

IN THE SENATE

SENATE BILL NO. 1115

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RADIOLOGIC IMAGING; AMENDING TITLE 54, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW CHAPTER 56, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE,
3 TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROVIDE
4 THAT A LICENSE IS REQUIRED TO PERFORM RADIOLOGIC IMAGING OR RADIATION
5 THERAPY, TO PROVIDE FOR LIMITATIONS, TO ESTABLISH THE BOARD OF RADIO-
6 LOGIC IMAGING AND RADIATION THERAPY EXAMINERS AND ITS APPOINTMENT,
7 TERMS, POWERS AND DUTIES, TO PROVIDE FOR LICENSING REQUIREMENTS, TO
8 PROVIDE FOR CERTIFICATIONS FOR LICENSURE AND TO PROVIDE FOR DISCIPLINE
9 AND PENALTIES.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
13 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
14 ter 56, Title 54, Idaho Code, and to read as follows:

15 CHAPTER 56

16 IDAHO CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT

17 54-5601. SHORT TITLE. This chapter shall be known and may be cited as
18 the "Idaho Consumer Assurance of Radiologic Excellence Act."

19 54-5602. LEGISLATIVE FINDINGS AND INTENT. The legislature hereby
20 finds and declares that the citizens of the state of Idaho are entitled to
21 the maximum protection practicable from the harmful effects of excessive and
22 improperly performed radiologic imaging and radiation therapy procedures
23 and that protection can be increased by requiring appropriate education and
24 training of persons operating radiologic equipment used to perform radio-
25 logic imaging and radiation therapy procedures. It is therefore necessary
26 to establish standards of education and training for these operators and to
27 provide for appropriate examination and licensure.

28 54-5603. DEFINITIONS. As used in this chapter:

29 (1) "Board" means the board of radiologic imaging and radiation therapy
30 examiners created by this chapter.

31 (2) "Bone densitometry" means the creation or acquisition of bone den-
32 sity measurements using radiologic imaging equipment.

33 (3) "Diagnostic computed tomography" means computed tomography images
34 created using ionizing radiation that are used to visualize or diagnose dis-
35 ease or other medical conditions.

36 (4) "Fluoroscopy" means the creation or acquisition of dynamic images
37 using fluoroscopic equipment.

38 (5) "License" means a certificate issued by the board authorizing the
39 licensee to use radiopharmaceuticals, radiologic imaging or radiation ther-

1 apy equipment on humans for diagnosis or therapeutic purposes in accordance
2 with the provisions of this chapter.

3 (6) "Licensed practitioner" means a person licensed to practice as a
4 podiatrist, chiropractor, dentist, physician or surgeon pursuant to title
5 54, Idaho Code.

6 (7) "Limited permit imaging" means that the certificate issued by the
7 board, authorizing a person to conduct or perform diagnostic radiology or
8 fluoroscopy examinations is limited to the performance of specific radio-
9 graphic or fluoroscopic imaging procedures on selected parts of the human
10 body including, but not limited to, chest, spine or extremity radiography or
11 fluoroscopy performed in specified locations including, but not limited to,
12 cardiac catheterization laboratories.

13 (8) "Magnetic resonance imaging" means the creation or acquisition of
14 images generated by radio frequencies (RF) within a magnetic field for diag-
15 nostic or therapeutic purposes.

16 (9) "Nuclear medicine technology" means use of radiopharmaceutical
17 agents on humans for diagnostic or therapeutic purposes.

18 (10) "Public member" means a person who is a resident of the state but
19 who is not a licensed practitioner or a person who administers radiologic
20 imaging or radiation therapy procedures under the provisions of this chap-
21 ter.

22 (11) "Radiation physicist" means a person who is certified by the Ameri-
23 can board of radiology in radiological physics, one of the subspecialties of
24 radiologic physics, or is eligible for such certification.

25 (12) "Radiation therapy" means any radiation procedure or article in-
26 tended for the cure, mitigation or prevention of disease.

27 (13) "Radiography" means the creation or acquisition of static images
28 generated by ionizing radiation.

29 (14) "Radiologic imaging" means any procedure or article intended for
30 use in the visualization and diagnosis of disease or other medical condi-
31 tions including, but not limited to, radiography, fluoroscopy, magnetic
32 resonance imaging, nuclear medicine, computed tomography, bone densitome-
33 try and ultrasound imaging.

34 (15) "Radiologist" means a licensed physician who is board eligible or
35 certified by the American board of radiology or the American osteopathic
36 board of radiology, the British royal college of radiology or the royal col-
37 lege of physicians and surgeons of Canada.

38 (16) "Radiologist assistant" means an advanced-practice radiographer
39 who performs delegated procedures under the supervision of a radiologist.

40 54-5604. LICENSE REQUIRED -- LIMITATIONS. (1) On and after July 1,
41 2014, it shall be unlawful for any person other than a licensed practitioner
42 or an individual licensed under the provisions of this chapter to perform
43 radiologic imaging or radiation therapy procedures on humans for diagnostic
44 or therapeutic purposes.

45 (2) The board shall establish licensure standards for individuals per-
46 forming radiography, radiation therapy, nuclear medicine technology, lim-
47 ited radiography or fluoroscopy, magnetic resonance imaging, ultrasonogra-
48 phy, diagnostic computed tomography, radiologist assistant and bone densit-
49 ometry.

1 (3) A person holding a license under the provisions of this chapter
2 shall perform radiologic imaging or radiation therapy on humans only for
3 diagnostic and therapeutic purposes by prescription of a licensed practi-
4 tioner.

5 (4) Nothing in the provisions of this chapter relating to radiologic
6 imaging or radiation therapy shall limit or enlarge the practice of a li-
7 censed practitioner herein defined.

8 (5) The requirement of a license shall not apply to a resident physi-
9 cian or a student enrolled in and attending a school or college of medicine,
10 chiropractic, podiatry, radiologic imaging or radiation therapy, who per-
11 forms radiologic imaging or radiation therapy procedures on humans while un-
12 der the supervision of a licensed practitioner or direct supervision of a
13 radiographer, radiation therapist, magnetic resonance technologist or nu-
14 clear medicine technologist holding a license under the provisions of this
15 chapter.

16 (6) Individuals licensed to perform radiation therapy may perform com-
17 puted tomography or magnetic resonance imaging for treatment planning pur-
18 poses.

19 (7) Individuals licensed to perform nuclear medicine technology may
20 perform computed tomography or magnetic resonance imaging for attenuation
21 correction.

22 (8) Individuals licensed to perform radiography may perform fluo-
23 roscopy.

24 (9) Individuals licensed to perform radiologist assistant services may
25 provide initial imaging observations only to the supervising radiologist
26 and may not perform image interpretation, diagnose patients or prescribe
27 medications or therapies.

28 (10) Individuals issued a limited radiography permit may not perform
29 procedures involving the administration or utilization of contrast media,
30 use fluoroscopic equipment, or perform mammography, computed tomography,
31 mobile radiography, nuclear medicine or radiation therapy procedures.

32 (11) Individuals issued a limited fluoroscopy permit may not perform
33 procedures involving the administration or utilization of contrast media
34 unless a licensed practitioner is immediately present during and after
35 contrast media administration, or unless the individual is permitted to
36 administer contrast media under existing law. The use of fluoroscopy is for
37 visualization purposes only and limited fluoroscopy permit holders may not
38 perform radiography, mammography, computed tomography, mobile radiography,
39 nuclear medicine technology or radiation therapy procedures.

40 54-5605. BOARD OF RADIOLOGIC IMAGING AND RADIATION THERAPY EXAMINERS
41 -- APPOINTMENT -- TERMS -- POWERS AND DUTIES. (1) The board of radiologic
42 imaging and radiation therapy examiners is hereby created. The board shall
43 consist of nine (9) members appointed by the governor and shall serve at the
44 pleasure of the governor. Board members shall be residents of the state of
45 Idaho and shall be appointed within ninety (90) days following the effective
46 date of this chapter. The members of the board shall consist of:

- 47 (a) One (1) person holding a limited permit;
48 (b) One (1) radiologist;
49 (c) One (1) licensed practitioner;

1 (d) One (1) radiation physicist;
2 (e) One (1) public member; and
3 (f) Four (4) nationally registered radiologic technologists in various
4 modalities.

5 (2) The terms of office shall be three (3) years, except that of the mem-
6 bers first appointed. Two (2) shall be appointed for a term of one (1) year,
7 three (3) for a term of two (2) years, and four (4) for a term of three (3)
8 years. Vacancies shall be filled for an unexpired term only in the manner
9 provided by the original appointment.

10 (3) Persons who perform radiologic imaging or radiation therapy proce-
11 dures appointed to the board for terms beginning thirty-six (36) months fol-
12 lowing issuance of a license in any category by the board shall hold a valid
13 license in any category issued by the board.

14 (4) Each member of the board shall receive an honorarium as provided in
15 section 59-509(n), Idaho Code.

16 (5) No public member shall have any association or relationship with
17 a licensed practitioner or person who performs radiologic imaging or radi-
18 ation therapy procedures that would prevent or in any way hinder the public
19 member in representing the interest of the public.

20 (6) The board shall meet at least annually in person, at a time and place
21 of its choosing. The first meeting of the board shall be for organization
22 only, in which they elect a chairperson and set forth their responsibilities
23 and rules. The board may meet periodically by telephone or other electronic
24 communication method to conduct the business of the board.

25 (7) A majority of the voting members of the board shall constitute a
26 quorum. No action may be taken by the board except by affirmative vote of the
27 majority of those present and voting.

28 (8) The board shall set by rule fees for the issuance of a new license
29 and renewal of a license. Such fees shall be deposited in the state trea-
30 sury to the credit of the occupational licenses account created in section
31 67-2605, Idaho Code.

32 (9) The board shall devise an examination for licensure to determine an
33 applicant's fitness to perform radiologic imaging or radiation therapy. Ap-
34 plicants for licensure shall be examined at a time and place and under such
35 supervision as the board may require. Examinations shall be given at least
36 twice each year at such places as the board may determine.

37 (10) The board shall have the authority to fine a licensee found to be
38 in violation of the provisions of this chapter and recover costs and fees
39 incurred in the investigation of a licensee, pursuant to section 67-2609,
40 Idaho Code. The board shall also have the authority to obtain restraining
41 orders and injunctions prohibiting conduct in violation of the provisions
42 of this chapter, appoint a hearing officer, conduct investigations, issue
43 subpoenas, examine witnesses and administer oaths concerning practices that
44 are alleged to violate the provisions of this chapter.

45 (11) The board may, in its discretion, revise the licensing require-
46 ments of this chapter for areas of this state that the board deems too remote
47 to contain a sufficient number of qualified licensees to perform radiologic
48 imaging or radiation therapy procedures on humans for diagnostic or thera-
49 peutic purposes.

50 (12) The board may set requirements for continuing education.

1 (13) The board shall promulgate rules not inconsistent with the laws of
2 this state that are necessary to carry out the provisions of this chapter.

3 (14) The board shall authorize, by written agreement, the bureau of oc-
4 cupational licenses to act as its agent in its interest.

5 54-5606. LICENSING REQUIREMENTS. (1) The board shall issue a license
6 to any applicant who pays a nonrefundable fee established by the rule of the
7 board, passes the examination for licensure and submits satisfactory evi-
8 dence, verified by oath of affirmation, that the applicant:

9 (a) At the time of application is at least eighteen (18) years of age;

10 (b) Has successfully completed a four (4) year course of study in a sec-
11 ondary school approved by the state board of education or has passed an
12 approved equivalency test; and

13 (c) Has met all other provisions for licensure to perform radiologic
14 imaging or radiation therapy under the provisions of this chapter.

15 (2) Individuals seeking licensure in a radiologic imaging or radiation
16 therapy discipline that requires post-primary certification shall submit an
17 affidavit seeking exemption, for not more than two (2) years, from licensure
18 in that discipline to complete clinical experience requirements under the
19 supervision of a licensed practitioner or individual licensed in the disci-
20 pline under the provisions of this chapter.

21 (3) Holders of a license under the provisions of this chapter shall dis-
22 play the official license document or a verified copy in each place of regu-
23 lar employment.

24 (4) The board shall renew a license pursuant to the provisions of sec-
25 tion 67-2614, Idaho Code, and upon payment of renewal fees as set by the
26 board.

27 (5) A licensee holding a license or permit under the provisions of this
28 chapter shall notify the board in writing within thirty (30) days of any name
29 or address change.

30 (6) For a period not to exceed two (2) years from the effective date of
31 this chapter, the board shall issue a license to a person who has been em-
32 ployed, for a minimum of three (3) of the immediately preceding past five
33 (5) years, as a radiographer, radiation therapist, nuclear medicine tech-
34 nologist, diagnostic computed tomography technologist, magnetic resonance
35 technologist, limited permit operator or bone density operator. Such person
36 shall submit proof to the board of having successfully completed twelve (12)
37 continuing education hours annually as a continuing requirement for renewal
38 as prescribed by rule.

39 (7) Pursuant to section 67-2614, Idaho Code, no license that has been
40 expired for more than five (5) years may be renewed. The applicant shall com-
41 ply with the requirements of this chapter and section 67-2614, Idaho Code,
42 for obtaining an initial license.

43 54-5607. CERTIFICATIONS FOR LICENSURE. (1) An applicant for a license
44 to perform radiography shall be certified in radiography by the American
45 registry of radiologic technologists.

46 (2) An applicant for a license to perform radiation therapy shall be
47 certified in radiation therapy by the American registry of radiologic tech-
48 nologists.

1 (3) An applicant for a license to perform nuclear medicine shall be cer-
2 tified in nuclear medicine by the American registry of radiologic technolo-
3 gists or by the nuclear medicine technology certification board.

4 (4) An applicant for a license to perform diagnostic computed tomogra-
5 phy shall be certified in radiography, radiation therapy, nuclear medicine
6 or magnetic resonance by the American registry of radiologic technologists
7 or nuclear medicine technology certification board and certified in com-
8 puted tomography by the American registry of radiologic technologists.

9 (5) An applicant for a license to perform magnetic resonance shall be
10 certified in magnetic resonance as either a primary certification or post-
11 primary certification by the American registry of radiologic technologists.

12 (6) An applicant for a license to perform radiologist assistant ser-
13 vices shall be licensed as a radiographer and certified as a radiologist as-
14 sistant by the American registry of radiologic technologists or as a radiol-
15 ogy practitioner assistant by the certification board of radiology practi-
16 tioner assistants.

17 (7) An applicant for a limited permit shall:

18 (a) For limited permit radiography, complete the American registry of
19 radiologic technologists limited x-ray machine operator core examina-
20 tion and radiologic procedure examination for each anatomical area li-
21 cense sought achieving a score to be determined by the board.

22 (b) For limited permit fluoroscopy:

23 (i) Be certified by cardiovascular credentialing international
24 as a registered cardiovascular invasive specialist; or

25 (ii) Complete an educational program that includes forty (40)
26 clock hours of didactic content and forty (40) clock hours of su-
27 pervised clinical experience in the topics of radiation safety,
28 radiation protection, image production and equipment operation;
29 and

30 (iii) Complete the American registry of radiologic technologists
31 fluoroscopy examination achieving a score to be determined by the
32 board.

33 (8) An applicant for a license to perform bone densitometry shall be
34 post-primary certified in bone densitometry by the American registry of ra-
35 diologic technologists or be a certified bone density technologist by the
36 international society of clinical densitometry.

37 54-5608. DISCIPLINE AND PENALTIES. (1) In accordance with the re-
38 quirements of chapter 52, title 67, Idaho Code, the board may refuse to issue
39 a license, refuse to renew a license or may suspend, revoke or otherwise dis-
40 cipline a licensee if it is found that such individual:

41 (a) Is guilty of fraud or deceit in the procurement or holding of the
42 license or permit;

43 (b) Has been convicted of a felony in a court of competent jurisdiction,
44 either within or outside of this state, unless the conviction has been
45 reversed and the holder of the license or permit discharged or acquit-
46 ted; or if the holder has been pardoned with a full restoration of civil
47 rights in which case the license or permit shall be restored;

- 1 (c) Is or has been afflicted with any medical problems, disability or
2 addictions which, in the opinion of the board, would impair profes-
3 sional competence;
- 4 (d) Has aided and abetted a person who does not hold a license or permit
5 under the provisions of this chapter in the performance of radiologic
6 imaging or radiation therapy;
- 7 (e) Has undertaken or engaged in any practice beyond the scope of duties
8 permitted a license or permit holder under the provisions of this chap-
9 ter;
- 10 (f) Has impersonated a licensee or permittee or former licensee or per-
11 mittee or is performing duties of a person who administers radiologic
12 imaging or radiation therapy procedures under an assumed name, declared
13 to be unlawful under the provisions of chapter 6, title 48, Idaho Code;
- 14 (g) Has been found guilty of violations of a code of ethics that the
15 board may establish by rule;
- 16 (h) Has performed radiologic imaging or radiation therapy procedures
17 without supervision of a licensed practitioner;
- 18 (i) Has interpreted a diagnostic image for a licensed practitioner, pa-
19 tient, a patient's family or the general public; or
- 20 (j) Has been found guilty of incompetence or negligence in his perfor-
21 mance as a license or permit holder.
- 22 (2) If the license or permit of any person has been revoked, reapplica-
23 tion to the board may be made no sooner than two (2) years after the date of
24 the board's order revoking the license or permit.
- 25 (3) No person shall knowingly employ as a radiographer, radiation ther-
26 apist, nuclear medicine technologist or any person to perform radiologic
27 imaging or radiation therapy procedures who does not hold a license under the
28 provisions of this chapter.
- 29 (4) A person who violates any provision of this chapter shall, upon con-
30 viction, be guilty of a misdemeanor.