

STATE ACTS AND REGULATIONS ON IMAGING: ALABAMA

July 2019

Introduction

APTA supports the ability of physical therapists to order appropriate tests as part of their diagnostic process. This includes ordering imaging studies that are performed and interpreted by other health professionals, as well as performing or interpreting selected imaging or other studies. One aspect of achieving this goal is at the state level, under jurisdictional scope of practice. This includes not only the physical therapist scope of practice, but other provider and facility laws that may come into play. To help identify potential hurdles, APTA conducted an environmental scan of 25 selected states. The purpose is to identify any statutory considerations, as well case law and attorney general opinions that may impact the ability of APTA chapters to pursue legislative efforts on this issue.

Summary

The Alabama Physical Therapy Practice Act states that “physical therapy” includes the use of radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, but further states that physical therapy does not include radiology. Furthermore, any chiropractor who has been certified and licensed by the State Board of Chiropractic Examiners may examine, analyze, and diagnose with the use of any physical, clinical, thermal, or radonic method, and the use of X-ray diagnosing.

Physical Therapy Practice Act and Regulations

The Alabama Physical Therapy Practice Act states: “Physical Therapy’ - The treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of neuromuscular-skeletal tests and measurements to determine the existence and extent of body malfunction; provided, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery, a dentist licensed to practice dentistry, a licensed chiropractor, a licensed assistant to a physician acting pursuant to a valid supervisory agreement, or a licensed certified registered nurse practitioner in a collaborative practice agreement with a licensed physician, except as otherwise provided in this chapter. Physical therapy does not include radiology or electrosurgery.” *Ala Code §34-24-191 (4) (2012)*

Non-Physical Therapy Practice Acts and Regulations

The Alabama Code article Regulation of Sources of Ionizing Radiation provides that “[i]t shall be unlawful for any person to use, manufacture, produce, knowingly transport, transfer, receive, acquire, own, or possess any source of ionizing radiation unless licensed by or registered with the agency in accordance with this article and the rules and regulations issued thereunder.” *Ala Code § 22-14-6 (f) (2010)*

The Alabama Code regulating chiropractors provides that “[a]ny chiropractor who has been certified and licensed by the State Board of Chiropractic Examiners may examine, analyze, and diagnose the human body and its diseases by the use of any physical, clinical, thermal, or radonic method, and the use of X-ray diagnosing, and may use any other general method of examination for diagnosis and analysis taught in any school of chiropractic recognized by the State Board of Chiropractic Examiners.” *Ala Code § 34-24-120 (b) (2010)*

The code further provides that “[c]hiropractors certified and licensed by the State Board of Chiropractic Examiners may practice chiropractic as set forth in subsections (a) and (b) of this section and may also recommend the use of foods and concentrates, food extracts, and may apply first aid and hygiene, but chiropractors are expressly prohibited from prescribing or administering to any person any drugs included in *materia medica*, except as herein provided, from performing any surgery, from practicing obstetrics or from giving X-ray treatments or treatments involving the use of radioactive materials of any description.” *Ala Code § 34-24-120 (c) (2010)*

Attorney General Opinions

No attorney general opinions on point were identified.

Jurisdictional Case Law

No jurisdictional case law on point was identified.

State Law and Regulations Governing Hospitals and Other Facilities and Services

The Alabama Administrative Code regulating radiation control provides that “[h]ealing arts’ means the practice of medicine, dentistry, osteopathy, chiropractic, podiatry, and for non-humans, veterinary medicine.” *Ala Admin Code 420-3-26-.01(2)(a) (48) (2016)*

The code further provides that Administrative “[p]ersons shall not be exposed to the useful x-ray beam except for healing arts purposes, each exposure of which shall be authorized by: 1. A licensed practitioner of the healing arts; or 2. A licensed physician’s assistant, a certified registered nurse practitioner, or a certified nurse midwife subject to the rules of his/her licensure board.” *Ala Admin Code 420-3-26-.01 (10) (d) (2016)*