



STATE OF KANSAS

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Attorney General

February 15, 1978

ATTORNEY GENERAL OPINION NO. 78- 69

The Honorable Roy M. Ehrlich
State Representative
3rd Floor - State Capitol
Topeka, Kansas 66612

Re: Physical Therapists--Supervision--Physicians' Assistants

Synopsis: The enactment of House Bill No. 2719 in its present form, as amended by House committee, does not alter the existing authority of licensed physical therapists to provide services only under the direction of a licensed physician and surgeon, and such licensed physician may not delegate to his or her physician's assistant the statutory responsibility of the former to direct the services provided by physical therapists.

* * *

Dear Representative Ehrlich:

Section 1(c) of 1978 House Bill No. 2719, as amended by House Committee, an act concerning physicians' assistants, defines a "physicians' assistant" as

"a skilled person whose name is on the register maintained by the state board of healing arts and is qualified by academic training to provide patient services under the direction and supervision of a physician who is responsible for the performance of that assistant." [Emphasis supplied.]

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Subparagraph (a) of this section defines the underscored language thus:

"'Direction and supervision' means the guidance, direction and coordination of activities of a physicians' assistant by his or her responsible physician, whether written or verbal, whether immediate or by prior arrangement, but does not necessarily mean that the continuous, immediate, or physical presence of the responsible physician is required during the performance of the assistant."

You inquire whether, if this bill were enacted, licensed physical therapists are authorized to accept the orders of a physician's assistant. K.S.A. 1977 Supp. 65-2901(2) directs that a licensed physical therapist

"shall practice physical therapy pursuant to the lawful order, and under the direction, of a physician licensed and registered in this state to practice medicine and surgery and whose license is in good standing."

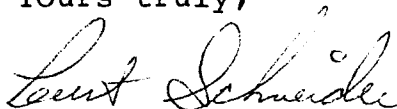
The current legislature has given much consideration, I understand, to the role of physicians' assistants and to the relationship between them and the supervising physicians. The language of section 1(a), defining the "direction and supervision" of physicians within which their assistants are to serve, reflects this consideration, as does section 7 of the bill, authorizing physicians' assistants to write prescriptions under certain circumstances. However, nothing in H.B. 2719 purports to define the relationship of physicians' assistants to other licensed members of the health care community.

The physicians' assistant is authorized to provide patient services under this act only under the direction and supervision of a physician. Similarly, under K.S.A. 1977 Supp. 65-2901, a licensed physical therapist must practice only under the lawful order and direction of a licensed physician and surgeon. The question is presented whether a physician may delegate to a physician's assistant his or her authority and responsibility to supervise the practice of another licensed health professional, such

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as a licensed physical therapist, whose own services by statute are to be performed only under the supervision and direction of a physician. As a matter of statutory construction, it is my view that the physician may not delegate that supervisory authority and responsibility. The physical therapist is required by statute to act only under a physician's order and direction, and absent a clear legislative direction that the physician's assistant is authorized to assume a supervisory responsibility over other licensed health care professionals who by existing statute also must look to a physician for supervision and direction, in my judgment, the enactment of House Bill No. 2719 in its present form does not alter the existing authority of licensed physical therapists to provide services only under the direction of physicians.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj