



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 30, 1992

Mr. James Glenn "Ken" Murray  
Chairman  
Advisory Board of Athletic Trainers  
1100 West 49th Street  
Austin, Texas 78756-3183

Letter Opinion No. 92-6

Re: Whether an athletic trainer working in a physical therapy clinic may be required to follow rules relating to physical therapy aides; and whether physical therapists and emergency medical technicians may perform services within the definition of "athletic trainer" (RQ-209)

Dear Mr. Murray:

You ask several questions about the authorized activities of athletic trainers under article 4512d, V.T.C.S., physical therapists under article 4512e, V.T.C.S., and emergency medical technicians under chapter 773 of the Health and Safety Code. Your first question is as follows:

Is an athletic trainer working in a physical therapy clinic required to follow the rules of the Texas State Board of Physical Therapy Examiners relating to physical therapy aides?

You take the position that a licensed athletic trainer working under such circumstances should not be considered to be a "physical therapy aide" as defined in article 4512e, section 1(4).

The practice of physical therapy is governed by article 4512e, V.T.C.S. The physical therapy act sets out two different categories of persons who act under the supervision of a physical therapist: physical therapist assistants and physical therapy aides. V.T.C.S. art. 4512e, § 1(3), (4). A physical therapist assistant must be licensed under the physical therapy act. *Id.* § 9. A physical therapy aide is "a person who aids in the practice of physical therapy and whose activities require on-the-job training and on-site supervision by the physical therapist or a physical therapist

assistant." *Id.* § 1(4). The physical therapy act does not require that physical therapy aides be licensed.

An "athletic trainer" is a person licensed by the Advisory Board of Athletic Trainers who "upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes." V.T.C.S. art. 4512d, § 1(1). The requirements of the physical therapy act are not applicable to an athletic trainer who is performing health-care services within the scope of his license. V.T.C.S. art. 4512d, § 9(2) (physical therapy training may satisfy part of educational requirement for athletic trainer), art. 4512e, § 6(1). Your question is directed, however, to a situation in which a licensed athletic trainer is not working under the direction of a team physician. In such circumstances a person would not be acting within the scope of his license as an athletic trainer. In other words, his licensure as an athletic trainer would not be relevant in determining whether he was acting as a physical therapy aide. The essence of your question, then, is under what circumstances a person working in a physical therapy clinic is subject to statutory provisions and administrative regulations governing physical therapy aides.

There is no statutory definition of "physical therapy clinic," and we assume the term could describe a variety of arrangements. As you suggest, there may be situations in which an athletic trainer is acting under the delegated authority of a physician. A physician is authorized to "delegate to any qualified and properly trained person or persons acting under the physician's supervision any medical act which a reasonable and prudent physician would find is within the scope of sound medical judgment to delegate." V.T.C.S. art. 4495b, § 3.06(d)(1). The delegated act must be performed in its "customary manner" and the delegating physician must determine that the person to whom the act is delegated can perform the act properly and safely. *Id.* Because an athletic trainer has training in certain types of health care, there are likely to be circumstances in which it would be appropriate for a physician other than a team physician to delegate medical acts to athletic trainers. In such circumstances the athletic trainer would not be acting within the scope of his license, but under the authority of the physician's license. In a situation in which a person was actually working under the delegated authority of a physician, that person would be exempt from the provisions of the physical therapy act and would not be subject to regulation as a physical therapy aide. Attorney General Opinion JM-421 (1986). The fact that a physician had some relationship with a clinic, however, would not by itself mean that all persons working in the clinic would be

working under the delegated authority of a physician.<sup>1</sup> Whether a particular athletic trainer would be working under the delegated authority of a physician must be determined on a case-by-case basis.

There may also be circumstances in which it would be appropriate for a person who is licensed as an athletic trainer but who is not acting under the direction of a team physician to act under the supervision of a physical therapist in the provision of physical therapy. In such circumstances an athletic trainer would not be acting within the scope of his license but would be acting as a physical therapy aide. Whether an athletic trainer would be acting as a physical therapy aide in particular circumstances must also be determined on a case-by-case basis.

Your second question is whether physical therapists or emergency medical technicians may perform services falling within the scope of an athletic trainer's license. The statutory educational requirements for athletic trainers make clear that there is overlap between the activities of physical therapists and the activities of athletic trainers. See V.T.C.S. art. 4512d, § 9(2) (physical therapy training may satisfy part of educational requirement for athletic trainer). Physical therapists who confine their practice to physical therapy are exempt from the provisions of the statute governing athletic trainers. *Id.* § 1(4). Thus, physical therapists may perform services within the scope of an athletic trainer's license as long as those services are also within the scope of a physical therapy license.

There does not appear to be any overlap between the scope of an athletic trainer's license and the authorized activities of an emergency medical technician. Emergency medical technicians are certified under chapter 773 of the Health and Safety Code to perform "emergency prehospital care," which means "care provided to the sick or injured before or during transportation to a medical facility, and includes any necessary stabilization of the sick or injured in connection with that transportation." Health & Safety Code § 773.003(15). A basic emergency medical technician is certified by the Health Department to perform "emergency prehospital

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<sup>1</sup>Even though physical therapists may, as a general rule, treat only patients who have been referred to them by other types of licensed health-care providers, there is no requirement that physical therapists work under the delegated authority of another health-care provider. See V.T.C.S. art. 4512c, §§ 19(a)(1)(A) (referral requirement), 19(a)(2) (exceptions to referral requirement). Thus, the fact that a physician referred patients to a particular physical therapist would not by itself mean that the physical therapist or others who worked with the physical therapist were working under the delegated authority of a physician.

care that is necessary for basic life support and that includes cardiopulmonary resuscitation and the control of hemorrhaging." *Id.* § 773.047. A specially skilled emergency medical technician is certified by the Department of Health to provide "emergency prehospital care by initiating under medical supervision certain procedures, including intravenous therapy and endotracheal or esophageal intubation." *Id.* § 773.048 (qualifications for emergency medical technician-intermediate). The authorized practice of an athletic trainer, in contrast, is the prevention and rehabilitation, under the advice and consent of a team physician, of injuries incurred by athletes. Thus, the type of health care that a licensed athletic trainer is authorized to perform is apparently distinct from the type of health care that emergency medical technicians are authorized to perform.

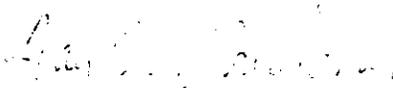
You also ask whether physical therapists or emergency medical technicians may perform "preventive services" for athletes at sporting events or practices. Whether any individual has authority to perform "preventive services" in any particular circumstances depends on the nature of the services and the authority under which the individual was performing those services. *See generally* V.T.C.S. art. 4512e, § 19(4) (physical therapist may provide instructions to asymptomatic persons without referral).

### SUMMARY

Whether a person who is licensed as an athletic trainer is acting as a "physical therapy aide" for purposes of article 4512e, V.T.C.S., depends on that person's particular working arrangements.

Whether a licensed physical therapist or an emergency medical technician may perform "preventive services" at a sporting event depends on the nature of the services and the authority under which the individual is performing such services.

Very truly yours,



Kay H. Guadjardo  
Assistant Attorney General  
Opinion Committee