

STATE ACTS AND REGULATIONS ON IMAGING: IDAHO

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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 Idaho Physical Therapy Practice Act expressly prohibits the use of radiology within the definition of physical therapy. Furthermore, the practice act requires physical therapists to refer patients to appropriate health care practitioners when required. The Idaho Administrative Code governing hospitals also provides for specific requirements in order to become a radiation technologist or radiologist. Moreover, the regulations require that radiological services can be performed only by a “person legally authorized to diagnose, treat and prescribe.”

Physical Therapy Practice Act and Regulations

The Idaho Physical Therapy Practice Act states: “[t]he ‘practice of physical therapy’ means the exercise of the profession of physical therapy by a person who engages in the following health care activities: (a) Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disability or other health and movement related conditions in order to determine a diagnosis for physical therapy and prognosis for physical therapy, plan of therapeutic intervention, and to assess the ongoing effects of intervention. (b) Alleviating impairments and functional limitations by designing, implementing and modifying

therapeutic interventions that include, but are not limited to: therapeutic exercise; functional mobility training in self-care and in-home, community or work reintegration; manual therapy; assistive, adaptive, protective and supportive devices and equipment; bronchopulmonary hygiene; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient related instruction; and to reduce the risk of injury, impairment, functional limitation, and disability, including the promotion and maintenance of fitness, health, and quality of life in all age populations. The practice of physical therapy shall not include the use of radiology, surgery or medical diagnosis of disease. (c) Engaging in administration, consultation, testing, education and research as related to paragraphs (a) and (b) of this subsection.” *Idaho Code § 54-2203(9) (a)-(c) (2006)*

It further states: “A physical therapist shall refer persons under his or her care to appropriate health care practitioners including, but not limited to, licensed medical physicians, osteopathic physicians, podiatrists, dentists or chiropractic physicians, if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of physical therapy or when the physical therapist has reasonable cause to believe that physical therapy is contraindicated.” *Idaho Code § 54-2216 (2) (2006)*

Non-Physical Therapy Practice Acts and Regulations

See the section below regarding hospitals.

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 Idaho Administrative Code applicable to hospitals defines a Radiologic Technologist (Diagnostic) as “[a] person who meets at least one (1) of the following criteria: (a) Is a graduate of a two (2) year education program for radiologic technologists accredited by the Council on Medical Education of the American Medical Association in cooperation with the Joint Review Committee on Education in Radiologic Technology; or (b) Meets the requirements for registration by the American Registry of

Radiologic Technologists or by the American Registry of Clinical Radiography Technologists, and has one (1) year of experience as a radiologic technologist within the last three (3) years; or (c) Has successfully completed an educational program in radiologic technology in a military service, and has one (1) year of experience in radiologic technology within the last three (3) years; or (d) Has two (2) years of pertinent radiologic equipment experience within the last five (5) years, and has achieved a satisfactory grade on a proficiency examination in radiologic technology approved by the Secretary of Health and Human Services, except that such determination of proficiency will not apply with respect to persons initially licensed by a state or seeking initial qualification as a radiologic technologist after December 21, 1977.” *Idaho Admin Code r 16.03.14.002 (50) (a)-(b) (1988)*

The code further provides that a radiologist is “[a] physician who meets the requirements for certification by the American Board of Radiology or the American Osteopathic Board of Radiology.” *Idaho Admin Code r 16.03.14.002 (51) (1988)*

In addition, the code states: “[r]adiological services shall be performed only on the request of a person legally authorized to diagnose, treat and prescribe.” *Idaho Admin Code r 16.03.14.340.01 (1988)*

The code also provides that “[a] physician eligible or certified by the American Board of Radiology shall have overall direction for the service. In small hospitals this requirement can be accomplished by a consulting physician who meets the definition found in Subsection 002.51 and is a member of the medical staff.” *Idaho Admin Code r 16.03.14.340.03(a) (1991)*

Finally, code provides that “[a]ll radiology reports (readings) shall be signed and filed with the inpatient's medical record...(b) Reports of examinations shall be written and signed by the appropriate physician....” *Idaho Admin Code r 16.03.14.340.04(b) (1988)*