

## **STATE ACTS AND REGULATIONS ON IMAGING: SOUTH DAKOTA**

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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 South Dakota physical therapy practice act is silent on the use of radiology in the practice of physical therapy. Furthermore, the South Dakota Administrative Rules limit the use of x-ray or radioactive material to “professional disciplines authorized by the laws of South Dakota.” Moreover, South Dakota Administrative Rules define a “[l]icensed practitioner of the healing arts” as “health professionals for diagnostic or healing treatment of human and animal maladies licensed by the state of South Dakota (SDCL Chapter 36-2) for the lawful practice of medicine.” The South Dakota Administrative Rules also require that exposure to diagnostic or therapeutic radiation be authorized by a licensed practitioner of the healing arts.

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

The South Dakota physical therapy practice act states: “For the purposes of this chapter, the practice of physical therapy is the examination and evaluation of patients with mechanical, physiological, and developmental impairments, functional limitation, and disability or other similar conditions in order to determine a diagnosis, prognosis, and therapeutic intervention; alleviation of impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise, functional training in community or work reintegration, manual

therapy techniques including soft tissue and joint mobilization, assistive and adaptive devices and equipment, brochopulmonary [sic] hygiene, debridement and wound care, physical agents and mechanical modalities, therapeutic massage, electrotherapeutic modalities, and patient-related instruction; prevention of injury, impairments, functional limitations, and disability including the promotion and maintenance of fitness, health, and quality of life in all age populations; and consultation, education, and research.” *SD Codified Laws §36-10-18.1 (1996)*

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

The South Dakota administrative rule governing radiation control states: “Health arts” [are] “those professional disciplines authorized by the laws of South Dakota (SDCL chapter 36-2) to use X ray or radioactive material in the diagnosis or treatment of human or animal disease.” *SD Admin R 44:03:01:01(21) (2000)*

This section defines “[l]icensed practitioner of the healing arts” as “health professionals for diagnostic or healing treatment of human and animal maladies licensed by the state of South Dakota (SDCL chapter 36-2) for the lawful practice of medicine.” *SD Admin R 44:03:01:01(29) (2000)*

The South Dakota Codified Laws governing “Practitioner of the Healing Arts” defines “Healing art,” “healing,” “art of healing,” “practicing healing,” and “practicing of healing,” as “any system, treatment, operation, diagnosis, prescription, or practice for the ascertainment, cure, relief, palliation, adjustment, or practice for the ascertainment, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury, unhealthy or abnormal physical or mental condition.” *SD Codified Laws 36-2-1(3) (1986)*

The South Dakota administrative rule governing radiation control provides that “[a]ny person who is certified or registered by the American Registry of Radiologic Technologists, by another state, or who has documented 40 hours of orientation and training in the operation of radiation producing equipment by a qualified instructor may operate any radiation producing device. For the purposes of complying with the provisions of electronic health records certification criteria established pursuant to 45 CFR 495.6 a radiologic technologist certified and registered by the American Registry of Radiologic Technologists or licensed by another state is considered to be a licensed health care professional. Dental radiographers shall have a minimum of 16 hours of training.” *SD Admin R 44:03:01:14:01 (2015)*

The South Dakota administrative rule governing radiation control further states: “No person may be exposed to diagnostic or therapeutic radiation except for healing arts

purposes and only if the exposure has been authorized by a licensed practitioner of the healing arts.” *SD Admin R 44:03:01:08 (2008)*

### **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**

See above.