

Eli's Rehab Report

NEWS BRIEFS :Kentucky Physicians Get a Green Light to Bill for PT

One orthopedic physician has been fighting for the right to bill for physical therapy services in Kentucky -- and the Kentucky Supreme Court ruled in his favor on April 23.

In *Dubin Orthopaedic Centre PSC v. Kentucky Board of Physical Therapy, Ky*, **Ronald S. Dubin, MD**, argued he shouldn't be prohibited from billing 97001 (Physical therapy evaluation) or 97002 (Physical therapy reevaluation) -- a decision an earlier state appeals court upheld in Sept. 2007.

The Kentucky Supreme court decided that the state appeals court "erred in concluding that state law prohibits physicians in Kentucky who are not also licensed physical therapists from billing for physical therapy services," according to a report from the Bureau of National Affairs.

The state supreme court referred to statutory provisions in Section 327.020, which specify that PT restrictions "are not intended to prohibit any person licensed in the state under any other statute from engaging in the practice for which that person is duly licensed," the BNA reported.

"This does not mean, of course, that Dr. Dubin may hold himself out as licensed under [Ky. Rev. Stat.] Chapt 327 or provide medical services through unlicensed intermediaries, but it does mean that nothing in Chapter 327 precludes his provision of physical therapy services or his referring to them as such," the court said. In short, the court concluded that the state practice act is intended to protect the public against received unqualified PT services, "not to protect physical therapists against competition from other qualified health care providers."

"By exempting licensed physicians such as Dr. Dubin from the entirety of Chapter 327, the proviso in [Section] 327.020 permits him not only to provide physical therapy services, but also to refer to those services as such, and, in particular, to bill for those services, where appropriate, using CPT codes 97001 and 97002," the court said. To read the court's decision, visit <http://op/bna/com/hl.nsf/r?Open=psts-7rhszv>.