

STATE ACTS AND REGULATIONS ON IMAGING: FLORIDA

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 Florida Physical Therapy Practice Act provides that the use of roentgen rays and radium for diagnostic and therapeutic purpose is not included in the term “physical therapy.” The Florida Administrative Code does not include physical therapy under the term “[l]icensed practitioner, which controls also can employ a basic X-ray machine operator.” Moreover, physical therapy is not included in the term “healing arts” in relation to the control of radiation hazards.

Physical Therapy Practice Act and Regulations

The Florida Physical Therapy Practice Act states: “Practice of physical therapy’ means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other condition of health, and rehabilitation as related thereto by the use of the physical, chemical, and other properties of air; electricity; exercise; massage; the performance of acupuncture only upon compliance with the criteria set forth by the Board of Medicine, when no penetration of the skin occurs; the use of radiant energy, including ultraviolet, visible, and infrared rays; ultrasound; water; the use of apparatus and equipment in the application of the foregoing or related thereto; the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid

to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine.” *Fla Stat § 486.021 (11) (2018)*

“A physical therapist may implement a plan of treatment developed by the physical therapist for a patient or provided for a patient by a practitioner of record or by an advanced practice registered nurse licensed under 464.012. The physical therapist shall refer the patient to or consult with a practitioner of record if the patient’s condition is found to be outside the scope of physical therapy. If physical therapy treatment for a patient is required beyond 30 days for a condition not previously assessed by a practitioner of record, the physical therapist shall have a practitioner of record review and sign the plan. The requirement that a physical therapist have a practitioner of record review and sign a plan of treatment does not apply when a patient has been physically examined by a physician licensed in another state, the patient has been diagnosed by the physician as having a condition for which physical therapy is required, and the physical therapist is treating the condition.” *Fla Stat § 486.021 (11) (a) (2018)*

Section 464.012 provides that any nurse desiring to be licensed as an advanced practice registered nurse must apply to the Department of Health and meet 1 or more requirements of the Board of Nursing.

“The use of roentgen rays and radium for diagnostic and therapeutic purposes and the use of electricity for surgical purposes, including cauterization, are not “physical therapy” for purposes of this chapter.” *Fla Stat § 486.021 (11) (b) (2018)*

“Physical therapist's professional responsibilities include, but are not limited to: 1. Interpretation of the practitioner's referral. 2. Provision of the initial physical therapy assessment of the patient. 3. Initial identification and documentation of precautions, special problems, contraindications. 4. Development of a treatment plan including the long and short term goals. 5. Implementation of or directing implementation of the treatment plan. 6. Direction of appropriate tasks. 7. Reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan.” *Fla Admin Code § 64B17-6.001 (3)(f) (2017)*

Non-Physical Therapy Practice Acts and Regulations

The Florida Annotated Statutes governing Chiropractic Medicine state: “[a]ny chiropractic physician who has complied with the provisions of this chapter may examine, analyze, and diagnose the human living body and its diseases by the use of any physical, chemical, electrical, or thermal method; use the X ray for diagnosing; phlebotomize; and use any other general method of examination for diagnosis and analysis taught in any school of chiropractic.” *Fla Stat § 460.403 (9)(b) (2017)*

“ Florida statutes governing Radiological Personnel Certification provide that ‘[b]asic X-ray machine operator’ means a person who is employed by a licensed practitioner to perform certain radiographic functions, specifically excluding nuclear medicine and radiation therapy procedures, under the direct supervision of that practitioner.” Fl. Sta. 468.301 (1) (2012)

The same statutory part provides that “ ‘[l]icensed practitioner’ means a person who is licensed or otherwise authorized by law to practice medicine, podiatric medicine, chiropody, osteopathic medicine, naturopathy, or chiropractic medicine in this state.” Fla Stat § 468.301 (11) (2012)

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 Florida Administrative Code regulating the control of radiation hazards states that “ ‘[h]ealing arts’ ” means professions concerned with diagnosis or treatment of human and animal maladies, including the practice of medicine, dentistry, veterinary medicine, osteopathy, chiropractic, podiatry and naturopathy. Fla Admin Code 64E-5.101(56) (2013)

The same chapter of the Florida Code provides that “ ‘[h]ealing arts self-referral’ means the testing of human beings using x-ray machines for the detection or evaluation of health indications when such tests are not specifically and individually ordered by a licensed practitioner of the healing arts legally authorized to prescribe such x-ray tests for the purposes of diagnosis or medical treatment.” Fla Admin Code 64E-5.501(30) (1996)

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