

- In January of 2009 the Washington State Supreme Court will begin hearing the case of BFOA (a 4 person orthopedic group in Richland WA) vs. Columbia Physical Therapy, a multi-office, independent, Physical Therapy Corporation).
- The issue at hand is whether it is permissible in Washington State for Orthopedic Surgeons to employ physical therapists.
- A loss in this case would create a situation in which Orthopedic Surgeons could not employ Physical Therapists.
- The basis for the suit is that it is not established in Washington State clearly whether a medical service corporation owned by one type of licensed medical provider, can employ another “unlike licensed medical provider”. This in spite of obviously common practice including employment of Physical Therapists, PA’s and Nurse practitioners by Orthopedic Surgeons, Rehab physicians, Osteopaths, and other medical specialists, as well as employment of optometrists by ophthalmologists, dental hygienists by dentists, and massage therapists and physical therapists by chiropractors. A loss in this suit would likely lead to your inability to employ PA’s, Nurse Practitioners, and any other “unlike providers” in the future.
- BFOA has already sustained legal bills over \$300,000, for representation in lower court proceedings.
- Legal representation for the remainder of the Supreme Court process is anticipated to cost between \$200,000 and \$300,000.
- WSOA has consulted extensively with the WSMA, and AAOS leadership and feel that successful defense of this suit is critically important to Orthopedic Surgeons.
- BFOA is unable to absorb the costs of the Supreme Court litigation alone.
- WSOA has committed to pay for 90% of the further legal costs, with BFOA agreeing to cover the remaining 10%, and is retaining nationally renowned and extensively experienced counsel to pursue the Supreme Court Case.
- WSOA has already donated \$90,000 to this cause, and is committed to backing this process through its completion.
- WSOA is planning to raise \$100,000 through dues assessments, but will need further funding.
- WSOA is asking Orthopedic Surgeon Groups to donate \$5,000 per employed physical therapist, an amount that would be dwarfed by the financial implications of defaulting on this lawsuit.
- WSOA is reaching out to all state and local medical societies, the WSMA, The AAOS and other national medical societies for financial support.
- If contributions exceed costs, the funds contributed will be reimbursed on a proportionate basis or placed into the WSOA legal defense fund for use on future issues at the discretion of the donor, once this matter has been concluded – anticipated date August 2009.
- Any physician group in the state with ASC’s, MRI’s, cardiology labs, GI labs, or blood chemistry labs is at risk.