting healthier, improving each visit, and I witnessed no complaints. What was the problem then? What could be so legally and ethically wrong with this situation?

When I was finally educated on the specific laws and regulations involving PTAs, I immediately became aware of all the past issues. Rarely did I evaluate the situation from the opposite side, asking myself the "What if" questions. What if something went wrong? What if the exercise the PTA implemented actually caused further physical harm or even endangered the patient? There are so many possible outcomes that could have happened, and it would legally be the physical therapist and PTA's fault. A large lawsuit may even be tempting for the client and a downward spiral could occur. Fortunately, the clinic was successful and patients were pleased with the results; however, was it the optimal rehabilitation that the individual could have received if the physical therapist would have intervened? If the finest treatment was not given, then the patient could potentially suffer more injuries in the future.

Due to my lack of knowledge regarding such legal and ethical issues, I did not say anything or question anyone. On the contrary, if I were aware of the matters at hand, I would have politely brought attention to the issue with both the physical therapists, as well as the PTAs. My words and actions would have been shared out of care and respect for the patients and that reputable clinic. Simply attacking them out of spite would not have benefited the situation. I believe the best way to approach the matter would be to simply speak with the physical therapists, trying to understand their rationalization and contributing my thoughts and perspective as well. If the clinic then did not make changes to its practice, I would have found another clinic to intern at, as to not compromise my moral obligations and reputation as a physical therapist in-the-making.

Undoubtedly throughout my studies and career, I am going to encounter many companies or professionals who tend to bend the rules; however, if they are made aware of it and will not change due to financial benefits or convenience then there is an issue. Physical therapy is focused on the benefit of the patient. All the laws and regulations have been revised and improved by thousands of specialists. Therefore, it is each physical therapists obligation to obey and apply these laws to their practice. Most will see a significant amount of respect and benefit in return.

Works Cited

"Business and Professions Code Section 2620-2634." CA Codes (bpc:2620-2634).
N.p., n.d. Web. 07 Oct. 2015.



*Heavenly
Spartan*