

SECOND REGULAR SESSION

# SENATE BILL NO. 897

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time January 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4384S.011

## AN ACT

To amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto nine new sections, to be known as sections 334.1000, 334.1003, 334.1006, 334.1009, 334.1012, 334.1015, 334.1018, 334.1021, and 334.1024, to read as follows:

**334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited as the "Medical Imaging and Radiation Therapy Quality Assurance Act of 2006".**

**334.1003. As used in sections 334.1000 to 334.1024, the following terms mean:**

(1) "Board", the medical imaging and radiation therapy board of examiners created in section 334.1012;

(2) "Chiropractic radiologist", a physician certified by the American Chiropractic Board of Radiology;

(3) "Dental radiographer", a person, other than a licensed practitioner, dental assistant working under direct supervision of a licensed practitioner required under chapter 332, RSMo, or person who administers medical imaging or radiation therapy procedures on humans, whose duties are restricted to radiography of the maxilla and mandible for diagnostic purposes;

(4) "Director", the director of the division of professional registration within the department of economic development;

(5) "License", a certificate issued by the board authorizing the licensee to use radioactive materials, medical imaging, or radiation

17 therapy equipment on humans for diagnostic or therapeutic purposes  
18 in accordance with sections 334.1000 to 334.1024;

19 (6) "Licensed practitioner", a person licensed to practice  
20 medicine, dentistry, podiatry, chiropractic, osteopathy, veterinary  
21 medicine, or as a registered nurse or dental hygienist in this state;

22 (7) "Limited permit", a certificate issued by the board authorizing  
23 a person to conduct diagnostic radiology examinations that is limited  
24 to the performance of specific medical imaging procedures on specific  
25 parts of the human body, such as chest, spine, or extremity  
26 radiography;

27 (8) "Medical imaging", any procedure or article intended for use  
28 in the diagnosis of disease or other medical or dental conditions,  
29 including but not limited to diagnostic X-rays and nuclear medicine;

30 (9) "Nuclear medicine technologist", a person, other than a  
31 licensed practitioner, who uses radiopharmaceutical agents on humans  
32 for diagnostic or therapeutic purposes;

33 (10) "Persons who administer medical imaging or radiation  
34 therapy procedures", any person, other than a licensed practitioner,  
35 who intentionally administers medical imaging or radiation therapy  
36 procedures to other persons for medical purposes, and including, but  
37 not limited to, radiographers, radiation therapists, and nuclear  
38 medicine technologists, licensed under sections 334.1000 to 334.1024;

39 (11) "Public member", a person who is a resident of this state but  
40 who is not a licensed practitioner, person who administers medical  
41 imaging and radiation therapy procedures, or dental radiographer  
42 under sections 334.1000 to 334.1024;

43 (12) "Radiation therapist", a person, other than a licensed  
44 practitioner, who applies radiation to humans for therapeutic purposes;

45 (13) "Radiation therapy", any radiation procedure or article  
46 intended for the cure, mitigation, or prevention of disease in humans;

47 (14) "Radiologic physicist", a person who is certified by the  
48 American Board of Radiology in radiological physics or one of the  
49 subspecialties of radiological physics, or is eligible for such  
50 certification;

51 (15) "Radiographer", a person, other than a licensed practitioner,  
52 who applies radiation to humans for diagnostic purposes;

53 (16) "Radiologist", a physician certified by the American Board

54 of Radiology or the American Osteopathic Board of Radiology, the  
55 American Chiropractic Board of Radiology, the British Royal College  
56 of Radiology, or the Canadian College of Physicians and Surgeons;

57 (17) "Temporary license", a certificate issued by the board  
58 authorizing an applicant to perform medical imaging and radiation  
59 therapy procedures when his or her licensure or relicensure is pending  
60 before the board and when issuance may be justified by special  
61 circumstances as determined by the board.

334.1006. 1. No person, other than a licensed practitioner, person  
2 who administers medical imaging and radiation therapy procedures, or  
3 dental radiographer shall perform medical imaging or radiation  
4 therapy procedures on humans for diagnostic or therapeutic purposes.

5 2. The board shall establish licensure standards consistent with  
6 national accreditation standards for the radiographer (R), radiation  
7 therapist (T), nuclear medicine technologist (N), dental radiographer  
8 (D), limited permit holder, and temporary license holder. Persons  
9 holding such licenses shall be recognized by this nomenclature.

10 3. A person holding a license under sections 334.1000 to 334.1024  
11 shall use radioactive substances or equipment for medical imaging and  
12 radiation therapy procedures on humans only for diagnostic or  
13 therapeutic purposes at the direction of a licensed practitioner, and  
14 only if the application of a substance or the use of equipment is limited  
15 in a manner specified in sections 334.1000 to 334.1024.

16 4. Nothing in sections 334.1000 to 334.1024 relating to medical  
17 imaging, radiation therapy, or dental radiography shall limit, enlarge,  
18 or affect the practice of licensed practitioners as defined in section  
19 334.1003.

20 5. The requirement of a license shall not apply to a resident  
21 physician, diagnostic medical sonographer, or a student enrolled in and  
22 attending a school or college of medicine, osteopathy, chiropractic,  
23 podiatry, dentistry, dental hygiene, medical imaging, or radiation  
24 therapy who performs medical imaging or radiation therapy procedures  
25 on humans while under the supervision of a licensed practitioner or  
26 direct supervision of a radiographer, radiation therapist, or nuclear  
27 medicine technologist holding a license under sections 334.1000 to  
28 334.1024.

334.1009. 1. There is hereby established the "Medical Imaging

2 and Radiation Therapy Board of Examiners" which shall consist of  
3 eleven members appointed by the governor with the advice and consent  
4 of the senate. All members of the board shall be residents of this state.  
5 Of the eleven board members, five shall be persons who administer  
6 medical imaging and radiation therapy procedures, two shall be  
7 radiologists, two shall be other licensed practitioners, one shall be a  
8 radiologic physicist, and one shall be a public member.

9       2. The term of office for each member of the board shall be three  
10 years; except that, of the members first appointed four shall be  
11 appointed to a term of one year, four shall be appointed to a term of  
12 two years, and four shall be appointed to a term of three  
13 years. Vacancies shall be filled for an unexpired term only in the  
14 manner provided by original appointment.

15       3. Persons who administer medical imaging or radiation therapy  
16 procedures appointed to the board for terms beginning thirty-six  
17 months following issuance of a license in any category by the board  
18 shall hold a valid license in any category issued by the board.

19       4. Members of the board shall not receive compensation for their  
20 service on the board, but may be reimbursed for reasonable and  
21 necessary expenses incurred in the performance of their official duties  
22 as members of the board.

23       5. The director of the division of professional registration shall  
24 designate an officer or employee of the state to act as a secretary of the  
25 board who shall not be a member of the board. The director shall  
26 furnish staff, logistics, budget, and other support to the board as  
27 appropriate.

28       6. No public member shall have any association or relationship  
29 with a licensed practitioner, person who administers medical imaging  
30 or radiation therapy procedures, or dental radiographer that would  
31 prevent or in any way hinder the public member in representing the  
32 interest of the public.

33       7. For administrative purposes, the board shall meet at least  
34 once every three months at times and places of its choosing. The first  
35 meeting of the board shall be for organization only, in which the board  
36 will set forth its responsibilities and rules.

37       8. A majority of the voting members shall constitute a quorum.  
38 No action shall be taken by the board except by an affirmative vote of

39 the majority of those members present and voting.

40 9. The board shall be responsible for setting and implementing  
41 policies for licensing individuals, accrediting programs, imposing  
42 discipline, and hearing appeals.

334.1012. 1. The board shall admit to examination for licensure  
2 any applicant who pays a nonrefundable fee established by rule of the  
3 board and submits satisfactory evidence, verified by oath or  
4 affirmation, that the applicant:

5 (1) At the time of application, the applicant is at least eighteen  
6 years of age; and

7 (2) Has successfully completed a four-year course of study in a  
8 secondary school approved by the state board of education, or passed  
9 an approved equivalency test.

10 2. In addition to the requirements in subsection 1 of this section,  
11 any person seeking to obtain a license in a specific area of medical  
12 imaging and radiation therapy shall comply with the following  
13 requirements:

14 (1) Each applicant for a license as a radiographer, radiation  
15 therapist, nuclear medicine technologist, or dental radiographer shall  
16 have satisfactorily completed a course of study in radiography,  
17 radiation therapy, nuclear medicine, or dental radiography,  
18 respectively, or an equivalent to be determined by the board;

19 (2) The curriculum for each course of study shall be based on the  
20 standards approved by the Joint Review Committee on Education in  
21 Radiologic Technology, the Joint Review Committee on Nuclear  
22 Medicine Technology, or other appropriate accreditation agencies  
23 approved by the board.

24 3. The board shall establish criteria and standards within the  
25 state for educational programs in medical imaging and radiation  
26 therapy consistent with national accreditation standards, and approve  
27 such programs upon finding that the criteria and standards have been  
28 met.

29 4. In addition to the requirements in subsection 1 of this section,  
30 any person seeking a license in dental radiography shall comply with  
31 the following requirements:

32 (1) Each applicant for a license as a dental radiographer shall  
33 have satisfactorily completed a course of study for dental radiography,

34 or its equivalent, as determined by the board; and

35 (2) The curriculum for the course of study may follow, and shall  
36 be no less stringent than the standards approved by the Section on Oral  
37 Radiology of the American Association of Dental Schools, provided such  
38 standards are not in conflict with board policy.

39 5. In addition to the requirements of subsection 1 of this section,  
40 the scope of each limited permit is restricted as follows:

41 (1) Chest radiography permit: radiography of the thorax, heart,  
42 and lungs;

43 (2) Skeletal radiography permit: radiography of the upper and  
44 lower extremities, or the vertebral column.

45 6. For a period not to exceed three years from the effective date  
46 of sections 334.1000 to 334.1030, the board shall waive the examination  
47 requirement for licensure of a person who has been employed for a  
48 minimum of three of the immediately preceding five years as a  
49 radiographer, radiation therapist, nuclear medicine technologist, or  
50 dental radiographer if the person demonstrates competency to the  
51 satisfaction of the board through:

52 (1) Successful completion of a board-approved examination that  
53 shall cover fundamental principals of radiographic imaging and  
54 radiation safety; or

55 (2) Review of medical facility training and competency  
56 verification records compiled under facility licensure requirements,  
57 internal quality assurance standards established by the governing  
58 board of the facility, or facility accreditation standards.

59 7. If the person is unable to successfully complete the test as  
60 defined in subsection 1 of this section in three or less attempts, the  
61 person shall submit to an on-site competency evaluation conducted by  
62 the board.

63 8. The board shall be authorized to study the impact of waiving  
64 the licensure requirements for persons who use equipment powered by  
65 no more than one hundred ten volt electricity and, if after analysis the  
66 board determines the benefit to outweigh the risk to the public, the  
67 board may issue a rule waiving such licensure requirement.

68 9. (1) There is hereby created in the state treasury the "Medical  
69 Imaging and Radiation Therapy Licensure Fund", which shall consist  
70 of money collected pursuant to sections 334.1000 to 334.1024. The state

71 treasurer shall be custodian of the fund and shall disburse moneys from  
72 the fund in accordance with sections 30.170 and 30.180, RSMo. Upon  
73 appropriation, money in the fund shall be used solely for the  
74 administration of sections 334.1000 to 334.1024.

75 (2) Notwithstanding the provisions of section 33.080, RSMo, to  
76 the contrary, any moneys remaining in the fund at the end of the  
77 biennium shall not revert to the credit of the general revenue fund.

78 (3) The state treasurer shall invest moneys in the fund in the  
79 same manner as other funds are invested. Any interest and moneys  
80 earned on such investments shall be credited to the fund.

334.1015. 1. An approved program of medical imaging and  
2 radiation therapy may be offered by a medical, chiropractic, or dental  
3 facility, educational institution, chiropractic college, or other public or  
4 private agency or institution. The program shall be affiliated with one  
5 or more hospitals or dental schools or chiropractic colleges that, in the  
6 opinion of the board and the appropriate accrediting agency, shall  
7 provide the requisite clinical education.

8 2. The board shall by rule:

9 (1) Adopt procedures for an educational program to follow in  
10 making application for accreditation;

11 (2) Provide a process for review of such accreditation by an  
12 existing accreditation agency and approval by a recognized national  
13 voluntary accrediting organization.

334.1018. 1. Each applicant for licensure shall be required to  
2 pass a license examination designed and approved by the board.

3 2. The board shall hold an examination at least every six months  
4 at times and places as the board may determine.

5 3. An applicant who fails to pass the examination may reapply  
6 for the examination provided the applicant complies with the rules  
7 established by the board.

8 4. The board shall accept in lieu of its own examination:

9 (1) A current certificate by the American Registry of Radiologic  
10 Technologists or Nuclear Medicine Technologist Certification Board;

11 (2) A current certificate issued on the basis of a satisfactory  
12 completion of the certification examination given by the Dental  
13 Assisting National Board, Inc., or the National Board of Dental  
14 Examiners;

15           **(3) A limited scope radiography examination administered by the**  
16 **American Registry of Radiologic Technologists or the American**  
17 **Chiropractic Radiology Registry of Technologists for persons applying**  
18 **for a limited permit in chest, extremity, or spine radiography.**

19           **5. The board may accept in lieu of its own examination:**

20           **(1) A current certificate from a recognized national voluntary**  
21 **credentialing body not described in subsection 4 of this section that is**  
22 **issued on the basis of an examination satisfactory to the board;**  
23 **provided that the standards of such credentialing body are at least as**  
24 **stringent as those established by the board;**

25           **(2) A current certificate, registration, or license as a person who**  
26 **administers medical imaging and radiation therapy procedures issued**  
27 **by another state; provided that the standards in the other state are at**  
28 **least as stringent as those established by the board;**

29           **(3) A current certificate from a recognized national voluntary**  
30 **credentialing body not described in subsection 4 of this section for**  
31 **persons applying for a limited permit in chest, extremity, or spine**  
32 **radiography; provided that the standards of such credentialing body**  
33 **are at least as stringent as those established by the board.**

**334.1021. 1. The board may issue a license to each applicant who**  
2 **has either successfully passed the examination or qualified under**  
3 **subsection 4 or 5 of section 334.1018 and has paid the prescribed fees.**

4           **2. The board may at its discretion issue a temporary license to**  
5 **any person whose licensure or relicensure may be pending and when**  
6 **issuance may be justified by special circumstances. A temporary**  
7 **license shall be issued only if the board finds that it will not violate the**  
8 **purpose of sections 334.1000 to 334.1024 or endanger the public health**  
9 **and safety. A temporary license shall expire ninety days after the date**  
10 **of the next examination if the applicant is required to take the**  
11 **examination, or if the applicant does not take the examination, then on**  
12 **the date of the examination. In all cases, a temporary license shall**  
13 **expire when the determination is made either to issue or deny the**  
14 **applicant a regular license and in no event shall a temporary license**  
15 **be issued for a period longer than one hundred eighty days.**

16           **3. Holders of a license under sections 334.1000 to 334.1024 shall**  
17 **display the official license document or a verified copy in each place**  
18 **of regular employment.**



19           4. The board shall renew a license for a period of two years upon  
20 payment of the renewal fee set by the board. Continuing education  
21 requirements may also be set by rule of the board.

22           5. A licensee holding a license or permit under sections 334.1000  
23 to 334.1024 whose license has lapsed and who has ceased activities as  
24 such for more than five years may apply for relicensure upon payment  
25 of a fee set by the board. Continuing education requirements may also  
26 be set by the board.

27           6. A licensee holding a license or permit under sections 334.1000  
28 to 334.1024 shall notify the board in writing within thirty days of any  
29 name or address change.

334.1024. 1. The license of a licensee or permittee holding a  
2 license or permit under sections 334.1000 to 334.1024 may be suspended  
3 or revoked, or the individual may be censured, reprimanded, or  
4 otherwise sanctioned by the board in accordance with the provisions  
5 and procedures of sections 334.1000 to 334.1024 if, after due process, it  
6 is found that the individual:

7           (1) Is guilty of fraud or deceit in the procurement or holding of  
8 the license or permit;

9           (2) Has been convicted of a felony in a court of competent  
10 jurisdiction, either within or outside of this state, unless the conviction  
11 has been reversed and the holder of the license or permit is discharged  
12 or acquitted, or if the holder has been pardoned with full restoration  
13 of civil rights in which case the license or permit shall be restored;

14           (3) Is or has been afflicted with any medical problem, disability,  
15 or addiction which in the opinion of the board would impair  
16 professional competence;

17           (4) Has aided and abetted a person who is not a licensee or  
18 permittee holding a license under sections 334.1000 to 334.1024 or  
19 otherwise authorized by subsection 3 of section 334.1009 to perform the  
20 duties of a license or permit holder;

21           (5) Has undertaken or engaged in any practice beyond the scope  
22 of duties permitted a license or permit holder under sections 334.1000  
23 to 334.1024;

24           (6) Has impersonated a licensee or permittee or former licensee  
25 or former permittee, or is performing duties of a dental radiographer,  
26 or a person who administers medical imaging or radiation therapy

27 **procedures under an assumed name;**

28 **(7) Has been found guilty of violations of a code of ethics that the**  
29 **board may establish by rule;**

30 **(8) Has performed medical imaging or radiation therapy**  
31 **procedures without supervision of a licensed practitioner, or**  
32 **radiographer, radiation therapist, or nuclear medicine technologist**  
33 **holding a license under sections 334.1000 to 334.1024;**

34 **(9) Has interpreted a diagnostic image for a physician, a patient,**  
35 **the patient's family, or the public;**

36 **(10) Is or has been found guilty of incompetence or negligence**  
37 **in his or her performance as a license or permit holder.**

38 **Any person aggrieved by an official action of the board affecting the**  
39 **licensed status of a person under the provisions of sections 334.1000 to**  
40 **334.1024, including the refusal to grant, the granting, the revocation,**  
41 **the suspension, or the failure to renew a license, may seek a**  
42 **determination thereon by the administrative hearing commission**  
43 **pursuant to the provisions of section 621.045, RSMo, and it shall not be**  
44 **a condition to such determination that the person aggrieved seek a**  
45 **reconsideration, a rehearing, or exhaust any other procedure with the**  
46 **board.**

47 **2. Proceedings against the holder of a license or permit under**  
48 **sections 334.1000 to 334.1024 shall be commenced by filing a written**  
49 **charge or charges with the board. A person, corporation, association,**  
50 **public officer, or the board may bring the charge or charges. The board**  
51 **may refuse to issue or renew any license or permit required under**  
52 **sections 334.1000 to 334.1024 for one or any combination of causes**  
53 **stated in subsection 1 of this section. The board shall notify the**  
54 **licensee or permittee in writing of the reasons for the refusal and shall**  
55 **advise the licensee or permittee of his or her right to file a complaint**  
56 **with the administrative hearing commission as provided by chapter**  
57 **621, RSMo.**

58 **3. When the license or permit of any person has been revoked,**  
59 **reapplication to the board may be made no sooner than two years after**  
60 **the date of the board's order revoking the license or permit.**

61 **4. No person shall knowingly employ as a radiographer,**  
62 **radiation therapist, nuclear medicine technologist, dental**  
63 **radiographer, or any person to perform medical imaging or radiation**

64 therapy procedures who does not hold a license under sections 334.1000  
65 to 334.1024.

66       5. Any person who violates the provisions of sections 334.1000 to  
67 334.1024, or any rule or order made under sections 334.1000 to 334.1024,  
68 is guilty of a class A misdemeanor and shall be subject to the sanctions  
69 of subsection 2 of this section, or other appropriate punishment.

70       6. Any rule or portion of a rule, as that term is defined in section  
71 536.010, RSMo, that is created under the authority delegated in sections  
72 334.1000 to 334.1024 shall become effective only if it complies with and  
73 is subject to all of the provisions of chapter 536, RSMo, and, if  
74 applicable, section 536.028, RSMo. Sections 334.1000 to 334.1024 and  
75 chapter 536, RSMo, are nonseverable and if any of the powers vested  
76 with the general assembly pursuant to chapter 536, RSMo, to review, to  
77 delay the effective date, or to disapprove and annul a rule are  
78 subsequently held unconstitutional, then the grant of rulemaking  
79 authority and any rule proposed or adopted after August 28, 2006, shall  
80 be invalid and void.

81       7. Any person licensed to practice veterinary medicine under  
82 chapter 340, RSMo, is exempt from the provisions of sections 334.1000  
83 to 334.1024, except for section 334.1018, when acting within such  
84 person's scope of practice.

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