

STATE ACTS AND REGULATIONS ON IMAGING: ILLINOIS

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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 Illinois Physical Therapy Practice Act states that the term “physical therapy” includes alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include the evaluation or treatment of a person through radiant energy. However, the term “physical therapy” does not include radiology. Moreover, the term “physical therapist” is not included in the term “licensed practitioner” under the Medical Practice Act of 1990.

Physical Therapy Practice Act and Regulations

The Illinois Physical Therapy Act states: “[p]hysical therapy’ means all of the following: (A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the ongoing effects of the interventions. (B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise,

mobilization, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability. (C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness. (D) Engaging in administration, consultation, education, and research.
225 ILCS 90 (1) (2001)

The act further states: “Physical therapy’ does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation and establishing a physical therapy treatment plan pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform.” *225 ILCS 90 (1) (2001)*

Non-Physical Therapy Practice Acts and Regulations

The Medical Practice Act of 1990 states: “[c]hiropractic physician’ means a person licensed to treat human ailments without the use of drugs and without operative surgery. Nothing in this Act shall be construed to prohibit a chiropractic physician from providing advice regarding the use of non-prescription products or from administering atmospheric oxygen. Nothing in this Act shall be construed to authorize a chiropractic physician to prescribe drugs.” *255 ILCS 60/2 (2017)*

The Illinois Administrative Code regulating persons in the practice of medical radiation technology provides for the following definitions:

“Licensed Practitioner’ – A person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.” *32 Ill Admin Code 401.20 (2013)*

“Chiropractic Radiographer’ – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.” *32 Ill Admin Code 401.20 (2013)*

“Chiropractic Radiography’ – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic. *32 Ill Admin Code 401.20 (2013)*

“Medical Radiographer’ – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any

part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.” 32 III *Admin Code 401.20 (2013)*

“‘Medical Radiography’ – The science and art of applying x-radiation to human beings for diagnostic purposes.” 32 III *Admin Code 401.20 (2013)*

“‘Radiation Therapist’ – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.” 32 III *Admin Code 401.20 (2013)*

Attorney General Opinions

No jurisdictional attorney general’s 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 Illinois Codified Statutes, under the Radiation Protection Act of 1990, states: “[r]adiation’ or ‘ionizing radiation’ means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves or visible, infrared, or ultraviolet light.” 420 ILCS 40/4 (f) (2008)

The act further states: “[I]mitations on application of radiation to human beings and requirements for radiation installation operators providing mammography services. (a) No person shall intentionally administer radiation to a human being unless such person is licensed to practice a treatment of human ailments by virtue of the Illinois Medical, Dental or Podiatric Medical Practice Acts, or, as physician assistant, advanced practice registered nurse, technician, nurse, or other assistant, is acting under the supervision, prescription or direction of such licensed person. However, no such physician assistant, advanced practice registered nurse, technician, nurse, or other assistant acting under the supervision of a person licensed under the Medical Practice Act of 1987, shall

administer radiation to human beings unless accredited by the Agency, except that persons enrolled in a course of education approved by the Agency may apply ionizing radiation to human beings as required by their course of study when under the direct supervision of a person licensed under the Medical Practice Act of 1987. No person authorized by this Section to apply ionizing radiation shall apply such radiation except to those parts of the human body specified in the Act under which such person or his supervisor is licensed. No person may operate a radiation installation where ionizing radiation is administered to human beings unless all persons who administer ionizing radiation in that radiation installation are licensed, accredited, or exempted in accordance with this Section. Nothing in this Section shall be deemed to relieve a person from complying with the provisions of Section 10.” *420 ILCS 40/5 (2018)*