January 25, 2019

Bob Ferguson
Attorney General
State of Washington
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-011

Re: Attorney General Opinion Request - Health Care Professional Service Corporations

Dear Attorney General Ferguson,

I would appreciate your opinion on the inclusion of occupational and physical therapists within a multi-disciplinary company formed under RCW 18.100.050.

Several years ago, the Washington Supreme Court rejected arguments that RCW 18.100.050 (5)(a) & (b) meant that occupational and physical therapists could not be employed by physicians. [Columbia Physical Therapy, Inc. v. Benton Franklin Orthopedic Association, PLLC, 168 Wn. 2d 421, 228 P.3d 1260, (2010)] The Court found that separate identification of professions in each subsection was not intended to keep these professions separate. Referring to the list of professions, the Court stated, "these lists do not, as Columbia suggests, limit the services that a single professional service corporation may provide but rather broaden those services." [at 438]

In the years since the Court's opinion, many professional limited liability companies have been formed with a wide variety of health care professions among the owners. However, it has come to my attention that lawyers advising health care professionals insist either that RCW 18.100.050 permits joint ownership of a health care practice by physical therapists and other health care professionals or that the statute prohibits therapists from owning a practice with anyone other than another physical or occupational therapist.

I would appreciate the Attorney General's opinion as to whether RCW 18.100.050 (5)(b) prohibits physical and occupational therapists from having an ownership interest in a health care practice with health care professionals listed in RCW 18.100.050 5(a).

Thank you for your consideration of this matter.

Sincerely,

Representative Joe Schmick
9th Legislative District
Washington State