

1977 S.C. Op. Atty. Gen. 185 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-253, 1977 WL 24594

Office of the Attorney General

State of South Carolina

Opinion No. 77-253

August 12, 1977

*1 TO: Nathaniel B. Heyward
Executive Secretary,
State Board of Medical Examiners for South Carolina

QUESTIONS PRESENTED:

- 1). Is a licensed physician prohibited from practicing physical therapy in South Carolina?
- 2). May a registered nurse, under the direct supervision of a licensed physician, practice physical therapy in South Carolina?

STATUTES INVOLVED:

Section 40–33–10, Code of Laws of South Carolina, 1976, as amended; Section 40–45–20, Code of Laws of South Carolina, 1976; Section 40–45–100, Code of Laws of South Carolina, 1976; Section 40–47–40, Code of Laws of South Carolina, 1976.

DISCUSSION OF ISSUE:

Physical therapy is defined in Section 40–45–20, Code of Laws of South Carolina, 1976, as follows:
‘Physical therapy’ shall mean the evaluation and treatment of any bodily or mental condition of any person by the use of physical, chemical, or mechanical agents, the properties of heat, light, water, electricity, massage, sound, and therapeutic exercises, including rehabilitation procedures, all under the prescription of a licensed doctor of medicine or dentistry.

Moreover, Section 40–45–100, Code of Laws of South Carolina, prohibits any person from practicing physical therapy in this State unless that person is registered in accordance with the chapter dealing with physical therapists.

However, the definition of the practice of medicine in Section 40–47–40, Code of Laws of South Carolina, 1976, is broad enough to include acts of physical therapy. That definition includes one who treats any physical ailment; engages in any branch or specialty of the healing art; or relieves ‘any human disease, ailment, defect, abnormality, or complaint’ by using ‘any drug, appliance, manipulation, adjustment or method or by any therapeutic agent whatsoever.’ Furthermore, Section 40–33–10, South Carolina Code of Laws, 1976, as amended, which gives the definitions of the practice of professional nursing, provides that those practices include the administration of treatments and medications ‘as authorized and prescribed by a licensed physician or licensed dentist.’ Therefore, a professional nurse, under the direct supervision of a licensed physician, may also practice physical therapy.

CONCLUSION:

It is the opinion of this office that a licensed physician, or a professional nurse under the direct supervision of a licensed physician, may practice physical therapy in South Carolina, although he or she should not hold himself or herself out to be a physical therapist.

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