

01-051

**PROFESSIONS AND OCCUPATIONS: PHYSICAL THERAPY — MEDICINE AND OTHER HEALING ARTS.**

**Chiropractors may lawfully provide physical therapy modalities as part of treatment program for patients and, therefore, practice physical therapy.**

The Honorable John J. Welch III  
Member, House of Delegates  
June 18, 2001

You ask whether chiropractors may lawfully provide physical therapy modalities as part of a treatment program for patients, and therefore, practice physical therapy.

You advise that, since the enactment of Chapter 34.1 of Title 54.1, §§ 54.1-3473 through 54.1-3483 of the *Code of Virginia*,<sup>1</sup> questions have arisen regarding whether chiropractors may lawfully perform physical therapy modalities on their patients. Chapter 34.1 creates an independent Board of Physical Therapy and removes the regulation of physical therapists and physical therapist assistants from the Board of Medicine.<sup>2</sup> Chapter 34.1 also sets forth the requirements for the licensure of physical therapists in the Commonwealth.<sup>3</sup> You relate that chiropractors are not acknowledged by some as being lawfully authorized to perform physical therapy on their patients.

Section 54.1-2900, a portion of Chapter 29 of Title 54.1, governing medicine and other healing arts,<sup>4</sup> defines the term "practice of chiropractic" as "the adjustment of the twenty-four movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines." This definition expressly excludes certain modalities, but otherwise permits a broad range of practice, limited only to the twenty-four movable vertebrae of the spinal column and normalizing the transmission of nerve energy. Physical therapy as a treatment modality is not specifically excluded from this scope of practice, and chiropractors regularly have employed elements of this treatment modality in their course of practice. Similarly, the "practice of medicine or osteopathic medicine" is defined broadly to include "the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method."<sup>5</sup> Nothing is excluded from the permissible range of treatments that may be performed by these licensed practitioners. Doctors of medicine and doctors of osteopathic medicine, therefore, have employed elements of physical therapy in the course of their practice.

The General Assembly did not change the definitions of "practice of chiropractic" or "practice of medicine or osteopathic medicine" when it enacted Chapter 34.1 of Title 54.1. Additionally, the General Assembly did not express a clear intention to override existing provisions of law when it established the Board of Physical Therapy. It is axiomatic that the primary goal of statutory interpretation is to interpret statutes in accordance with the legislature's intent.<sup>6</sup> Therefore, statutes must be construed in a manner that ascertains and gives effect to legislative intent.<sup>7</sup> Such intent "must be gathered from the words used, unless a literal construction would involve a manifest absurdity."<sup>8</sup> Finally, the entire statutory provision must be reviewed to ascertain legislative intent.<sup>9</sup>

Based on the above, I am of the opinion that the statutory changes enacted by the General Assembly in 2000 were not intended to change, and did nothing to change, the scope of

practice of chiropractors, and I am further of the opinion that chiropractors may lawfully provide physical therapy modalities as part of a treatment program for patients and, therefore, practice physical therapy.

<sup>1</sup>2000 Va. Acts ch. 688, at 1315, 1334-37 (adding Chapter 34.1 in Title 54.1 and repealing §§ 54.1-2942 to 54.1-2948, relating to Board of Physical Therapy).

<sup>2</sup>See Va. Code Ann. § 54.1-3473 ed. note (Michie Supp. 2000).

<sup>3</sup>See, e.g., Va. Code Ann. § 54.1-3477 (Michie Supp. 2000).

<sup>4</sup>See Va. Code Ann. §§ 54.1-2900 to 54.1-2993 (Michie Repl. Vol. 1998 & Supp. 2000).

<sup>5</sup>Va. Code Ann. § 54.1-2900 (Michie Supp. 2000).

<sup>6</sup>See *Turner v. Commonwealth*, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983); 1999 Op. Va. Att’y Gen. 198, 198.

<sup>7</sup>See *Watkins v. Hall*, 161 Va. 924, 930, 172 S.E. 445, 447 (1934).

<sup>8</sup>*Watkins*, 161 Va. at 930, 172 S.E. at 447 (quoting *Floyd v. Harding*, 69 Va. (28 Gratt.) 401, 405 (1877)).

<sup>9</sup>See *Commonwealth v. Jones*, 194 Va. 727, 731, 74 S.E.2d 817, 820 (1953) (noting that, to derive true purpose of act, statute should be construed to give effect to its component parts).

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