



# Iowa Medical Society v. Iowa Department of Public Health

## 831 N.W.2d 826 (Iowa 2013)

Topics Covered: Scope of Practice

**Outcome: Very Unfavorable**

### **Issue**

The issue in this case was whether advanced registered nurse practitioners (ARNPs) should be allowed to supervise fluoroscopy procedures by radiation technologists and students of radiation technology.

### **AMA Interest**

The AMA believes that non-physician health care practitioners should only provide patient care in accordance with their education and training and pursuant to applicable state laws.

### **Case Summary**

Regulations of the Iowa Department of Public Health (IDPH) and the Iowa Board of Nursing (IBON) grant ARNPs the right to supervise fluoroscopy procedures by radiation technologists and students of radiation technology. However, the Iowa Nursing Act only allows nurses to perform such acts as “are recognized by the medical and nursing professions ... as being proper to be performed by a ... nurse.”

The Iowa Medical Society (IMS) sued the IDPH and IBON to have their regulations declared invalid. The suit contends that the medical profession does not recognize the propriety of ARNP supervision of fluoroscopy. IMS maintains that ARNPs are neither sufficiently educated nor trained in such procedures. Two other medical societies intervened as additional plaintiffs, and two nursing societies intervened as additional defendants.

The trial court found in favor of the plaintiffs, adopting their arguments about the impropriety, in the eyes of the medical profession, of nurse supervision of fluoroscopy. The court enjoined enforcement of the new regulations. The Iowa Board of Nursing appealed to the Iowa Supreme Court.

On May 31, 2013, the Iowa Supreme Court, by a split decision, found in favor of the Board of Nursing. It noted that, although various medical societies and the Iowa Board of Medicine had argued that the fluoroscopy regulations would expand the nurses’ scope of practice beyond their training and competence, numerous individual physicians and several hospitals disagreed with

that assessment. The medical societies, even when speaking unanimously, did not necessarily speak for the entire medical profession. Rather, the Board of Nursing had discretion to consider the various comments made regarding the regulation and decide for itself what scope of nursing practice would be reasonable. The Supreme Court reversed and remanded with directions to enter judgment for the Board of Nursing.

### **Litigation Center Involvement**

The Litigation Center contributed financially to the IMS lawsuit.