SECOND REGULAR SESSION

SENATE BILL NO. 926

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 17, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 334, RSMo, by adding thereto seven new sections relating to radiologic imaging and radiation therapy licensure, 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 seven new sections, to be known as sections 334.1000, 334.1005, 334.1010, 334.1015, 334.1020, 334.1025, and 334.1030, to read as follows:

334.1000. As used in sections 334.1003 to 334.1030, the following terms mean:

(1) "Advisory committee", the Missouri radiologic imaging and radiation therapy advisory committee;

(2) "Board", the state board of registration for the healing arts;

(3) "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 National Commission for Certifying Agencies, American National Standards Institute, the International Organization for Standardization, or other accreditation organization recognized by the board;

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

(5) "Licensed practitioner", a person licensed to practice medicine, chiropractic medicine, podiatry, or dentistry in this state
with education and specialist training in the medical or dental use of
radiation who is deemed competent to independently perform or
supervise radiologic imaging or radiation therapy procedures by their
respective state licensure board;

(6) "Limited x-ray machine operator", a person who is licensed to
perform only x-ray procedures not involving the administration or
utilization of contrast media on selected specific parts of human
anatomy under the supervision of a licensed practitioner;

(7) "Nuclear medicine technologist", a person who is licensed to
perform a variety of nuclear medicine and molecular imaging
procedures using sealed and unsealed radiation sources, ionizing
radiation, adjunctive medicine and pharmaceuticals associated with
nuclear medicine procedures, and therapeutic procedures using
unsealed radioactive sources;

(8) "Radiation therapist", a person who is licensed to administer
ionizing radiation to human beings for therapeutic purposes;

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

(10) "Radiographer", a person who is licensed to perform a
comprehensive set of diagnostic radiographic procedures using
external ionizing radiation to produce radiographic, fluoroscopic, or
digital images;

(11) "Radiologic imaging", any procedure or article intended for
use in the diagnosis or visualization of disease or other medical
conditions in human beings, including, but not limited to computed
tomography, fluoroscopy, nuclear medicine, radiography, and other
procedures using ionizing radiation;

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

(13) "Radiologist assistant", a person who is licensed to perform
a variety of activities under the supervision of a radiologist in the
areas of patient care, patient management, radiologic imaging, or
interventional procedures guided by radiologic imaging, and who does
not interpret images, render diagnoses or prescribe medications or
therapies.

334.1005. 1. Except as provided in this section, after January 1, 2019, only a person licensed under the provisions of sections 334.1000 to 334.1030 or a licensed practitioner may perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

2. The board shall issue licenses to persons certified by a certification organization to perform nuclear medicine technology, radiation therapy, radiography, and radiologist assistant procedures and to limited x-ray machine operators meeting licensure standards established by the board.

3. No person, corporation, or facility shall knowingly employ a person who does not hold a license or who is not exempt from the provisions of sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures.

4. Nothing in this section relating to radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

5. The provisions of section 334.1000 to 334.1030 shall not apply to the following:

   (1) A dental hygienist or dental assistant licensed by this state;

   (2) A resident physician or a student enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant license;

   (3) A person who is employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment; or

   (4) A person performing radiologic imaging procedures on nonhuman subjects or cadavers.

334.1010. 1. There is hereby created the "Missouri Radiologic Imaging and Radiation Therapy Advisory Committee". The board shall provide administrative support to the advisory committee. The advisory committee shall guide, advise, and make recommendations to
the board, and shall consist of five members appointed by the director of the division of professional registration, a majority of whom shall be individuals licensed under sections 334.1000 to 334.1030.

2. The board, based on recommendations, guidance, and advice from the advisory committee, shall:

1. Establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants;

2. Promulgate rules for issuance of licenses;

3. Establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states;

4. Determine fees and requirements for the issuance of new licenses and renewal of licenses;

5. Contract to use an examination for determination of limited x-ray machine operator qualifications for licensure;

6. Promulgate rules for acceptance of certification and registration by a certification organization recognized by the board as qualification for licensure;

7. Promulgate rules for issuance of licenses to retired military personnel and spouses of active-duty military personnel; and

8. Promulgate rules for the denial, suspension, revocation, or refusal to renew a license.

3. The board may create alternative licensure requirements for areas of this state that the board deems too remote to contain a sufficient number of qualified persons licensed under sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures.

4. All fees payable pursuant to this section shall be collected by the division of professional registration, which shall transmit them to the department of revenue for deposit in the state treasury to the credit of a board fund to be known as the radiologic imaging and radiation therapy fund.

5. There is hereby created in the state treasury the "Radiologic Imaging and Radiation Therapy Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
fund and money in the fund shall be used solely by the division of professional registration for the purposes of administering sections 334.1000 to 334.1030. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

334.1015. 1. To be eligible for licensure by the board, at the time of application an applicant shall be at least eighteen years of age.

2. The board shall accept nuclear medicine technology, radiation therapy, radiography, or radiologist assistant certification and registration by a certification organization recognized by the board as qualification for licensure.

3. The board may issue limited x-ray machine operator licenses in the areas of:

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

   (2) Extremity radiography: radiography of the upper and lower extremities, including the pectoral girdle;

   (3) Spine radiography: radiography of the vertebral column;

   (4) Skull/sinus radiography: radiography of the skull and facial structures; or

   (5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the knee.

4. The board may accept certification from the American Chiropractic Registry of Radiologic Technologists for persons applying for a limited x-ray machine operator license in spine radiography.

5. The board may accept certification from the American Society of Podiatric Medical Assistants for persons applying for a limited x-ray machine operator license in podiatric radiography.

334.1020. 1. A person who violates any provision of sections 334.1000 to 334.1030 shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. The board may assess a civil penalty not in excess of two hundred dollars for each violation of sections 334.1000 to 334.1030 or
any rules adopted by the board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the credit of the board of registration for the healing arts fund.

334.1025. A person who has been engaged in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant, and who does not hold a current certification and registration by a certification organization recognized by the board may continue to practice in the radiologic imaging or radiation therapy modality in which they are currently employed, provided that such person:

1. Registers with the board on or before October 1, 2018;
2. Does not change the scope of their current practice or current place of employment;
3. Completes all continuing education requirements for their modality biennially as prescribed by the board;
4. Practices only under the supervision of a licensed practitioner; and
5. Meets all licensure requirements of sections 334.1000 to 334.1030 and the rules adopted by the board and obtains a license from the board on or before October 1, 2023.

334.1030. The board may promulgate rules to implement the provisions of sections 334.1000 to 334.1030. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

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