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OPINION NO. 86-252

April 29, 1986

The Honorable Lu Hardin
Senator, 8th District
2505 West Second Court
Russellville, AR 72801

Dear Senator Hardin:

This is in response to your letter wherein you requested an opinion concerning the following question:

Under the Physical Therapy Practice Act may a physician's clinic provide physical therapy by delegating responsibility to a staff individual or a nurse's aid [if] it is unlicensed under the act?

Ark. Stat. Ann. §72-1330 provides in pertinent part at (a):

It shall be unlawful for any person to practice physical therapy ... , or to practice or to assume the duties incident to physical therapy without first obtaining from the Board a license authorizing such person to practice physical therapy in this state; provided, however, that nothing in this Act [§§72-1317 through 72-1332] shall be deemed to prohibit any person licensed under any other Act in this state from engaging in the practice for which he is licensed ...

It would therefore appear that unless the individual performing the physical therapy was licensed under some other Act which authorized him or her to provide such services that the activities would not be authorized under the Physical Therapy Practice Act.

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The foregoing opinion, which I hereby approve, was prepared
by Special Assistant Attorney General George A. Harper.

Sincerely,

STEVE CLARK
Attorney General

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