

## **STATE ACTS AND REGULATIONS ON IMAGING: ARIZONA**

**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 Arizona Physical Therapy Practice Act specifically defines the practice of physical therapy and is silent on the use of radiological imaging or ordering radiological imaging. The practice act also requires physical therapists to practice within the scope of the act and refer patients to the proper health care provider when services beyond the scope of physical therapy are required. The radiologic technologists regulations require that those who wish to apply ionizing radiation to humans must hold a certificate or be a licensed practitioner. Furthermore, the Arizona Chiropractor Practice Act states that the use of x-rays is within the scope of a chiropractor's practice. Moreover, the Attorney General has opined that it is within the scope of practice of a nurse practitioner to order and interpret radiological tests.

### **Physical Therapy Practice Act and Regulations**

The Arizona Physical Therapy Practice Act states: “[p]ractice of physical therapy’ means: (a) Examining, evaluating and testing persons who have mechanical, physiological and developmental impairments, functional limitations and disabilities or other health and movement related conditions in order to determine a diagnosis, a

prognosis and a plan of therapeutic intervention and to assess the ongoing effects of intervention. (b) Alleviating impairments and functional limitations by managing, designing, implementing and modifying therapeutic interventions including: (i) Therapeutic exercise. (ii) Functional training in self-care and in home, community or work reintegration. (iii) Manual therapy techniques. (iv) Therapeutic massage. (v) Assistive and adaptive orthotic, prosthetic, protective and supportive devices and equipment. (vi) Pulmonary hygiene. (vii) Debridement and wound care. (viii) Physical agents or modalities. (ix) Mechanical and electrotherapeutic modalities. (x) Patient related instruction. (c) Reducing the risk of injury, impairments, functional limitations and disability by means that include promoting and maintaining a person's fitness, health and quality of life. (d) Engaging in administration, consultation, education and research.” *Ariz Rev Stat § 32-2001(13) (2014)*

The act further states: “A physical therapist shall refer a client to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice or if physical therapy is contraindicated. B. A physical therapist shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule. C. A physical therapist licensed under this chapter shall practice physical therapy as prescribed by this chapter.” *Ariz Rev Stat § 32-2041 (A)-(C) (2004)*

### **Non-Physical Therapy Practice Acts and Regulations**

The Arizona Revised Statute governing radiologic technologists states: “[r]adiologist’ means a licensed practitioner of medicine or osteopathy who has undertaken a course of training that meets the requirements for admission to the examination of the American board of radiology or the American osteopathic board of radiology.” *Ariz Rev Stat § 32-2801 (22) (2008)*

The statute further states: “[n]o person may use ionizing radiation on a human being unless the person is a licensed practitioner or the holder of a certificate as provided in this chapter.” *Ariz Rev Stat § 32-2811 (A) (2010)*

The statute also provides that “[a] person holding a certificate may use ionizing radiation on human beings only for diagnostic or therapeutic purposes while operating in each particular case at the direction of a licensed practitioner, except that a person holding a certificate may use ionizing radiation on human beings for diagnostic purposes only while operating in each particular case at the direction of a licensed practitioner who is licensed in any other state, territory or district of the United States. The application of ionizing radiation and the direction to apply ionizing radiation are limited to those persons or parts of the human body specified in the law under which the practitioner is

licensed. The provisions of the technologist’s certificate govern the extent of application of ionizing radiation.” *Ariz Rev Stat § 32-2811 (B) (2010)*

The Arizona Chiropractor Practice Act states: “[a] doctor of chiropractic is a portal of entry health care provider who engages in the practice of health care that includes...Physical and clinical examinations, diagnostic x-rays and clinical laboratory procedures that are limited to urine collection, finger pricks or venipuncture in order to determine the propriety of a regimen of chiropractic care or to form a basis for referral of patients to other licensed health care professionals, or both.” *Ariz Rev Stat § 32-925 (A) (2) (2010)*

The Arizona Administrative Code governing the Board of Nursing states: “[i]n addition to the scope of practice permitted a registered nurse, a registered nurse practitioner, under A.R.S. §§ 32-1601 (20) and 32-1606(B)(12), may perform the following acts within the limits of the population focus of certification...3. Order and interpret laboratory, radiographic, and other diagnostic tests, and perform those tests that the RNP is qualified to perform...” *Ariz Admin Code § R4-19-508 (B)(3) (2015)*

The Arizona Revised Statute governing the Arizona Radiation Regulatory Agency (ARRA) states: “The department shall: 1. Regulate the use, storage and disposal of sources of radiation.” *Ariz Rev Stat § 30-654 (B)(1) (2003)*

### **Attorney General Opinions**

In 2017, Joey Ridenour, executive director of the Arizona State Board of Nursing, requested an opinion regarding whether the “...Arizona State Board of Nursing authorized registered nurse practitioners to order and interpret radiographic tests (x-rays), consistent with Arizona law” because of conflicting language between Arizona Administrative Code § R4-19-508(B)(3) and Arizona Revised Statute § 30-654(B)(1). Attorney General Mark Brnovich’s office issued a response stating that, in their opinion, the answer was yes. The opinion went on to say that the “...Nursing Board’s rule allowing licensed RNPs to order and interpret x-rays exempts RNPs from the ARRA’s regulatory purview.” The ARRA statute states that a licensed practitioner may “use” x-rays. The opinion stated that “use” applies only to the “physical act of applying ionizing radiation.” Furthermore, they determined that “the ARRA’s authority to regulate radiation does not reach so far as to interfere with the use of x-ray technology in the provision of healthcare.” *2017 Op Atty Gen Ariz 117-002*

### **Jurisdictional Case Law**

No jurisdictional case law on point was identified.

## State Law and Regulations Governing Hospitals and Other Facilities and Services

The Arizona Revised Statute governing Arizona's Health Care Cost Containment System states: "[s]ubject to the limitations and exclusions specified in this section, contractors shall provide the following medically necessary health and medical services:...3. Other laboratory and x-ray services ordered by a physician or a primary care practitioner." *Ariz Rev Stat § 36-2907 (A) (3) (2014)*

The Arizona Revised Statute governing the Children's Health Insurance Program states: "[e]xcept as provided in this section, health and medical services prescribed in section 36-2907 are covered services and include...(3) Other laboratory and x-ray services ordered by a physician or a primary care practitioner." *Ariz Rev Stat 36-2989 (A) (3) (2016)*

The Arizona Administrative Code governing the use of x-rays in the healing arts states: "[a]n individual shall not be exposed to the useful beam except for a healing arts purpose authorized by a licensed practitioner of the healing arts." *Ariz Admin Code § R12-1-604 (3) (2009)*