

## STATE ACTS AND REGULATIONS ON IMAGING: UTAH

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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 Utah Physical Therapy Practice Act expressly states that “physical therapy” does not include taking x-rays. However, the Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act, effective on May 8, 2018, provides that under certain circumstances, a physical therapist may order plain radiographs and magnetic resonance imaging. The physical therapist must refer a patient to an appropriate provider when the findings of the imaging exceed the physical therapist's experience and scope of practice. The Utah Administrative Code also requires that individuals be exposed to the “the useful beam” for healing arts purposes only when the exposure has been specifically ordered and authorized by a licensed practitioner of the healing arts after a medical consultation.

### Physical Therapy Practice Act and Regulations

The Utah Physical Therapy Practice Act states: “Physical therapy’ or ‘physiotherapy’ means: (i) examining, evaluating, and testing an individual who has a physical impairment or injury; (ii) identifying or labeling a physical impairment or injury; (iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain; (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury; (v) treating or alleviating a physical

impairment by designing, modifying, or implementing a therapeutic intervention; (vi) reducing the risk of an injury or physical impairment; (vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes; (viii) promoting and maintaining health and fitness; (ix) the administration of a prescription drug pursuant to Section 58-24b-403; 2 (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections (11)(a)(i) through (ix) in relation to an animal, in accordance with the requirements of Section 58-24b-405; and (xi) engaging in administration, consultation, education, and research relating to the practices described in this Subsection (10)(a).” *Utah Code Ann §58-24b-102(10)(a) (2014)*

The Physical Therapy Practice Act provides that “[p]hysical therapy” or ‘physiotherapy’ does not include: (i) diagnosing disease; (ii) performing surgery; (iii) performing acupuncture; (iv) taking x-rays; or (v) prescribing or dispensing a drug, as defined in Section 58-37-2.” *Utah Code Ann §58-24b-102(10)(b) (2014)*

The Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act states: “Notwithstanding Subsection (1), a physical therapist acting within the scope of the physical therapist’s license and experience may order plain radiographs and magnetic resonance imaging if: (i) the physical therapist designates a physician to receive the results of the plain radiographs or magnetic resonance imaging; and (ii) the physician designated in Subsection (2)(a)(i) agrees to receive the results of the plain radiographs or magnetic resonance imaging.” *Utah Code Ann §58-54-303(2)(a) (2018)*

This act further provides that “[a] physical therapist who orders plain radiographs or magnetic resonance imaging under Subsection (2)(a) shall: (i) communicate with the patient’s physician to ensure coordination of care; and (ii) refer a patient to an appropriate provider when the findings of the imaging that was ordered by the physical therapist indicate that the services that are needed exceed the physical therapist’s experience and scope of practice.” *Utah Code Ann §58-54-303(2)(b) (2018)*

It stipulates that “[a] physical therapist is not subject to Subsection (2)(b)(i) if: (i) a radiologist has read the image and has not identified a significant finding; (ii) the patient does not have a primary care physician; and (iii) the patient was not referred to the physical therapist for health care services by another health care provider.” *Utah Code Ann §58-54-303(2)(c) (2018)*

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

The Utah Administrative Code governing the use of x-rays in the healing arts states: “Individuals who will be operating the x-ray equipment shall be instructed in the

registrant's written radiation safety program and be qualified in the safe use of the equipment. Required operator qualifications are listed in R313-28-350." *Utah Admin Code r. 313-28-31(2)(b) (2016)*

The Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act Rule provides that "[p]ractice as a radiology practical technician' means using radiological equipment limited to specific radiographic procedures on specific parts of the human anatomy as contained in the American Registry of Radiologic Technologists (ARRT) 'Content Specifications for the Examination for the Limited Scope of Practice in Radiography', effective January 2009, which is hereby incorporated by reference." *Utah Admin Code r. 156-54-102(3) (2016)*

The Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act also states: "Radiology practitioner' means any person or individual licensed in this state as a physician and surgeon, osteopathic physician, podiatric physician, chiropractic physician, dentist, dental hygienist, or a physician's assistant, nurse practitioner, or nurse specialist practicing under the supervision of an approved supervising physician and in accordance with an approved protocol and utilization plan." *Utah Code Ann §58-54-102(12) (2013)*

The act further provides that "[t]he practice of radiologic technology by a radiologic technologist licensed under this chapter shall be under the general supervision of a radiologist or radiology practitioner and may be performed only upon the order of a radiologist or radiology practitioner acting within the scope of the radiologist's or radiology practitioner's license and experience within the scope of practice of a radiology practitioner." *Utah Code Ann §58-54-303(1) (2018)*

### **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 Utah Administrative Code governing the use of x-rays in the healing arts state: "Healing arts screening' means the use of x-ray equipment to examine individuals who

are asymptomatic for the disease for which the screening is being performed and the use of x-rays are not specifically and individually ordered by a licensed practitioner of the healing arts legally authorized to order x-ray tests for the purpose of diagnosis.”  
*Utah Admin Code r. 313-28-20 (2016)*

The code further provides that “[i]ndividuals shall be exposed to the useful beam for healing arts purposes only when the exposure has been specifically ordered and authorized by a licensed practitioner of the healing arts after a medical consultation. Deliberate exposures for the following purposes are prohibited: (i) exposure of an individual for training, demonstration or other non-healing arts purposes; and (ii) exposure of an individual for the purpose of healing arts screening except as authorized by R313-28-31(2)(i).” *Utah Admin Code r. 313-28-31(f) (2016)*