

1 HB176
2 203528-4
3 By Representative Lovvorn
4 RFD: Health
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

SYNOPSIS: This bill would provide for the licensing and regulation by the State Radiation Control Agency of health care personnel performing radiologic imaging or radiation therapy for diagnostic or therapeutic purposes.

A BILL
TO BE ENTITLED
AN ACT

Relating to health; to provide for the licensure and regulation by the State Radiation Control Agency of health care personnel performing radiologic imaging or radiation therapy for diagnostic or therapeutic purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following words have the following meanings:

(1) ADVISORY COMMITTEE. The Radiologic Imaging and Radiation Therapy Advisory Committee.

(2) AGENCY. The State Radiation Control Agency.

1 (3) CERTIFICATION ORGANIZATION. A certification
2 organization that specializes in the certification and
3 registration of radiologic imaging or radiation therapy
4 technical personnel that is accredited by the National
5 Commission for Certifying Agencies, American National
6 Standards Institute, the International Organization for
7 Standardization, or other accreditation organization that
8 accredits certification organizations recognized by the
9 agency.

10 (4) FLUOROSCOPY. The exposure of a patient to x-rays
11 in a fluoroscopy mode, including positioning the patient and
12 fluoroscopy equipment and the selection of exposure factors.

13 (5) IONIZING RADIATION. Radiation that may consist
14 of alpha particles, beta particles, gamma rays, x-rays,
15 neutrons, high-speed electrons, high-speed protons, or other
16 particles capable of producing ions. Ionizing radiation does
17 not include non-ionizing radiation, such as radiofrequency or
18 microwaves, visible infrared or ultraviolet light, or
19 ultrasound.

20 (6) LICENSED PRACTITIONER. A person licensed to
21 practice medicine, chiropractic medicine, podiatry, or
22 dentistry in this state with education and specialist training
23 in the medical or dental use of radiation who is deemed
24 competent to independently perform or supervise radiologic
25 imaging or radiation therapy procedures by their respective
26 state licensure boards.

1 (7) LIMITED X-RAY MACHINE OPERATOR. A person who is
2 licensed to perform only x-ray procedures not involving the
3 administration or utilization of contrast media or fluoroscopy
4 on selected specific parts of human anatomy under the
5 supervision of a licensed practitioner or radiographer.

6 (8) NUCLEAR MEDICINE TECHNOLOGIST. A person who is
7 licensed to perform a variety of nuclear medicine and
8 molecular imaging procedures using sealed and unsealed
9 radiation sources, ionizing radiation, adjunctive medicine and
10 pharmaceuticals associated with nuclear medicine procedures,
11 preparation of radiopharmaceuticals, and therapeutic
12 procedures using unsealed radioactive sources.

13 (9) RADIATION THERAPIST. A person who is licensed to
14 administer ionizing radiation to human beings for therapeutic
15 purposes.

16 (10) RADIOGRAPHER. A person who is licensed to
17 perform a comprehensive set of diagnostic or interventional
18 radiographic procedures using external ionizing radiation to
19 produce radiographic, fluoroscopic, or digital images.

20 (11) RADIOLOGIC IMAGING. Any procedure or article
21 intended for use in the diagnosis or visualization of disease
22 or other medical conditions in human beings, including, but
23 not limited to computed tomography, fluoroscopy, nuclear
24 medicine, radiography, and other procedures using ionizing
25 radiation.

26 Section 2. (a) Except as provided in this section,
27 after January 1, 2022, only a person licensed under this act

1 or a licensed practitioner may perform radiologic imaging or
2 radiation therapy procedures on humans for diagnostic or
3 therapeutic purposes.

4 (b) The agency shall issue licenses to persons
5 certified by a certification organization to perform nuclear
6 medicine technology, radiation therapy, radiography, and to
7 limited x-ray machine operators meeting licensure standards
8 established by the board.

9 (c) No person, corporation, or facility shall
10 knowingly employ a person who does not hold a license or who
11 is not authorized under this act to perform radiologic imaging
12 or radiation therapy procedures.

13 (d) Nothing in this act relating to radiologic
14 imaging or radiation therapy shall limit or enlarge the
15 practice of a licensed practitioner.

16 (e) This act shall not apply to the following:

17 (1) A dental hygienist or dental assistant currently
18 licensed by this state.

19 (2) A physician in a residency program or a student
20 enrolled in and attending a school or college of medicine,
21 dentistry, chiropractic, podiatry, radiologic imaging, or
22 radiation therapy who performs radiologic imaging or radiation
23 therapy procedures on humans under the supervision of a
24 licensed practitioner or a person holding a nuclear medicine
25 technologist, radiation therapist, or radiographer license.

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

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

6 Section 3. (a) The State Radiation Control Agency
7 shall establish a Radiologic Imaging and Radiation Therapy
8 Advisory Committee. The advisory committee shall consist of
9 five members appointed by the Governor, a majority of whom
10 shall be individuals licensed under this section. The advisory
11 committee shall guide, advise, and make recommendations to the
12 agency. The agency shall provide administrative support to the
13 committee.

14 (b) The agency, based on recommendations, guidance,
15 and advice from the advisory committee, shall do all of the
16 following:

17 (1) Establish the scope of practice for limited
18 x-ray machine operators, nuclear medicine technologists,
19 radiation therapists, and radiographers.

20 (2) Adopt rules for issuance of licenses.

21 (3) Establish minimum requirements for the issuance
22 of licenses and recognition of licenses issued by other
23 states.

24 (4) Set fees and requirements for the issuance of
25 new licenses and renewal of licenses.

1 (5) Contract to use an examination for determination
2 of limited x-ray machine operator qualifications for
3 licensure.

4 (6) Provide for the acceptance of certification and
5 registration by a certification organization recognized by the
6 board as qualification for licensure.

7 (7) Provide for the issuance of licenses to retired
8 military personnel and spouses of active duty military
9 personnel.

10 (8) Provide for the denial, suspension, revocation,
11 or refusal to renew a license.

12 (c) The agency may create alternative licensure
13 requirements for areas of the state that the agency deems too
14 remote to contain a sufficient number of qualified persons
15 licensed under this act to perform radiologic imaging or
16 radiation therapy procedures.

17 (d) All fees payable pursuant to this act shall be
18 collected by the agency and shall be deposited in the State
19 Treasury to the credit of a fund to be known as the Radiologic
20 Imaging and Radiation Therapy Fund. Money in the fund may be
21 expended upon appropriation by the Legislature for the sole
22 purpose of carrying out this act. Any money in the fund at the
23 end of a fiscal year shall be carried over in the fund from
24 year-to-year and shall not revert to the State General Fund at
25 the end of the fiscal year.

26 Section 4. (a) At the time of the application, each
27 applicant for licensure shall be at least 18 years of age.

1 (b) The agency shall accept nuclear medicine
2 technology, radiation therapy, or radiography certification
3 and registration by a certification organization recognized by
4 the board as qualification for licensure.

5 (c) The agency may issue limited x-ray machine
6 operator licenses in all of the following areas:

7 (1) Chest radiography: Radiography of the thorax,
8 heart, and lungs.

9 (2) Extremity radiography: Radiography of the upper
10 and lower extremities, including the pectoral girdle.

11 (3) Spine radiography: Radiography of the vertebral
12 column.

13 (4) Skull/sinus radiography: Radiography of the
14 skull and facial structures.

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

17 (6) Bone densitometry: Measurement of bone mass by
18 means of radiation absorption by a skeleton or part of a
19 skeleton.

20 (d) The agency may accept certification from the
21 American Chiropractic Registry of Radiologic Technologists for
22 persons applying for a limited x-ray machine operator license
23 in spine radiography.

24 (e) The agency may accept certification from the
25 American Society of Podiatric Medical Assistants for persons
26 applying for a limited x-ray machine operator license in
27 podiatric radiography.

1 Section 5. The agency may assess a civil penalty not
2 in excess of two hundred dollars (\$200) for the violation of
3 this act or the violation of any rule adopted by the agency.
4 The proceeds of any civil penalty assessed under this act
5 shall be remitted to the credit of the Radiologic Imaging and
6 Radiation Therapy Fund.

7 Section 6. A person who has been engaged in the
8 practice of radiologic imaging and radiation therapy and who
9 does not hold a current certification and registration by a
10 certification organization recognized by the board may
11 continue to practice in the radiologic imaging or radiation
12 therapy modality in which he or she is currently employed,
13 provided the person does all of the following:

14 (1) Registers with the agency on or before January
15 1, 2022.

16 (2) Does not change the scope of his or her current
17 practice or current place of employment.

18 (3) Completes all continuing education requirements
19 for his or her practice area biennially as prescribed by the
20 agency.

21 (4) Practices only under the supervision of a
22 licensed practitioner.

23 (5) Meets all certification requirements of this act
24 and the rules adopted by the agency and obtain a license from
25 the agency pursuant to this act on or before January 1, 2025.

1 Section 7. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.