

VOLUME NO. 38

OPINION NO. 9

MEDICAL PRACTITIONERS - Examination and diagnosis of physical handicaps and impairments by physical therapists;  
PHYSICALLY HANDICAPPED - Examination and diagnosis of physical handicaps and impairments by physical therapists;  
PHYSICAL THERAPISTS - Examination and diagnosis of physical handicaps and impairments by physical therapists;  
MONTANA CODE ANNOTATED - Sections 37-3-102(a), 37-11-101(1), 37-11-321(9);  
REVISED CODES OF MONTANA, 1947 - Sections 66-1012(a), 66-2501, 66-2509.

HELD: A physical therapist may not act as a consultant in evaluating and diagnosing physical handicaps of any person unless acting at the request and direction of a licensed physician.

16 February 1979

Ed Carney, Administrator  
Department of Professional and  
Occupational Licensing  
42 1/2 North Last Chance Gulch  
LaLonde Building  
Helena, Montana 59601

Dear Mr. Carney:

You have requested my opinion concerning the following question:

May physical therapists act as independent consultants in evaluating physical handicaps of school children when requested to do so by school districts or educators?

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Your request specifically relates to the permissibility of a physical therapist giving evaluations and consultations while working independently of a licensed physician.

Physical therapists are subject to the Physical Therapists Practice Act which defines the practice of physical therapy and requires a license for such practice. Title 37, chapter 11, MCA (§ 66-2501, et seq., R.C.M. 1947). Subsection 9 of section 37-11-321, MCA (§ 66-2509, R.C.M. 1947), provides that the Montana State Board of Medical Examiners may refuse to license as a physical therapist anyone who,

(9) has undertaken to practice physical therapy independent of prescription from a person who holds an unlimited license to practice medicine and surgery in Montana and other states and territories. (Emphasis added.)

Since the Act permits the board to deny a license to any person practicing physical therapy independent of the prescription of a licensed physician, it follows that the practice of physical therapy independent of such prescription is prohibited. This limitation must be read in conjunction with the definition of physical therapy. Section 37-11-101(1), MCA (§ 66-2501(1), R.C.M. 1947), provides in relevant part:

(1) "Physical therapy" means the treatment of a bodily or mental condition of a person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and therapeutic exercise including physical rehabilitation procedures. (Emphasis added.)

This section refers only to treatment. It makes no mention of diagnosis or evaluation of conditions for which treatment might be appropriate and there is no provision of the Act which authorizes physical therapists to independently conduct physical examinations and give advice or consultations concerning treatment.

In requiring a physician's prescription as a prerequisite to physical therapy and defining physical therapy as "treatment," the Physical Therapists Act contemplates that the examination and diagnosis of physical handicaps be done by licensed physicians. Such diagnosis of physical ailments and handicaps, as well as prescriptions for treatment, are expressly contemplated as part of the practice of medicine. See § 37-3-102(a), MCA (§ 66-1012(a), R.C.M. 1947).

This opinion should not be construed as prohibiting a physician from requesting the assistance and advice of a physical therapist in examining and diagnosing physical handicaps or prescribing a course of treatment. However, a physical therapist may not examine, evaluate and diagnose physical disabilities independent of the direction of a physician.

THEREFORE, IT IS MY OPINION:

A physical therapist may not act as a consultant in evaluating and diagnosing physical handicaps of any person unless acting at the request and direction of a licensed physician.

Very truly yours,

MIKE GREELY  
Attorney General