



Physical Therapy Board of California

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

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Legal vs. Competent

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Are you legal? Licensed physical therapists and physical therapist assistants have a detailed formula for the legal practice of physical therapy. This includes, among others, the Business and Professions (B&P) Code Sections 2600 through 2696 (Physical Therapy Practice Act) and the California Code of Regulations, Title 16, Division 13.2, sections 1398 through 1399.85. The B&P Codes and regulations establish the minimums that are needed to serve the consumers of physical therapy services in California. These statutes and regulations detail what one can and cannot do as a physical therapist or physical therapist assistant in California. These codes and regulations are the legal authority to treat physical therapy clients and patients.

What is competence? Having the legal authority does not necessarily qualify as meeting the standard of practice if the therapist or assistant does not have the competence to perform the techniques which they offer. "Being legal" doesn't necessarily equate with "being competent". Webster's Dictionary defines "competent" as, "Having requisite or adequate ability or qualities", and the Oxford American Dictionary (OAD) as, "Having the ability, knowledge, or skill to do something successfully". The OAD defines "knowledge" as, "1. The fact or condition of knowing something with familiarity gained through experience or association. 2. Acquaintance with or understanding of a science, art, or technique." The American Physical Therapy Association's Guide for Professional Conduct states, "...competence shall be maintained through on-going self-assessment, education, and enhancement of knowledge and skills".

Can you demonstrate your competence? What experience do you have? What courses have you taken (or taught) to advance your skills? Are you performing techniques based on the minimum requirements, but that require advanced training or education? A member of the public presented a recent treatment issue at the May 2005 meeting of the PTBC. The argument to the Board was that physical therapists were utilizing manual lymphatic drainage techniques; resulting in injuries to the lymphedema patients they were treating. The public member cited seminars, continuing education offerings, and extensive training programs that should be required in order to attain the knowledge and skill required for this technique. Without this additional learning, the therapists and assistants were incompetent and causing harm. He acknowledged that the use of massage and treatment of patients with lymphedema are part of the legal practice of physical therapy, but that each therapist or assistant doing so should be demonstrably competent before attempting such techniques. Remember, this is just one of many advanced techniques being performed by physical therapists today.

Are you practicing legally? Are you competent in the techniques you offer? Do you have the experience and or education required to perform them with competence? Do you have records to document and support the basis for your believed competence? If you can answer yes to these questions, then you will be better prepared to treat your patients, and better prepared to defend yourself legally, should the need arise. Patients, and their safety, are the number one concern of physical therapists and physical therapist assistants. Treat your patients competently!