

FIRST REGULAR SESSION

SENATE BILL NO. 303

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 24, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1619S.01I

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

20 medicine, chiropractic medicine, podiatry, or dentistry in this state
21 with education and specialist training in the medical or dental use of
22 radiation who is deemed competent to independently perform or
23 supervise radiologic imaging or radiation therapy procedures by his or
24 her respective state licensure board;

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

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

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

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

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

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

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

53 (13) "Radiologist assistant", a person who is licensed to perform
54 a variety of activities under the supervision of a radiologist in the
55 areas of patient care, patient management, radiologic imaging, or

56 interventional procedures guided by radiologic imaging, and who does
57 not interpret images, render diagnoses or prescribe medications or
58 therapies.

334.1005. 1. Except as provided in this section, after January 1,
2 2020, only a person licensed under the provisions of sections 334.1000
3 to 334.1030 or a licensed practitioner may perform radiologic imaging
4 or radiation therapy procedures on humans for diagnostic or
5 therapeutic purposes.

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

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

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

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

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

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

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

31 (4) A person performing radiologic imaging procedures on
32 nonhuman subjects or cadavers; or

33 (5) A certified registered nurse anesthetist, as defined in section
34 335.016, while practicing within the scope of practice of chapter 335.

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

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

10 (1) Establish scopes of practice for limited x-ray machine
11 operators, nuclear medicine technologists, radiation therapists,
12 radiographers, and radiologist assistants;

13 (2) Promulgate rules for issuance of licenses;

14 (3) Establish minimum requirements for the issuance of licenses
15 and recognition of licenses issued by other states;

16 (4) Determine fees and requirements for the issuance of new
17 licenses and renewal of licenses;

18 (5) Contract to use an examination for determination of limited
19 x-ray machine operator qualifications for licensure;

20 (6) Promulgate rules for acceptance of certification and
21 registration by a certification organization recognized by the board as
22 qualification for licensure;

23 (7) Promulgate rules for issuance of licenses to retired military
24 personnel and spouses of active-duty military personnel; and

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

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

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

37 **5. There is hereby created in the state treasury the "Radiologic**
38 **Imaging and Radiation Therapy Fund", which shall consist of money**
39 **collected under this section. The state treasurer shall be custodian of**
40 **the fund. In accordance with sections 30.170 and 30.180, the state**
41 **treasurer may approve disbursements. The fund shall be a dedicated**
42 **fund and money in the fund shall be used solely by the division of**
43 **professional registration for the purposes of administering sections**
44 **334.1000 to 334.1030. Notwithstanding the provisions of section 33.080**
45 **to the contrary, any moneys remaining in the fund at the end of the**
46 **biennium shall not revert to the credit of the general revenue**
47 **fund. The state treasurer shall invest moneys in the fund in the same**
48 **manner as other funds are invested. Any interest and moneys earned**
49 **on such investments shall be credited to the fund.**

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

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

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

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

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

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

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

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

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

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

334.1020. 1. A person who violates any provision of sections

2 334.1000 to 334.1030 shall be guilty of a class A misdemeanor. Each act
3 of such unlawful practice shall constitute a distinct and separate
4 offense.

5 2. The board may assess a civil penalty not in excess of two
6 hundred dollars for each violation of sections 334.1000 to 334.1030 or
7 any rules adopted by the board.

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

8 (1) Registers with the board on or before October 1, 2019;

9 (2) Does not change the scope of his or her current practice or
10 current place of employment;

11 (3) Completes all continuing education requirements for his or
12 her modality biennially as prescribed by the board;

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

15 (5) Meets all licensure requirements of sections 334.1000 to
16 334.1030 and the rules adopted by the board and obtains a license from
17 the board on or before October 1, 2024.

334.1030. 1. The board may promulgate rules to implement the
2 provisions of sections 334.1000 to 334.1030. 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, 2019, shall be invalid and void.

12 2. Any authority to promulgate rules to implement the provisions
13 of sections 334.1000 to 334.1030, to issue interpretation of those

14 **provisions, or to establish the scope of practice for licenses issued**
15 **pursuant to sections 334.1000 to 334.1030 shall not include the authority**
16 **to define, regulate, or interpret the scope of practice of certified**
17 **registered nurse anesthetists as defined in section 335.016.**

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