

Risk Management 101

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As Director of Practice for the Section on Women's Health (SoWH), I often receive questions regarding issues such as liability coverage, the education/experience needed to practice in the area of Women's Health, scope of practice, and reimbursement for women's health related physical therapy services. While every practitioner's question and situation has unique qualities, there are some basic risk management considerations that are applicable across the board. Following is a list of these considerations, which I have gleaned from conversations I have had over the years about practice-related issues with leaders in the SoWH and staff in the APTA Departments of Reimbursement, Practice, and Risk Management and Member Benefit Services.

- It is vital that physical therapists know their state practice act and whether they are working within the scope of that practice act.
- It is important that if physical therapists are ever questioned about their ability to practice in an area of women's health that they be able to demonstrate their competence as practitioners (e.g., by showing a record of education specific to women's health that includes things such as college courses, continuing education courses/seminars, lab work, observation, internships, student affiliations, practicums and experience in the clinic).
- It is necessary for physical therapists to know the policies of payor sources to determine upfront if there are any questions/issues regarding the services they are providing and what steps are necessary/required to ensure appropriate reimbursement.

The next paragraphs offer additional information from Jennifer Baker, CAE, Director of Risk Management & Member Benefit Services at APTA, on the risk management perspective. For further information on this important topic, you are welcome to contact Jennifer at 800/999-2782, ext. 3145 or jenniferbaker@apta.org.

The American Physical Therapy Association (APTA) is aware that, in the current health care environment, physical therapy professionals are finding new ways to expand their services to meet identified patient care needs, including opportunities within the area of women's health. Most physical therapy professional liability policies, including the one endorsed by APTA and administered by Healthcare Providers Service Organization (HPSO), are designed to cover a physical therapist for medical incidents that arise from the performance of professional services falling within the scope of the physical therapist's state practice act.

What is important from a risk management perspective is that physical therapists research and understand what they can and cannot do before entering new areas of practice, and what constitutes the provision of a professional service versus the provision of a more general health-related service (e.g. a general fitness/wellness type of service). They should be certain that they are operating within the scope of the practice act in the state(s) in which they are licensed, and consider carefully whether or not their scope of personal competence is compatible with the type of services they will provide.

State practice acts are designed to protect the public. They define what falls within the scope of practice of physical therapy, and, in some instances, they specifically identify procedures that are outside the scope of practice. If a practice act does not specifically mention a particular activity, it may be appropriate for a physical therapist to engage in it, if it is ordinarily considered to be a part of physical therapy and if some other state law does not prohibit physical therapists from performing the activity. With this in mind, physical therapists are encouraged to contact their state licensure board to obtain a

copy of their state's practice act. Read the state practice act thoroughly to see whether or not the activities being planned are either mentioned or prohibited. Ask questions if you have questions. The following are suggestions to use following your review of the practice act:

- If the activities are covered, or are not mentioned at all, but are within the scope of physical therapist practice as defined by the *Guide to Physical Therapist Practice*, you should be able to obtain coverage under a physical therapist professional liability policy for these activities.
- If, after reading the practice act, it is still unclear whether or not the activities are covered, contact either the state licensure board for written clarification, or consult with a local attorney for a legal opinion.
- If the activities are specifically excluded in the practice act, it is unlikely that a physical therapy professional liability policy will offer protection to the physical therapist should an incident arise while performing the activities.

Finally, it is important to note that in situations where there is not a direct physical therapist-patient/client relationship established between a physical therapist and a patient/client and an incident occurs that results in harm and the patient/client makes a claim against a physical therapist, the incident may not be covered by a physical therapy professional liability policy. In order for an interaction to be considered part of a physical therapist-patient/client relationship, there is usually a level of evaluation and documentation that is performed and recorded by the physical therapist. Please also note that in a state where there is not direct access (and a referral from a physician is required to establish a physical therapist-patient/client relationship), the physical therapist will need a referral from a physician. For these reasons, physical therapists should contact their insurance carrier to determine the extent of their current coverage and to find out whether or not they might need any additional types of insurance coverage, before starting to work in a new practice area in any capacity.