

STATE ACTS AND REGULATIONS ON IMAGING: ALASKA

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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 Alaska Physical Therapy Practice Act provides a definition of “physical therapy” that specifically excludes a physical therapist’s ability to use roentgen rays and radioactive materials for diagnosis and therapeutic purposes. It also specifically excludes a physical therapist from practicing medicine, osteopathy, and chiropractic medicine. Similarly, the Alaska statutes exclude x-ray and radiation therapy from the practice of podiatry. The Alaska statutes also provide that chiropractors can analyze results of diagnostic procedures, including x-ray and other diagnostic imaging devices, within the definition of “chiropractic examination.” The Alaska Administrative Code provides that a physician or radiologist must have clinical responsibility for radiological services in a facility. Furthermore, it requires that radiological services in a facility can be requested only by a person authorized to treat illness. Moreover, the Alaska Administrative Code specifically requires that requests for an x-ray in a facility come from the attending physician or practitioner. The definition of “practitioner” under the Alaska Administrative Code does not include physical therapists.

Physical Therapy Practice Act and Regulations

The Alaska Physical Therapist and Occupational Therapist Practice Act states: “[t]his chapter does not authorize a person to practice medicine, osteopathy, chiropractic, or

other method of healing, but only to practice physical therapy or occupational therapy.”
Alaska Stat 08.84.160 (1987)

The act further states: “[P]hysical therapy’ means the examination, treatment and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation and modification of treatment and instruction including the use of physical measures, activities and devices for preventive and therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction and pain; ‘physical therapy’ does not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.” *Alaska Stat § 08.84.190 (6) (1987)*

Non-Physical Therapy Practice Acts and Regulations

The Alaska Medicine Practice Act states: “‘practice of medicine’ or ‘practice of osteopathy’ means: (A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph; (B) to use or publicly display a title in connection with a person’s name including ‘doctor of medicine,’ ‘physician,’ ‘M.D.,’ or ‘doctor of osteopathic medicine’ or ‘D.O.’ or a specialist designation including ‘surgeon,’ ‘dermatologist,’ or a similar title in such a manner as to show that the person is willing or qualified to diagnose or treat the sick or injured;...” *Alaska Stat § 08.64.380 (6) (A)-(B) (2010)*

The act further states: “[P]ractice of podiatry’ means the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot, and superficial lesions of the hand other than those associated with trauma; the use of preparations, medicines, and drugs as are necessary for the treatment of these ailments; the treatment of the local manifestations of systemic diseases as they appear in the hand and foot, except that (A) a patient shall be concurrently referred to a physician or osteopath for the treatment of the systemic disease itself; (B) general anesthetics may be used only in colleges of podiatry approved by the State Medical Board and in hospitals approved by the joint commission on the accreditation of hospitals, or the American Osteopathic Association; and (C) the use of X-ray or radium for therapeutic purposes is not permitted;...” *Alaska Stat § 08.64.380 (7) (A)-(C) (2010)*

The Chiropractor Practice Act states: “‘chiropractic core methodology’ means the treatment and prevention of subluxation complex by chiropractic adjustment as indicated by a chiropractic diagnosis and includes the determination of contra-indications to chiropractic adjustment, the normal regimen and rehabilitation of the patient, and patient education procedures; chiropractic core methodology does not incorporate the use of prescription drugs, surgery, needle acupuncture, obstetrics, or x-rays used for therapeutic purposes[.]” *Alaska Stat § 08.20.900 (6) (2016)*

The act further states: “‘chiropractic diagnosis’ means a diagnosis made by a person licensed under this chapter based on a chiropractic examination[.]” *Alaska Stat § 08.20.900 (7) (2016)*

And it states further: “‘chiropractic examination’ means an examination of a patient conducted by a person licensed under this chapter, or by a chiropractic clinical assistant or chiropractic intern under the supervision of a person licensed under this chapter, for the express purpose of ascertaining whether symptoms of subluxation complex exist and consisting of an analysis of the patient’s health history, current health status, results of diagnostic procedures, including x-ray and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical, and spinal examinations that focuses on the discovery of (A) the existence and etiology of disrelationships of skeletal joint structures; and (B) interference with normal nerve transmission and expression[.]” *Alaska Stat § 08.20.900 (8) (2016)*

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 Alaska Administrative Code states:

- “[a] physician or a radiologist must have clinical responsibility for the radiological services.” *Alaska Admin Code title 7, § 12.780 (c) (2006)*
- “Radiological services may be performed only upon the order of a person lawfully authorized to diagnose and treat illness.” *Alaska Admin Code title 7, § 12.780 (d) (2006)*

- “Radiological services may be performed only upon the order of the attending physician or practitioner.” *Alaska Admin Code title 7, § 12.477 (b) (2006)*
- “If an x-ray examination is to be provided to a patient, a request by the attending physician or practitioner for the examination must contain a diagnosis or a tentative diagnosis, or a concise statement of the reasons for the x-ray examination.” *Alaska Admin Code title 7, § 12.477 (c) (2006)*
- “[P]ractitioner of the healing arts licensed by this state” includes the following practitioners licensed by this state: (A) chiropractor; (B) dentist; (C) nurse practitioner; (D) osteopath; (E) physician, including a surgeon; (F) physician assistant; and (G) podiatrists.” *Alaska Admin Code title 7, § 18.990 (58) (A)-(G) (2015)*