

FIRST REGULAR SESSION

SENATE BILL NO. 407

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time February 9, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1610S.011

AN ACT

To amend chapter 334, RSMo, by adding thereto twenty new sections relating to radiologic imaging and radiation therapy certification, 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 twenty new sections, to be known as sections 334.1000, 334.1003, 334.1006, 334.1007, 334.1009, 334.1010, 334.1012, 334.1015, 334.1018, 334.1021, 334.1024, 334.1027, 334.1030, 334.1033, 334.1036, 334.1039, 334.1042, 334.1045, 334.1050, and 334.1051, to read as follows:

334.1000. Sections 334.1000 to 334.1050 shall be cited as the "Missouri Patient Safety in Radiologic Imaging and Radiation Therapy Act".

334.1003. As used in sections 334.1000 to 334.1051, the following terms mean:

- (1) "Advisory commission", the radiologic imaging and radiation therapy advisory commission;**
- (2) "Board", the state board of registration for the healing arts;**
- (3) "Bone densitometry", the determination of bone mass by means of the radiation absorption by a skeleton or part of a skeleton;**
- (4) "Certificate", authorization from this state to use radioactive substances or equipment emitting ionizing radiation or magnetic resonance for radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes in accordance with sections 334.1000 to 334.1051 and the rules adopted by the board;**
- (5) "Certification organization", a certification organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the**

16 National Commission for Certifying Agencies, American National
17 Standards Institute, the International Organization for
18 Standardization, or other accreditation organization recognized by the
19 board;

20 (6) "Computed tomography", the process of producing sectional
21 and three-dimensional images using external ionizing radiation;

22 (7) "Diagnostic medical sonography", the process of using high
23 frequency sound waves with specialized equipment to direct the sound
24 waves into an area of the human body to generate a diagnostic image;

25 (8) "Fluoroscopy", the exposure of a patient to x-rays in a
26 fluoroscopy mode, including the positioning of the patient, positioning
27 of the fluoroscopy equipment and the selection of exposure factors;

28 (9) "Hybrid imaging equipment", equipment that combines more
29 than one medical imaging modality into a single device;

30 (10) "Ionizing radiation", radiation that may consist of alpha
31 particles, beta particles, gamma rays, x-rays, neutrons, high-speed
32 electrons, high-speed protons, or other particles capable of producing
33 ions. Ionizing radiation does not include non-ionizing radiation, such
34 as radiofrequency or microwaves, visible infrared or ultraviolet light,
35 or ultrasound;

36 (11) "Licensed practitioner", a person licensed to practice
37 medicine, dentistry, podiatry, or chiropractic in this state;

38 (12) "Limited x-ray machine operator", a person who is certified
39 under sections 334.1000 to 334.1051 to perform, under the supervision
40 of a licensed practitioner or radiographer, diagnostic radiography
41 procedures, or bone density procedures using equipment that emits
42 external ionizing radiation resulting in diagnostic radiographic images
43 of selected specific parts of human anatomy or bone density
44 measurements;

45 (13) "Magnetic resonance imaging", the use of magnetic fields and
46 radiofrequency signals to create diagnostic images or dynamic images
47 for medical purposes;

48 (14) "Magnetic resonance technologist", a person who is certified
49 under sections 334.1000 to 334.1051 to perform a comprehensive set of
50 magnetic resonance procedures using magnetic fields and radio
51 frequency signals;

52 (15) "Mobile imaging", any arrangement in which radiologic

53 imaging equipment is transported to various sites where radiologic
54 imaging procedures are performed. Mobile imaging does not include
55 movement within a hospital or movement to a site where the equipment
56 will be located permanently;

57 (16) "Modality", the various types of equipment used to acquire
58 images of the body or to treat disease using ionizing radiation or
59 magnetic resonance including:

60 (a) Magnetic resonance imaging;

61 (b) Nuclear medicine;

62 (c) Radiation therapy; or

63 (d) Radiography;

64 (17) "Nuclear medicine advanced associate", a person who is
65 certified under sections 334.1000 to 334.1051 to perform a variety of
66 activities under the supervision of a radiologist who is also an
67 authorized user of radioactive materials in the areas of patient care,
68 patient management, nuclear medicine, and molecular imaging
69 procedures using sealed and unsealed radiation sources, ionizing
70 radiation and magnetic resonance, and adjunctive medicine and
71 therapeutic procedures using unsealed radioactive sources;

72 (18) "Nuclear medicine technologist", a person who is certified
73 under sections 334.1000 to 334.1051 to perform a variety of nuclear
74 medicine and molecular imaging procedures using sealed and unsealed
75 radiation sources, ionizing radiation and magnetic resonance, and
76 adjunctive medicine and therapeutic procedures using unsealed
77 radioactive sources;

78 (19) "Nuclear medicine technology", the branch of medicine that
79 uses in vivo and in vitro detection and measurement of radionuclides
80 radiation in diagnosis, management guidance, and treatment of disease;

81 (20) "Radiation therapist", a person who is certified under
82 sections 334.1000 to 334.1051 to administer ionizing radiation to human
83 beings for therapeutic purposes;

84 (21) "Radiation therapy", the use of ionizing radiation for the
85 purpose of treating disease;

86 (22) "Radiographer", a person who is certified under sections
87 334.1000 to 334.1051 to perform a comprehensive set of diagnostic
88 radiographic procedures using external ionizing radiation to produce
89 radiographic, fluoroscopic, or digital images;

90 **(23) "Radiography", the process of obtaining an image for**
91 **diagnostic evaluation using external ionizing radiation;**

92 **(24) "Radiologic imaging", any procedure or article intended for**
93 **use in the diagnosis or visualization of disease or other medical**
94 **conditions in human beings, including, but not limited to computed**
95 **tomography, fluoroscopy, magnetic resonance, nuclear medicine,**
96 **radiography, and other procedures using ionizing radiation or**
97 **magnetic fields;**

98 **(25) "Radiologist", a physician licensed in this state and certified**
99 **by or board-eligible to be certified by the American Board of Radiology,**
100 **the American Osteopathic Board of Radiology, the British Royal College**
101 **of Radiology, or the Canadian College of Physicians and Surgeons in**
102 **that medical specialty;**

103 **(26) "Radiologist assistant", a person who is certified under**
104 **sections 334.1000 to 334.1051 to perform a variety of activities under the**
105 **supervision of a radiologist in the areas of patient care, patient**
106 **management, radiologic imaging, or interventional procedures guided**
107 **by radiologic imaging.**

334.1006. 1. Except as provided in this section, on and after
2 **October 1, 2018, only a person currently certified under sections**
3 **334.1000 to 334.1051 may perform or offer to perform radiologic imaging**
4 **or radiation therapy procedures on humans for diagnostic or**
5 **therapeutic purposes or otherwise indicate or imply that the person is**
6 **certified to perform radiologic imaging or radiation therapy**
7 **procedures.**

8 **2. The board shall establish certification standards for persons**
9 **performing limited x-ray machine operation, magnetic resonance**
10 **imaging, nuclear medicine advanced associate, nuclear medicine**
11 **technology, radiation therapy, radiography, and radiologist assistant.**

12 **3. No person shall knowingly employ a person who does not hold**
13 **a certificate under sections 334.1000 to 334.1051 to perform radiologic**
14 **imaging or radiation therapy procedures.**

15 **4. Nothing in sections 334.1000 to 334.1051 relating to radiologic**
16 **imaging or radiation therapy shall limit or enlarge the practice of a**
17 **licensed practitioner.**

18 **5. The provisions of sections 334.1000 to 334.1051 shall not apply**
19 **to the following:**

- 20 **(1) A licensed practitioner;**
21 **(2) A dental hygienist currently licensed by this state;**
22 **(3) A dental assistant currently licensed by this state;**
23 **(4) A resident physician or a student enrolled in and attending**
24 **a school or college of medicine, chiropractic, podiatry, radiologic**
25 **imaging, or radiation therapy who performs radiologic imaging or**
26 **radiation therapy procedures on humans while under the supervision**
27 **of a licensed practitioner or supervision of a person holding an**
28 **unlimited certificate under sections 334.1000 to 334.1051 in the**
29 **supervised modality;**
30 **(5) A person performing radiologic imaging or radiation**
31 **procedures who is employed by the United States government when**
32 **performing duties associated with that employment;**
33 **(6) A person performing diagnostic medical sonography;**
34 **(7) A person performing radiologic imaging or radiation therapy**
35 **procedures on nonhuman subjects or cadavers.**

334.1007. 1. The board, based on recommendations, guidance and
2 advice from the advisory commission, shall establish scope of practice
3 standards for limited x-ray machine operator, magnetic resonance
4 technologist, nuclear medicine advanced associate, nuclear medicine
5 technologist, radiation therapist, radiographer, and radiologist
6 assistant. The board may review and adopt by rule a scope of practice
7 from a certification organization or a professional society or
8 association.

9 2. A person holding a certificate under sections 334.1000 to
10 334.1051 may use radioactive substances or equipment emitting ionizing
11 radiation or magnetic resonance and perform radiologic imaging and
12 radiation therapy procedures on humans for diagnostic or therapeutic
13 purposes only:

14 **(1) With a valid prescription of a person authorized by this state**
15 **to prescribe radiologic imaging or radiation therapy procedures;**

16 **(2) Under the supervision of a licensed practitioner or individual**
17 **holding an unlimited certificate under sections 334.1000 to 334.1051;**
18 **and**

19 **(3) Within the scope of the certificate as specified in sections**
20 **334.1000 to 334.1051 and under the rules adopted by the board; a person**
21 **certified under sections 334.1000 to 334.1051 may only perform**

22 radiologic imaging or radiation therapy procedures in a modality for
23 which they are certified.

24 3. On and after January 1, 2021, a person certified under sections
25 334.1000 to 334.1051 who performs computed tomography must be
26 certified in computed tomography by the American Registry of
27 Radiologic Technologists, Nuclear Medicine Technologist Certification
28 Board, or other certification organization recognized by the board.

29 4. A person certified to perform radiation therapy may perform
30 computed tomography or magnetic resonance imaging for treatment
31 planning purposes.

32 5. A person certified to perform nuclear medicine technology
33 may perform computed tomography or magnetic resonance imaging for
34 attenuation correction on hybrid imaging equipment.

35 6. A person certified to perform radiography may perform
36 fluoroscopy.

37 7. A person certified as a limited x-ray machine operator shall
38 perform tasks or procedures only within the scope of the specific
39 permit issued to them by the board for a particular area of the human
40 anatomy as provided in 334.1015 and shall not perform procedures
41 involving the administration or utilization of contrast media, or
42 perform computed tomography, fluoroscopy, magnetic resonance
43 imaging, mammography, mobile imaging, nuclear medicine, or radiation
44 therapy.

45 8. A nuclear medicine advanced associate or radiologist assistant
46 shall not interpret medical images, render diagnoses, or prescribe
47 medications or therapies.

334.1009. 1. The Missouri Radiologic Imaging and Radiation
2 Therapy Advisory Commission is hereby created within the board. The
3 advisory commission shall guide, advise, and make recommendations
4 to the board. The advisory commission shall be responsible for the
5 ongoing review of the scope of practice and promoting the continuing
6 role of a person certified under sections 334.1000 to 334.1051 in the
7 delivery of health care services. The advisory commission shall assist
8 the board in carrying out the provisions of sections 334.1000 to
9 334.1045.

10 2. The advisory commission shall be appointed no later than
11 October 1, 2017, and shall consist of seven members appointed by the

12 governor with the advice and consent of the senate. Each member shall
13 be a citizen of the United States and a resident of this state. The
14 members shall include:

- 15 (1) One certified limited x-ray machine operator;
- 16 (2) One certified magnetic resonance technologist;
- 17 (3) One certified nuclear medicine technologist or nuclear
18 medicine advanced associate;
- 19 (4) One licensed practitioner who is a radiologist and supervises
20 radiologic imaging or radiation therapy professionals;
- 21 (5) One licensed practitioner who is not a radiologist and
22 supervises radiologic imaging or radiation therapy professionals;
- 23 (6) One certified radiation therapist; and
- 24 (7) One certified radiographer or radiologist assistant.

25 3. The director of the division of professional registration shall
26 seek recommendations for appointment to the first commission on a
27 form provided by the board from state and national radiologic imaging
28 and radiation therapy professional societies or associations.

29 4. The first commission shall consist of one member whose term
30 shall be for one year, three members whose terms shall be for two
31 years, and three members whose terms shall be for three
32 years. Subsequent appointments to the advisory commission shall be
33 for three years.

34 5. At least ninety days prior to expiration of a commission
35 member's term or if a vacancy on the commission occurs due to
36 resignation or other cause, the director of the division of professional
37 registration shall request recommendations on a form provided by the
38 board from persons certified under sections 334.1000 to 334.1051 and
39 applicable state and national radiologic imaging and radiation therapy
40 professional societies or associations.

41 6. The director of the division of professional registration shall
42 determine whether a person who is submitted for consideration is
43 qualified and willing to fill the vacancy.

44 7. The advisory commission shall review and, if applicable,
45 transmit the names and information to the governor for consideration
46 and appointment.

47 8. Notwithstanding any other provision of law to the contrary,
48 any appointed member of the advisory commission shall receive as

49 compensation an amount established by the director of the division of
50 professional registration not to exceed seventy dollars per day for
51 advisory commission business plus actual and necessary expenses. The
52 director of the division of professional registration shall establish by
53 rule guidelines for payment. All staff for the commission shall be
54 provided by the board.

55 9. The advisory commission shall hold an annual meeting at
56 which it shall elect from its membership a chairman and secretary. The
57 advisory commission may hold such additional meetings as may be
58 required in the performance of its duties, provided that notice of every
59 meeting shall be given to each member at least ten days prior to the
60 date of the meeting. A quorum of the board shall consist of a majority
61 of its members.

62 10. Advisory commission meetings shall be open to the public,
63 except as provided for under section 610.021. Notice of each meeting
64 shall be provided to the public at least ten days prior to the date of the
65 meeting.

334.1010. The board shall have the following powers and duties:

- 2 (1) Administer sections 334.1000 to 334.1051;
- 3 (2) Issue interpretations of sections 334.1000 to 334.1051;
- 4 (3) Establish the scope of practice, unless specified in sections
5 334.1000 to 334.1051, for each certificate or permit type issued by the
6 board. The board may review and adopt by rule the scope of practice
7 established by a radiologic imaging or radiation therapy certification
8 organization or professional association that shall apply to a person
9 who is certified under sections 334.1000 to 334.1051;
- 10 (4) Promulgate rules not inconsistent with the laws of this state
11 that are necessary to carry out sections 334.1000 to 334.1051;
- 12 (5) Authorize, by written agreement, the division of professional
13 registration to act as its agent in its interest;
- 14 (6) Set by rule fees and requirements for the issuance of a new
15 certificate and renewal of a certificate;
- 16 (7) Devise or contract to use an examination for certification to
17 determine an applicant's fitness to perform radiologic imaging or
18 radiation therapy or issue a certificate based on the review and
19 acceptance of a certification and registration by a certification
20 organization recognized by the board. Where applicable, applicants for

21 certification shall be examined at a time and place and under such
22 supervision as the board may require;

23 (8) Require the self-reporting by an applicant or a person
24 certified under sections 334.1000 to 334.1051 of any information the
25 board determines may indicate possible deficiencies in practice,
26 performance, fitness, or qualifications;

27 (9) Conduct investigations for the purpose of determining
28 whether violations of sections 334.1000 to 334.1051, the rules adopted
29 by the board, or other grounds for discipline exist;

30 (10) Appoint a hearing officer, issue a subpoena, examine a
31 witness, and administer an oath concerning practices that are alleged
32 to violate sections 334.1000 to 334.1051 or the rules adopted by the
33 board;

34 (11) Impose sanctions, deny certification, levy fines, or seek
35 appropriate civil or criminal penalties against anyone who:

36 (a) Violates or attempts to violate sections 334.1000 to 334.1051
37 or the rules adopted by the board;

38 (b) Obtains or attempts to obtain certification by fraud or
39 deception; or

40 (c) Knowingly assists in such activity;

41 (12) Establish a mechanism for dealing with a person certified
42 under sections 334.1000 to 334.1051 who abuses or is dependent upon
43 or addicted to alcohol or other addictive chemical substances, and
44 enter into an agreement with a professional organization possessing
45 relevant procedures and techniques the board has evaluated and
46 approved for the organization's cooperation or participation. The
47 board may require a person certified under sections 334.1000 to
48 334.1051 to pay for treatment ordered by the board;

49 (13) Issue a cease and desist order, obtain a court order or
50 injunction to halt the uncertified practice, a violation of sections
51 334.1000 to 334.1051, or a violation of the rules adopted by the board;

52 (14) Issue a conditional, restricted, or otherwise limited
53 certificate as the board determines necessary;

54 (15) Recover costs and fees incurred in the investigation of an
55 applicant, person certified under sections 334.1000 to 334.1051, or other
56 person alleged to have violated sections 334.1000 to 334.1051 or the
57 rules adopted by the board;

58 **(16) Maintain a record of all proceedings and make available to**
59 **persons certified under sections 334.1000 to 334.1051 and the public an**
60 **annual report of all board action;**

61 **(17) Develop standards and adopt rules for the administration of**
62 **radiologic imaging or radiation therapy procedures in this state. The**
63 **board may, in its discretion, revise the certification requirements of**
64 **sections 334.1000 to 334.1051 for areas of this state that the board**
65 **deems too remote to contain a sufficient number of qualified persons**
66 **certified under sections 334.1000 to 334.1051 to perform radiologic**
67 **imaging or radiation therapy procedures on humans for diagnostic or**
68 **therapeutic purposes;**

69 **(18) Set requirements for continuing education as a requirement**
70 **for certificate renewal. The board may review and adopt by rule the**
71 **continuing education or continuing competency requirements**
72 **established by a radiologic imaging or radiation therapy certification**
73 **organization recognized by the board for certificate renewal;**

74 **(19) Establish criteria and standards for educational programs**
75 **offered in this state in radiologic imaging or radiation therapy. The**
76 **board may review and adopt by rule the accreditation criteria and**
77 **standards established by an appropriate educational accreditation**
78 **agency; and**

79 **(20) Approve radiologic imaging or radiation therapy**
80 **educational programs that the board determines meet the criteria and**
81 **standards established by rule by the board.**

334.1012. 1. The mission of the advisory commission shall be to
2 **protect the citizens of this state through the certification of radiologic**
3 **imaging or radiation therapy professionals including assessment of**
4 **their competence to practice and moral character.**

5 **2. The advisory commission shall investigate all complaints in a**
6 **fair and equitable manner against a person certified under sections**
7 **334.1000 to 334.1051 or a person who is alleged to have violated sections**
8 **334.1000 to 334.1051 or the rules adopted by the board;**

9 **3. The advisory commission shall guide, advise, and make**
10 **recommendations to the board concerning the radiologic imaging and**
11 **radiation therapy professions.**

334.1015. 1. To be eligible for certification by the board as a
2 **limited x-ray machine operator by examination, each applicant shall**

3 submit the application fee and shall furnish evidence of such person's
4 good moral and ethical character, current competence, and shall:

5 (1) At the time of the application be at least eighteen years of
6 age;

7 (2) Pass an examination approved by the board. The certificate
8 of a limited x-ray machine operator shall be limited in scope through
9 the issuance of permits to perform diagnostic x-rays on specific
10 anatomical areas of the human body. The permits which may be issued
11 are as follows:

12 (a) Chest radiography permit: radiography of the thorax, heart,
13 and lungs;

14 (b) Extremity radiography permit: radiography of the upper
15 and lower extremities, including the pectoral girdle;

16 (c) Spine radiography permit: radiography of the vertebral
17 column;

18 (d) Skull/sinus radiology permit: radiography of the skull and
19 facial structures;

20 (e) Podiatric permit: radiography of the foot, ankle, and lower
21 leg below the knee;

22 (f) Bone densitometry permit: a person who is certified by the
23 International Society for Clinical Densitometry or the American
24 Registry of Radiologic Technologists in bone densitometry shall be
25 granted a permit to perform bone densitometry testing.

26 2. Any person seeking to obtain a certificate for a radiologic
27 imaging or radiation therapy modality shall comply with the following
28 requirements:

29 (1) Satisfactory completion of a course of study in magnetic
30 resonance, nuclear medicine, radiation therapy, or radiography,
31 respectively, or its equivalent to be determined by the board. The
32 curriculum for each course of study shall be no less stringent than the
33 standards approved by the Joint Review Committee on Education in
34 Radiologic Technology, Joint Review Committee on Education in
35 Nuclear Medicine Technology, Regional Accrediting Agencies, or other
36 appropriate educational accreditation agency recognized by
37 certification organizations. A person who holds a current certification
38 and registration in a radiologic imaging or radiation therapy modality
39 or specialization shall be deemed to have met the requirements of this

40 subdivision; and

41 (2) Pass an applicable examination administered by the
42 American Registry of Radiologic Technologists, Certification Board of
43 Radiology Practitioner Assistants, Nuclear Medicine Technologist
44 Certification Board, or other certification organization recognized by
45 the board and hold current certification and registration by the
46 certification organization.

47 3. In addition to the requirements of subsection 2 of this section,
48 a person seeking to obtain a certificate as a nuclear medicine advanced
49 associate or radiologist assistant, shall:

50 (1) Be registered and certified by a certification organization
51 recognized by the board as a nuclear medicine advanced associate or
52 radiologist assistant; and

53 (2) Submit to the board the clinical protocols to be used by the
54 person, which shall specify procedures that may be performed, levels
55 of radiologist supervision, and shall be signed by the supervising
56 radiologist. Updated protocols shall be submitted biannually with
57 certificate renewal.

58 4. A person holding a certificate or permit issued under sections
59 334.1000 to 334.1051 shall notify the board in writing within fifteen days
60 of any name or address change.

61 5. Within fifteen days, a person holding a certificate under
62 sections 334.1000 to 334.1051 shall submit written notification to the
63 board if the person fails to maintain a required certification and
64 registration by a certification organization or is subject to any legal or
65 disciplinary action other than minor traffic infractions, or proceedings
66 for acts or conduct substantially the same as acts or conduct which
67 would constitute grounds for refusal to issue, refusal to renew,
68 suspension, revocation, or other discipline of an applicant or a person
69 holding certificate or permit under sections 334.1000 to 334.1051 by any:

70 (1) Jurisdiction whether in the United States or foreign;

71 (2) Health care institution;

72 (3) Professional society or association;

73 (4) Certification organization;

74 (5) Government agency; or

75 (6) Law enforcement agency.

334.1018. 1. To meet the requirement of examination under

2 sections 334.1000 to 334.1051, the board shall accept current
3 certification and registration by the American Registry of Radiologic
4 Technologists, Certification Board of Radiology Practitioner Assistants,
5 or Nuclear Medicine Technologist Certification Board. The board may
6 accept current certification and registration by other certification
7 organizations, provided that the standards of those organizations are
8 substantially equivalent to those established or recognized by the
9 board.

10 2. The board shall use a limited x-ray machine operator
11 examination administered by the American Registry of Radiologic
12 Technologists for persons applying for a limited X-ray machine
13 operator certificate and permit in chest, extremities, skull/sinuses,
14 podiatric, or spine radiography.

15 3. The board may accept certification from the American
16 Chiropractic Registry of Radiologic Technologists for persons applying
17 for a limited x-ray machine operator certificate and permit in spine
18 radiography.

19 4. The board may accept certification from the American Society
20 of Podiatric Medical Assistants for persons applying for a limited x-ray
21 machine operator certificate and permit in podiatric radiography.

334.1021. 1. The board may issue a certificate to each applicant
2 who meets the requirements for certification specified in sections
3 334.1000 to 334.1051 and the rules adopted by the board, upon payment
4 of a fee as provided in 334.1033.

5 2. The board may issue a temporary certificate to any person
6 whose certificate or certificate renewal may be pending or when
7 issuance is for the purpose of providing radiologic imaging or radiation
8 therapy services to medically underserved areas as determined by the
9 board. A temporary certificate shall be issued only if the board finds
10 that it will not violate the purpose of sections 334.1000 to 334.1051 or
11 endanger the public health and safety. A temporary certificate shall
12 expire ninety days after the date of the next examination if the
13 applicant is required to take an examination. If the applicant does not
14 take the examination on the scheduled date, the temporary certificate
15 shall expire. In all other cases, a temporary certificate shall expire
16 when the determination is made either to issue or deny the applicant
17 a regular certificate.

18 3. A graduate of a radiologic imaging or radiation therapy
19 educational program approved by the board who is awaiting results of
20 a certification examination administered by the board or a certification
21 organization recognized by the board may be issued a provisional
22 certificate for employment purposes for a period not to exceed one
23 year.

24 4. A person certified under sections 334.1000 to 334.1051 may
25 apply to the board for a temporary certificate in an additional
26 radiologic imaging or radiation therapy modality to complete clinical
27 experience requirements for an applicable training pathway
28 established by a certification organization recognized by the
29 board. Temporary certificates issued for training purposes shall expire
30 three years after issuance.

31 5. A person certified under sections 334.1000 to 334.1051 shall
32 display the official certificate document or a verified copy in each
33 place of regular employment.

 334.1024. 1. The board shall establish, or review and adopt by
2 rule, standards for radiologic imaging and radiation therapy
3 educational programs. Such standards shall be no less stringent than
4 the standards approved by the Joint Review Committee on Education
5 in Radiologic Technology, Joint Review Committee on Education in
6 Nuclear Medicine Technology, Regional Accrediting Agencies, or other
7 appropriate educational accreditation agency recognized by
8 certification organizations.

9 2. A program approved by the board in limited x-ray machine
10 operation, magnetic resonance technology, nuclear medicine
11 technology, radiation therapy, or radiography may be offered by a
12 medical facility or educational institution. The program shall be
13 affiliated with one or more hospitals or clinics approved by the board
14 to provide the requisite clinical education.

15 3. The board may establish, or review and adopt by rule, a course
16 of study for a limited x-ray machine operator.

 334.1027. 1. Unless otherwise provided, a certificate issued
2 under sections 334.1000 to 334.1051 shall be renewed every two
3 years. The board may adjust the expiration date of a certificate by up
4 to six months to allow coordination of expiration dates for certificates
5 and registration of certifications issued by certification

6 organizations. The certificate shall be renewed upon the payment of a
7 renewal fee, as provided in section 334.1033, if, at the time of
8 application for renewal, the applicant is not in violation of sections
9 334.1000 to 334.1051 and has complied with the rules adopted by the
10 board.

11 2. The board shall notify a person holding a certificate under
12 sections 334.1000 to 334.1051 at least sixty days in advance of the
13 expiration of the certificate.

14 3. A person holding a certificate under sections 334.1000 to
15 334.1051 is responsible for renewing a certificate before the expiration
16 date. A certificate that is not renewed before the date of expiration
17 date shall automatically lapse.

18 4. The board may provide for the late renewal of an
19 automatically lapsed certificate or permit upon the payment of a
20 reinstatement fee. No certificate or permit that has been expired for
21 more than two years shall be renewed.

22 5. Where applicable, a person holding a certificate under sections
23 334.1000 to 334.1051 shall maintain current certification and
24 registration by the applicable certification organization throughout the
25 certification period and shall not be required to duplicate the
26 continuing education hours submitted to the certification organization.

27 6. The board may require a person holding a certificate under
28 sections 334.1000 to 334.1051 to submit evidence of current certification
29 and registration by the applicable certification organization, which
30 shall be sufficient evidence of compliance with the continuing
31 education requirements established by the board.

32 7. As a condition of certificate renewal, a person certified as a
33 limited x-ray machine operator shall be required to complete twenty-
34 four hours of continuing education as approved by the board.

334.1030. The board may, upon application and payment of
2 proper fees, issue a certificate to a person who resides in this state and
3 has been certified, registered or certified to perform or administer
4 radiologic imaging or radiation therapy procedures in another
5 jurisdiction if that jurisdiction's standards are substantially equivalent
6 to those provided in sections 334.1000 to 334.1051 and the rules adopted
7 by the board.

334.1033. 1. The board is authorized to charge and collect fees.

2 2. All fees shall be set by the board pursuant to rules adopted
3 under sections 334.1000 to 334.1051.

4 3. All fees payable pursuant to the provisions of sections 334.1000
5 to 334.1045 shall be collected by the division of professional
6 registration, which shall transmit them to the department of revenue
7 for deposit in the state treasury to the credit of the board of
8 registration for the healing arts fund to be used to administer the
9 provisions of sections 334.1000 to 334.1051.

 334.1036. In addition to the provisions of section 334.100, the
2 board may deny, suspend, revoke, or refuse to renew a certificate or
3 impose probationary conditions on a certificate if the person holding
4 a certificate under sections 334.1000 to 334.1051 or applicant for a
5 certificate, renewal of certificate, or reinstatement of certificate has
6 engaged in any of the following conduct:

7 (1) Obtaining a certificate by means of fraud, misrepresentation,
8 or concealment of material facts;

9 (2) Engaging in unprofessional conduct pursuant to rules
10 adopted by the board;

11 (3) Having been convicted of or pleaded guilty or nolo
12 contendere to a crime involving moral turpitude or any crime that
13 indicates that the person holding a certificate under sections 334.1000
14 to 334.1051 or applicant is unfit or incompetent to administer
15 radiologic imaging or radiation therapy procedures or that the person
16 holding a certificate under sections 334.1000 to 334.1051 or applicant
17 has deceived or defrauded the public;

18 (4) Engaging in any act or practice in violation of any provision
19 of sections 334.1000 to 334.1051 or any rule adopted by the board or
20 aiding, abetting, or assisting any person in such a violation;

21 (5) Committing an act or acts of malpractice, gross negligence,
22 or incompetence in administering radiologic imaging or radiation
23 therapy procedures;

24 (6) Practicing as a person certified to administer radiologic
25 imaging or radiation therapy procedures without a current certificate;

26 (7) Engaging in conduct that could result in harm or injury to
27 the public;

28 (8) Having a certificate issued under sections 334.1000 to
29 334.1051 revoked or suspended or other disciplinary action taken,

30 whether in this state or another jurisdiction;

31 (9) Being unfit or incompetent to administer radiologic imaging
32 or radiation therapy services by reason of deliberate or negligent acts
33 or omissions, regardless of whether actual injury to a patient is
34 established.

334.1039. A person who violates any provision of sections
2 334.1000 to 334.1051 shall be guilty of a class A misdemeanor. Each act
3 of such unlawful practice shall constitute a distinct and separate
4 offense.

334.1042. The board may make application to any appropriate
2 court for an order enjoining violations of sections 334.1000 to 334.1051,
3 and upon a showing by the board that a person has violated or is about
4 to violate sections 334.1000 to 334.1051, the court may grant an
5 injunction, restraining order, or take other appropriate action.

334.1045. 1. The board may assess a civil penalty not in excess
2 of two hundred dollars for the violation of any section of sections
3 334.1000 to 334.1051 or the violation of any rules adopted by the
4 board. The clear proceeds of any civil penalty assessed under this
5 section shall be remitted to the credit of the board of registration for
6 the healing arts fund.

7 2. Before imposing and assessing a civil penalty, the board shall
8 consider the following factors:

9 (1) The nature, gravity, and persistence of the particular
10 violation;

11 (2) The appropriateness of the imposition of a civil penalty when
12 considered alone or in combination with other punishment;

13 (3) Whether the violation was willful and malicious;

14 (4) Any other factors that would tend to mitigate or aggravate
15 the violations found to exist.

16 3. The board shall establish a schedule of civil penalties for
17 violations of sections 334.1000 to 334.1051 and rules adopted by the
18 board.

19 4. The board may assess the costs of disciplinary actions against
20 any person found to be in violation of sections 334.1000 to 334.1051 or
21 rules adopted by the board.

334.1050. A person who has been engaged in the practice of
2 radiologic imaging and radiation therapy, other than a nuclear

3 medicine advanced associate or radiologist assistant, and who does not
4 hold a current certification and registration by a certification
5 organization recognized by the board may continue to practice in the
6 radiologic imaging or radiation therapy modality in which they are
7 currently employed, provided that they:

8 (1) Register with the board on or before January 1, 2018;

9 (2) Do not change the scope of their current practice or current
10 place of employment;

11 (3) Complete all continuing education requirements for their
12 modality biannually as prescribed by the board;

13 (4) Practice only under the supervision of a licensed
14 practitioner; and

15 (5) Meet all certification requirements of sections 334.1000 to
16 334.1051 and the rules adopted by the board and obtain a certificate
17 from the board on or before January 1, 2020.

334.1051. The board may promulgate rules to implement the
2 provisions of sections 334.1000 to 334.1051. Any rule or portion of a
3 rule, as that term is defined in section 536.010 that is created under the
4 authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, and,
6 if applicable, section 536.028. This section and chapter 536 are
7 nonseverable and if any of the powers vested with the general assembly
8 pursuant to chapter 536, to review, to delay the effective date, or to
9 disapprove and annul a rule are subsequently held unconstitutional,
10 then the grant of rulemaking authority and any rule proposed or
11 adopted after August 28, 2017, shall be invalid and void.

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