

***Understanding the Concepts of “Reasonable and Prudent” and “Standard of Care”  
in Physical Therapy***

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY  
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## **Understanding the Concepts of “Reasonable and Prudent” and “Standard of Care” in Physical Therapy**

*Disclaimer: The information provided in this resource is provided by the Federation of State Boards of Physical Therapy (FSBPT) for educational purposes and does not constitute legal advice. For specific guidance related to your jurisdiction, please consult your state board attorney.*

In the realm of healthcare practice, two fundamental concepts play a pivotal role in determining the quality of care provided and assessing professional conduct: "reasonable and prudent" and "standard of care." These terms are closely interlinked and are crucial for regulators and healthcare providers to comprehend, especially when determining if professional obligations have been met.

### **Reasonable and Prudent**

The term “reasonable and prudent” embodies the level of diligence, skill, judgement, and foresight expected from a clinician in fulfilling their obligations to the patient or client. It signifies the standard of care that a competent healthcare provider would exercise under similar circumstances.<sup>1</sup> Essentially, a reasonable and prudent healthcare provider is one who demonstrates good judgment in delivering care in accordance with accepted standards, as determined by peers with similar education and experience.<sup>2</sup>

For instance, the National Council of State Boards of Nursing (NCSBN) defines a reasonable and prudent nurse as one who utilizes “good judgment in providing nursing care according to accepted standards, and that another nurse with similar education and experience in similar circumstances would provide.”<sup>3</sup>

### **Standard of Care**

The concept of “standard of care” pertains to the level of care that a reasonable and prudent healthcare provider, possessing similar education, training, and experience, would exercise under analogous circumstances.<sup>4</sup> It serves as a legal benchmark for evaluating the conduct of healthcare professionals and assessing whether they have fulfilled their professional obligations to patients.<sup>5</sup>

According to the National Association of Boards of Pharmacy (NAPB) “standard of care means the degree of care a prudent and reasonable licensee or registrant with similar education, training, and experience will exercise under similar circumstances.”<sup>6</sup>

### **Significance for Regulators**

Regulators tasked with protecting the public and overseeing healthcare practice must grasp the nuances of reasonable and prudent behavior and the standard of care, particularly when evaluating complaints and determining disciplinary actions. The standard of care serves as a benchmark against which professional conduct is measured.<sup>7</sup> If a healthcare provider fails to meet this standard, it may indicate potential negligence or misconduct.

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<sup>1</sup> Vanderpool D. The Standard of Care. *Innov Clin Neurosci*. 2021 Jul-Sep;18(7-9):50-51. PMID: 34980995; PMCID: PMC8667701.

<sup>2</sup> <https://www.lawinsider.com/dictionary/reasonable-and-prudent-operator>

<sup>3</sup> [https://www.ncsbn.org/public-files/2016\\_Decision-Making-Framework.pdf](https://www.ncsbn.org/public-files/2016_Decision-Making-Framework.pdf) July 2016

<sup>4</sup> <https://www.berxi.com/resources/articles/physical-therapy-malpractice-do-pts-get-sued/>

<sup>5</sup> Vanderpool D. The Standard of Care. *Innov Clin Neurosci*. 2021 Jul-Sep;18(7-9):50-51. PMID: 34980995; PMCID: PMC8667701.

<sup>6</sup> Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy August 2022

<sup>7</sup> Vanderpool D. The Standard of Care. *Innov Clin Neurosci*. 2021 Jul-Sep;18(7-9):50-51. PMID: 34980995; PMCID: PMC8667701.



In instances where a physical therapist (PT) or physical therapist assistant (PTA) fails to perform at the level expected of a reasonably prudent practitioner under similar circumstances, there exists a risk to the public. Regulators use these concepts to determine if professional obligations to patients have been met and whether to take appropriate disciplinary action.

Both concepts (reasonable and prudent and standard of care) should be considered when assessing probable cause for a violation and the relative severity of the behavior.

### **Professional and Ethical Responsibility**

PTs and PTAs have a professional and ethical responsibility to provide competent care throughout their career. The legal scope of practice/work is overarching; however, the PT and PTA's personal scope of practice/work often evolves and narrows over time, and they must ensure their own competence for services and interventions they provide. Failure to do so may cause the PT or PTA to not demonstrate practice at the current standard of care and result in pursuant action by the regulatory board.

In upholding the standards of professional responsibility, the reasonable and prudent PT and PTA adhere to the following principles:

1. **Recognition of Lifespan Transitions:** Recognizing that points of transition in their professional lifespan may necessitate evolving competencies and adaptability to changing demands in practice.
2. **Alignment with Legal Scope of Practice:** Ensuring alignment between their legal scope of practice and personal level of expertise and competence, PTs and PTAs prioritize patient safety and quality of care.
3. **Collaboration and Referral:** Referring patients to peers or other healthcare professionals when appropriate to ensure accessibility to essential healthcare services, promoting intradisciplinary and interdisciplinary collaboration.
4. **Commitment to Lifelong Learning:** Adhering to principles of lifelong learning, PTs and PTAs provide evidence-based physical therapy services, share knowledge gained, and apply newly acquired skills to enhance patient outcomes.
5. **Ethical Standards Adherence:** Adhering to recognized ethical standards of the physical therapy profession, including statutes and regulations governing scope of practice, billing, documentation, and patient informed consent.
6. **Support and Accountability:** Supporting colleagues in maintaining ethical standards, report instances of deficient competence or unethical behavior, and uphold integrity within the profession.
7. **Self-awareness and Continuous Improvement:** Demonstrating continuous self-awareness and self-reflection, they seek feedback from peers and accept constructive critique to address personal biases, limitations, and areas for improvement.
8. **Personal Well-being:** Establishing personal goals and prioritize personal, mental, and physical health to ensure safe and efficient practice at the highest level.
9. **Respect for Diversity and Beliefs:** Demonstrating respect for the values and beliefs of all individuals, including patients, interdisciplinary healthcare teams, policymakers, and regulators, fostering an inclusive and equitable healthcare environment.



10. **Fair and Objective Care:** Acknowledging patients' right to fair, respectful, and objective evaluations and their active participation in establishing the plan of care, PTs and PTAs mitigate implicit bias and prioritize the public interest above self-interest, promoting diversity, equity, inclusion, belonging, and justice.
11. **Advocacy for Ethical Practice:** Taking action when policies or practices contradict ethical standards, advocating for changes that uphold the principles outlined above.

### Relevant Factors

In determining the applicable standard of care in clinical practice, the reasonable and prudent physical therapist (PT) and physical therapist assistant (PTA) must consider a variety of factors. These factors, which may vary from jurisdiction to jurisdiction, provide essential context for evaluating professional responsibility:

1. **Statutes:** Both state and some federal statutes establish legal parameters within which PTs and PTAs must operate.
2. **Regulations:** Federal and state regulations, including confidentiality regulations, outline specific requirements and standards for healthcare providers.
3. **Regulatory Statements:** Guidelines and directives issued by the federal government and state licensing boards provide additional guidance on professional standards and expectations.
4. **Authoritative Clinical Guidelines:** While not definitive standards of care themselves, authoritative clinical guidelines serve as important reference points for determining best practices in clinical settings. PTs and PTAs should document reasons and clinical judgment when deviating from such guidelines.
5. **Policies and Guidelines from Professional Organizations:** Organizations like the American Physical Therapy Association (APTA) or the American Council of Academic Physical Therapy (ACAPT) issue policies and guidelines that inform professional practice standards.
6. **Journal and Research Articles:** Current research findings and publications contribute to the body of knowledge in physical therapy, guiding evidence-based practice and informing clinical decision-making.
7. **Accreditation Standards:** Standards set by accrediting bodies for healthcare facilities and educational programs establish benchmarks for quality and safety in patient care and professional training.
8. **Facility Policies and Procedures:** Internal policies and procedures within healthcare facilities provide specific guidance for PTs and PTAs regarding protocols and practices relevant to their practice setting.<sup>8</sup>
9. **Payor Policies and Requirements:** Ethical and legally appropriate billing practices include awareness of coverage and reimbursement guidelines of both government and private payors, while advocating for the patient's best interest.

### Impact on the Public

If the standards regarding reasonable and prudent behavior and the prevailing standard of care are not upheld, there are significant risks to the public in terms of healthcare quality, patient safety, and trust in the healthcare system:

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<sup>8</sup> Vanderpool D. The Standard of Care. *Innov Clin Neurosci*. 2021 Jul-Sep;18(7-9):50-51. PMID: 34980995; PMCID: PMC8667701.



1. **Compromised Patient Safety:** Failure to adhere to established standards may result in substandard care, leading to preventable medical errors, complications, or adverse outcomes for patients.
2. **Reduced Treatment Efficacy:** Deviating from accepted standards of care may result in ineffective treatments or therapies, leading to prolonged illness, delayed recovery, or worsening of medical conditions for patients.
3. **Harm to Patients:** Patients may suffer physical, emotional, or psychological harm due to reckless conduct or substandard care by healthcare providers, potentially leading to long-term consequences for their health and well-being.
4. **Loss of Trust in Healthcare Providers:** Incidents of substandard care can erode public trust in healthcare professionals and institutions, undermining confidence in the reliability and integrity of the healthcare system as a whole.
5. **Legal and Financial Consequences:** Healthcare providers and institutions may face legal liabilities, lawsuits, and financial penalties for deviations from accepted standards of care, resulting in reputational damage and financial strain.
6. **Inequitable Access to Healthcare:** Substandard care may disproportionately impact vulnerable or marginalized populations, exacerbating disparities in healthcare access and outcomes.
7. **Professional Accountability:** Negligent or unethical conduct by healthcare providers undermines the integrity of the profession and may necessitate disciplinary actions, impacting their licensure, credentials, and ability to practice. The patient/client may suffer financial hardship when faced with co-payments and cost shares for care that may not align with the standard of practice.

### Using this Document

A regulatory board could utilize this resource document in several ways to enhance its effectiveness in overseeing physical therapy practice:

1. **Educational Material:**

This document can serve as educational material for regulators, PTs and PTAs, helping them understand the expectations regarding reasonable and prudent behavior and the standard of care in their practice.

- **Boards:** Physical therapy boards could utilize this document to create tailored educational resources for new board members, highlighting case studies and scenarios relevant to applying these concepts to complaints and disciplinary cases.
    - **Training for Board Members:** Board members responsible for adjudicating disciplinary cases can undergo training using this resource to familiarize themselves with the legal and ethical standards governing healthcare practice.
  - **Licensees:** Physical therapy associations and/or boards could incorporate examples specific to the prevailing standard of care and reasonable and prudent behavior in continuing education programs for licensed physical therapists and assistants.
2. **Guidance for Investigations:** When investigating complaints against healthcare professionals, the regulatory board can refer to this document to determine whether the alleged conduct aligns with the principles of reasonable and prudent care and the standard of care.



3. **Resource for Legal Counsel:** Legal counsel representing the regulatory board or advising healthcare professionals can refer to this document for insights into the legal standards applicable to healthcare practice and disciplinary proceedings.
4. **Expectations for Physical Therapy Standards:**
  - The document can function as background for specific expectations for the prevailing standard of care in physical therapy practice, including examples of commonly accepted practices and emerging techniques such as dry needling.
  - Examples related to controversial areas of practice, such as pelvic health or dry needling, can be included to guide regulatory boards and licensees in navigating these contentious issues within the framework of reasonable and prudent care.
5. **Proactive Education:**
  - Regulatory boards can proactively educate both students and licensed professionals about the concept of reasonable and prudent PT or PTA and the importance of adhering to the prevailing standard of care in clinical decision-making.
6. **Assessing Emerging Practices:**
  - Regulatory boards can use the document to assess when faced with a new emerging practice, especially in areas where statutes or regulations are silent, by evaluating whether it aligns with the principles of reasonable and prudent behavior and the prevailing standard of care.
  - Recognizing that emerging areas of practice may outpace regulatory timelines, the document can provide a general framework for evaluating new practices and technologies, enabling regulatory boards to adapt to evolving healthcare landscapes more effectively.
7. **AI Implementation:**
  - The document can address scenarios where artificial intelligence (AI) is utilized in healthcare, emphasizing the need for practitioners to critically evaluate AI-generated diagnoses or treatment plans and to double-check their implementation to ensure patient safety and compliance with professional standards.
8. **Minimizing Bias:**
  - The document can help minimize personal bias among board members by providing objective criteria and examples to guide their decision-making processes during disciplinary proceedings.
9. **Generational Differences and Communication:**
  - The document can address generational differences in communication and professional conduct, offering guidance on how to bridge these gaps and maintain a cohesive standard of care across diverse demographics of healthcare providers.
10. **Collaboration with APTA:**
  - Regulatory boards and the APTA should collaborate to disseminate the information contained in this document and foster a culture of accountability and continuous improvement within the physical therapy community. The organizations may work together to create video content that elucidates the principles outlined in the document, offering practical examples and insights tailored to physical therapy practice.

## Conclusion



In summary, understanding the concepts of “reasonable and prudent” and “standard of care” is essential for regulators. These concepts define the expected level of care and conduct in healthcare practice, guiding professionals in delivering quality care while also serving as benchmarks for assessing compliance and addressing instances of negligence or misconduct. However, for comprehensive legal advice or guidance tailored to specific jurisdictions, it is advisable for board members to consult with a qualified board attorney familiar with physical therapy statutes and regulations as well as broader applicable healthcare regulations and standards.

By leveraging this resource document effectively, regulatory boards can strengthen their understanding of the concepts of “standard of care” and “reasonable and prudent,” promote adherence to professional standards, and ultimately enhance the quality and safety of the delivery of physical therapy care. Overall, upholding standards of care and reasonable and prudent behavior is crucial for ensuring the delivery of safe, effective, and ethical healthcare services, thereby safeguarding the well-being and trust of the public.