

## STATE ACTS AND REGULATIONS ON IMAGING: GEORGIA

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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 Georgia Code states that the State Board of Physical Therapy has the authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist if the physical therapist has ordered radiology. The term “chiropractic” includes the use of X-ray, provided that the X-ray shall not be used for therapeutic purposes. Moreover, rules and regulations under the Georgia Radiation Control Act provide that the term “healing arts,” which relates to who may prescribe the application of radiation, does not include physical therapy.

### Physical Therapy Practice Act and Regulations

The Official Code of Georgia regulating physical therapists states: “[p]hysical therapist’ means a person licensed to practice physical therapy as defined in this chapter and whose license is in good standing. *OCGA § 43-33-3 (5) (2016)*

It further states: “Physical therapy’ means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to this chapter. The term ‘physiotherapist’ shall be synonymous with ‘physical therapy’ pursuant to this chapter. The practice of physical therapy means: (A) Examining,

evaluating, and testing patients and clients with mechanical, physiological, and developmental impairments, activity limitations, participation restrictions, and disabilities or other movement related conditions in order to determine a physical therapy diagnosis, prognosis, and plan of intervention and to assess the ongoing effects of intervention; (B) Alleviating impairments of body structure or function by designing, implementing, and modifying interventions to improve activity limitations or participation restrictions for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain; (C) Reducing the risk of injury, impairment, activity limitations, participation restrictions, and disability, including the promotion and maintenance of health, fitness, and wellness in populations of all ages; (D) Planning, administering, evaluating, and modifying intervention and instruction, including the use of physical measures, activities, and devices, including but not limited to dry needling for preventative and therapeutic purposes; and (E) Engaging in administration, consultation, education, teaching, research, telehealth, and the provision of instructional, consultative, educational, and other advisory services.” *OCGA § 43-33-3 (7) (2016)*

In addition, the code provides that “The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist licensed under this chapter upon a finding by the board that the licensee or applicant has: (2) Performed physical therapy care and services without examination and evaluation of patients or clients in order to determine a physical therapy diagnosis, prognosis, and plan of intervention, which, in the case of patients who have self-referred, means the physical therapist has: (B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing, diagnosed disease, or practiced medicine; (C) Failed to provide each self-referred patient with a written disclosure that a physical therapy diagnosis is not a medical diagnosis by a physician or based on radiological imaging and that such services might not be covered by the patient's health plan or insurer . . .” *OCGA § 43-33-18 (a)(2)(B-C) (2015)*

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

The Georgia code states: “‘Chiropractic’ means the adjustment of the articulations of the human body, including ilium, sacrum, and coccyx, and the use of X-ray, provided that the X-ray shall not be used for therapeutical purposes. The term ‘chiropractic’ shall also mean that separate and distinct branch of the healing arts whose science and art utilize the inherent recuperative powers of the body and the relationship between the musculoskeletal structures and functions of the body, particularly of the spinal column and the nervous system, in the restoration and maintenance of health. Chiropractic is a

learned profession which teaches that the relationship between structure and function in the human body is a significant health factor and that such relationships between the spinal column and the nervous system are most significant, since the normal transmission and expression of nerve energy are essential to the restoration and maintenance of health. However, the term ‘chiropractic’ shall not include the use of drugs or surgery. The adjustment referred to in this paragraph and subsection (b) of Code Section 43-9-16 may only be administered by a doctor of chiropractic authorized to do so by the provisions of this chapter; provided, however, that the provisions of this Code section shall not prevent any other health care provider from administering techniques authorized within their scope of practice.” *OCGA 43-9-1 (2) (2010)*

### **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 Official Compilation of Rules and Regulations of the State of Georgia regulating X-ray states: “[r]adiation shall not be applied to individuals except as prescribed by persons licensed to practice in the healing arts or as otherwise provided in these regulations. Only licensed practitioners and authorized operators shall apply radiation to a person.” *Ga Comp R & Regs r 290-5-22-.01 (2) (1989)*

“‘Healing arts’ means medicine, dentistry, chiropractic, podiatry, osteopathy or veterinary medicine.” *Ga Comp R & Regs r. 391-3-17-.01(2) (ss) (1989)*