



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 23, 1996

David R. Smith, M.D.
Commissioner
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Letter Opinion No. 96-103

Re: Regulation of kinesiotherapists under
article 4512e, V.T.C.S., and related question
(ID# 38920)

Dear Dr. Smith:

You ask whether the Department of Health, pursuant to section 12.014(a) of the Health and Safety Code, may register kinesiotherapists. It may not.

Section 12.014(a) permits the department to register health care providers "who are not otherwise licensed, registered, or certified by any state agency, board, or commission." By the explicit terms of article 4512e, V.T.C.S., however, kinesiotherapists are licensed by the Board of Physical Therapy Examiners.

As you correctly point out, "physical therapist" is defined by section 1(2) of article 4512e as

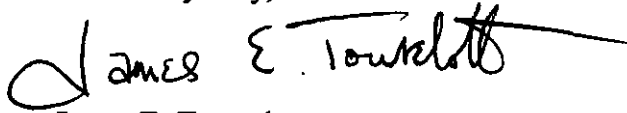
a person who practices physical therapy and is licensed by the Texas Board of Physical Therapy Examiners. "Hydrotherapist," "physiotherapist," "mechano-therapist," "functional therapist," "physical therapy practitioner," "physical therapist specialist," "physiotherapy practitioner," "kinesiotherapist," "physical rehabilitation specialist," and "myofunctional therapist" are equivalent terms; any derivation of the above terms or any reference to any one of them in this Act includes the others. [Emphasis added.]

No one may hold himself out as a physical therapist (which includes a kinesiotherapist) in this state unless he is licensed by the Board of Physical Therapy Examiners. V.T.C.S art. 4512e, § 7(a). Since kinesiotherapists are licensed by the Board of Physical Therapy Examiners, then, the Department of Health may not register them.

S U M M A R Y

The Texas Department of Health does not have the authority to register kinesiotherapists.

Yours very truly,

A handwritten signature in black ink that reads "James E. Tourtelott". The signature is written in a cursive style with a long horizontal line extending to the right.

James E. Tourtelott
Assistant Attorney General
Opinion Committee