



Legislative Update

Last year, The SC Board of Physical Therapy and The SC Department of Labor, Licensing and Regulation were named in a lawsuit regarding the referral for profit language in the SC Physical Therapy Practice Act; Joseph et al. v. SC Department of Labor, Licensing and Regulation.

SCAPTA has retained counsel and entered a motion to intervene in the case. The motion was granted. This means SCAPTA and SCAPTA's counsel can participate in the court proceedings.

The case was brought by two Medical Doctors and one Physical Therapist against the South Carolina Board of Physical Therapy. The 2006 Sloan decision by the SC State Supreme Court interpreted the Physical Therapy Practice Act to prohibit a PT or PTA from working for a physician who refers patients to that PT or PTA.

The plaintiffs in the Joseph case are attempting to obtain a decision from the court that the same prohibition applies to Physical Therapist owned clinics in which more than one PT is involved in the care of a patient and one PT directs a patient to a PTA in the same clinic/practice. The evident goal of the plaintiffs is to force the Physical Therapists in SC to run to the legislature to seek amendment to the PT Practice Act.

The past few months have involved gathering of information. We anticipate the case may reach the court sometime this fall. Please contact SCAPTA if you have any concerns or questions.