

Who Makes the Best Physical Therapy Expert?

Out in the wild – the pecking order of the food chain determines the ultimate survivors. Those less fortunate creatures at the bottom of the food chain are preyed upon by the smarter, more resourceful animals. Naturally, the animals at the top of the food chain live and prosper. That theory is often regretfully exploited in the courtroom where inexperienced attorneys will position the top of the medical food chain – the physician – to present themselves as an expert in any type of medical malpractice case. Hoping to follow the food chain methodology – they make the mistake of expecting their physician to speak to the standard of care in any field of medicine.

The physician, while he/she may have no problem speaking to diagnostic principles, clinical examination or prescribing standards, is not the ‘end all’ when it comes to acting as an authoritative figure in the field of medicine. In fact, this courtroom chess move may prove detrimental to the case, when the physician is unable to speak knowledgeably to the specific discipline’s standard of care.

Physician Education vs. Practice

In medical school, the graduating physician has very little training in physical therapy methodology, exercise prescription, gait training or neurophysiological methods of treatment. While various techniques may be defined for the medical student – they are not trained in performance of those techniques and no one would expect them to be able to actually deliver the appropriate therapeutic treatment.

A physician may choose to specialize in physical medicine and become board certified in the rehabilitation. The physician specialist in rehabilitation – Physical Medicine and Rehabilitation (PM&R) physician has advanced training in physical therapy techniques and a more holistic understanding of the body and its’ response to injury. However, even the board certified PM&R physician would not be expected to stay up to date on the standard of care that is set by physical therapists. Therefore, it would be unfair to expect a physician to be able to speak to the current standard of care in the physical therapy profession. The PM&R physician often does not practice daily interacting with other PT’s, has not tried treatment techniques on patients himself, does not read the evidence based PT literature, does not receive PT bulletins and does not stay up to date on state and national PT legislative changes.

“Let me Trump Your PT with an MD!”



In the world of medicine, an attorney will often try to “trump” the opposing counsel’s expert by providing a physician to speak to the standard of care of a physical therapist, when really it is the practicing physical therapist that is best able to speak to their own standard of care.

The standard of care is defined as a diagnostic and treatment process that a clinician should follow for a certain type of patient, injury or clinical circumstance. While that definition conveys that the therapist must follow a particular procedure, the standard of care in physical therapy is explored at several levels:

- The appropriateness and thoroughness of the evaluation performed.
- The specificity of the treatment technique being rendered
- The legalities and ethical responsibilities of the treatment performed.
- The normal routine for evaluation and treatment when performed on a daily basis with like circumstances.

A sharp physical therapist expert working with the opposing counsel, can hone in on the inability of the physician to understand the factors that have gone into the treatment decisions being made by the physical therapist and will point out the inefficiencies of the physician’s training in the field of physical therapy, as well as their inability to determine what is actually practiced on a daily basis in physical therapy.

All states allow physical therapists to work under an open “Evaluate and Treat” prescription for physical therapy. Therefore, it is the physical therapist and not the physician in most cases, who determines the patient’s appropriate plan of care. A physician may be able to speak to the reasons why the physical therapy was prescribed. A physical therapist expert can examine the reasons behind the chosen treatment and evaluate the level of evaluation that was necessary to determine the procedure that was performed.

Legally, the standard of care recognizes the way in which an average, prudent provider in any given community would practice. It looks at how similarly qualified practitioners (ie. other physical therapists) would have managed the patient’s care under the same or similar circumstances. The medical malpractice plaintiff must be able to establish the appropriate standard of care. In order to do so, it is necessary to engage the services of an expert with similar training. Once established, they must then demonstrate that the standard of care has been breached – only a like provider would be able to intelligently speak to the common standard and thoroughly explain the breach in the care.



Many factors go into determining fault in physical therapy cases. A highly trained physical therapy expert can point out areas of the case that the attorney may not have realized was a malpractice violation including appropriate documentation standards, verbal informed consent practices, evaluative procedures, treatment choice methodology, treatment technique, re-evaluation requirements, and incident follow through.

Don't make the "trump" mistake – engage the expert of a physical therapist when there is a physical therapy case.



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