

STATE ACTS AND REGULATIONS ON IMAGING: IOWA

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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 Iowa Physical Therapy Practice Act and the Iowa Administrative Code are both silent on the use of radiology in the practice of physical therapy. However, the Iowa Administrative Code requires physical therapists to practice within the scope of their license as provided by Iowa law and requires physical therapists to make referrals to the appropriate health care providers when necessary. The Iowa Code also places certain requirements on who can operate X-ray machines. Additionally, the Iowa Code requires a hospital bill for medical procedures to contain the name of the medical doctor who ordered the procedure.

Physical Therapy Practice Act and Regulations

The Iowa Physical Therapy Practice Act states: “[a]s used in this chapter, ‘physical therapy’ is that branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services,

instructions to the patients, and the administration and supervision attendant to physical therapy facilities.” *Iowa Code § 148A.1 (1)(b) (2016)*

It further states: “Physical therapy evaluation and treatment may be rendered by a physical therapist with or without a referral from a physician, podiatric physician, dentist, or chiropractor, except that a hospital may require that physical therapy evaluation and treatment provided in the hospital shall be done only upon prior review by and authorization of a member of the hospital’s medical staff.” *Iowa Code § 148A.1 (2) (2016)*

Iowa Administrative Code states: “[p]hysical therapy’ means that branch of science that deals with the evaluation and treatment of human capabilities and impairments, including: 1. Evaluation of individuals with impairments in order to determine a diagnosis, prognosis, and plan of therapeutic treatment and intervention, and to assess the ongoing effects of intervention; 2. Use of the effective properties of physical agents and modalities, including but not limited to mechanical and electrotherapeutic devices, heat, cold, air, light, water, electricity, and sound, to prevent, correct, minimize, or alleviate an impairment; 3. Use of therapeutic exercises to prevent, correct, minimize, or alleviate an impairment; 4. Use of rehabilitative procedures to prevent, correct, minimize, or alleviate an impairment, including but not limited to the following procedures: Manual therapy, including soft-tissue and joint mobilization and manipulation; Therapeutic massage; Prescription, application, and fabrication of assistive, adaptive, orthotic, prosthetic, and supportive devices and equipment; Airway clearance techniques; Integumentary protection and repair techniques; and Debridement and wound care; 5. Interpretation of performances, tests, and measurements; 6. The establishment and modification of physical therapy programs; 7. The establishment and modification of treatment planning; 8. The establishment and modification of consultive services; 9. The establishment and modification of instructions to the patient, including but not limited to functional training relating to movement and mobility; 10. Participation, administration and supervision attendant to physical therapy and educational programs and facilities.” *Iowa Admin Code r 645-200.1 (147) (2003)*

The code further provides that “[t]he practice of physical therapy shall minimally consist of: a. Interpreting all referrals; b. Evaluating each patient; c. Identifying and documenting individual patient’s problems and goals; d. Establishing and documenting a plan of care; e. Providing appropriate treatment; f. Determining the appropriate portions of the treatment program to be delegated to assistive personnel; g. Appropriately supervising individuals as described in rule 645—200.6(272C); h. Providing timely patient reevaluation; i. Maintaining timely and adequate patient records of all physical therapy activity and patient responses consistent with the standards found in rule 645 - 201.2(147). *Iowa Admin Code r 645-201.1 (1) (2003)*

In addition, the code states: “[a] physical therapist shall: a. Not practice outside the scope of the license[.]” *Iowa Admin Code r 645- 201.1(2) (a) (2003)*

Finally, the code provides that “[t]he board may impose any of the disciplinary sanctions provided in rule 645 - 202.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:…202.2(4) Practice outside the scope of the profession.” *Iowa Admin Code r 645 - 202.2 (4) (2003)*

Non-Physical Therapy Practice Acts and Regulations

The Iowa Code states: “[a]ny person other than one licensed to practice medicine, osteopathic medicine, chiropractic, or dentistry, or one acting under the direction of a person so licensed, who knowingly exposes any other person to X-ray radiation, commits a simple misdemeanor.” *Iowa Code § 727.4 (2016)*

Iowa Administrative Code states: “[h]ealing arts screening’ means the use of radiation on human beings for the detection or evaluation of health indicators for which the individual is considered at high risk when such tests are not specifically and individually ordered by 1. An individual authorized under 41.1(3)’a’(7), or 2. An individual licensed as a physician in Iowa and listed as an authorized user on an NRC or agreement state radioactive materials license. *Iowa Admin Code r 641-41.1 (2) (2010)*

The administrative code further states: “[t]he registrant shall be responsible for maintaining and directing the operation of the X-ray system(s) under the registrant’s administrative control, for ensuring that the requirements of these rules are met in the operation of the X-ray system(s), and for having the following minimum tests performed by a registered service facility according to the following schedule: (7) Individuals shall not be exposed to the useful beam unless (1) the radiation exposure occurs in the context of a previously established professional relationship between a licensed practitioner of the healing arts or a licensed registered nurse who is registered as an advanced registered nurse practitioner pursuant to Iowa Code chapter 152 and a patient, which includes a physical examination by the practitioner of the patient unless such examination is not clinically indicated; and (2) such practitioner issues a written order for the radiation exposure. The written order shall be issued prior to the exposure unless the exposure results from care provided in an emergency or surgery setting. A verbal order may be issued provided the licensed practitioner is supervising the procedure and the order is documented in the patient’s record after the procedure is completed. This provision specifically prohibits deliberate exposure for the following purposes: 1. Exposure of an individual for training, demonstration, or other non-healing arts purposes; and 2. Exposure of an individual for the purpose of healing arts screening except as authorized by 41.1(3)’a’(11).” *Iowa Admin Code r 641-41.1 41.1(3)(a)(7) (2010)*

Finally, the administrative code provides that “‘X-ray equipment operator’ means an individual performing radiography of the human body using dedicated equipment as ordered by an individual authorized by Iowa law to order radiography. These individuals do not qualify for a permit in any other classification. The classifications are as follows: 1. ‘Podiatric X-ray equipment operator’ performs radiography of only the foot and ankle using dedicated podiatric equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited. 2. ‘Bone densitometry equipment operator’ performs bone densitometry using only dual energy X-ray absorptiometry equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.” *Iowa Admin. Code r 641-42.2 (2010)*

Attorney General Opinions

In 1961, Richard D. Morr requested an opinion as to whether “[c]hapter 135B of the 1958 Code of Iowa prohibit[s] duly licensed chiropractors allowed to practice in the County Hospital by the Hospital Board from utilizing radiology facilities of the hospital in treating their patients[.]” Assistant Attorney General Frank D. Bianco stated that “the limits and scope of the profession of chiropractic do not lawfully include the use of radiology in the treatment of patients, except under the direction and supervision of a doctor, as defined in section 135B.20(2), Code 1958.”

The Assistant Attorney General held that the chiropractic practice is a restricted form of the practice of medicine because it is considered to be only one form of the practice of the healing arts and has “well-defined limits.” Furthermore, the Assistant Attorney General held that the scope of practice of chiropractors does not include the use of “electric or other machines” or other forms of treatment dealing with ultraviolet rays, electrotherapy, and physiotherapy. Based on this finding, the Assistant Attorney General found that chiropractors must be under the direction and supervision of a medical doctor in order to use and treat patients with radiology. *1961 Op Atty Gen Iowa WL 111669*

Jurisdictional Case Law

No jurisdictional case law on point was identified.

State Law and Regulations Governing Hospitals and Other Facilities and Services

The Iowa Code states: “[p]athology and radiology services performed in hospitals are the product of the joint contribution of hospitals, doctors and technicians but these

services constitute medical services which must be performed by or under the direction and supervision of a doctor, and no hospital shall have the right, directly or indirectly, to direct, control or interfere with the professional medical acts and duties of the doctor in charge of the pathology or radiology facilities or of the technicians under the doctor's supervision. Nothing herein contained shall affect the rights of third parties as a result of negligence in the operation or maintenance of the aforesaid pathology and radiology facilities." *Iowa Code § 135B.22 (2017)*

The code further states: "The contract between the hospital and doctor in charge of the laboratory or X-ray facilities may contain any provision for compensation of each upon which they mutually agree. The contract may create the relationship of employer and employee between the hospital and the radiologist or pathologist. A percentage arrangement or a relationship of employer and employee between the hospital and the radiologist or pathologist is not unprofessional conduct on the part of the doctor or in violation of the statutes of this state upon the part of the hospital." *Iowa Code § 135B.26 (2017)*

Finally, the code provides that "[t]he hospital bill shall also contain a statement substantially in the following form: ...2. The pathology and radiology charges are for medical services rendered by or under the direction of the doctor listed above and are collected by the hospital on behalf of the doctor, from which charges an agreed sum will be retained by the hospital in accordance with an existing agreement to which retention you consented at the time of your admission to the hospital." *Iowa Code § 135B.28(2) (2017)*