

SECOND REGULAR SESSION

SENATE BILL NO. 1114

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 29, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6661S.011

AN ACT

To amend chapter 334, RSMo, by adding thereto nineteen new sections relating to the practice of radiologic imaging and radiation therapy, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto nineteen
2 new sections, to be known as sections 334.1000, 334.1003, 334.1006, 334.1007,
3 334.1009, 334.1012, 334.1015, 334.1018, 334.1021, 334.1024, 334.1027, 334.1030,
4 334.1033, 334.1036, 334.1039, 334.1042, 334.1045, 334.1048, and 334.1051, to
5 read as follows:

334.1000. Sections 334.1000 to 334.1051 shall be known and may
2 be cited as the "Missouri Patient Safety in Radiologic Imaging Act".

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

3 (1) "Board", the Missouri radiologic imaging and radiation
4 therapy board of examiners;

5 (2) "Bone densitometry", the determination of bone mass by
6 means of the radiation absorption by a skeleton or part of a skeleton;

7 (3) "Bone densitometry technologist", a person who is licensed
8 under sections 334.1000 to 334.1051 as a limited x-ray machine operator
9 with a permit to perform bone densitometry testing;

10 (4) "Computed tomography", the process of producing sectional
11 and three-dimensional images using external ionizing radiation;

12 (5) "Fluoroscopy", the exposure of a patient to x-rays in a
13 fluoroscopy mode, including the positions of the patient, positioning of
14 the fluoroscopy equipment, and the selection of exposure factors;

15 (6) "Hybrid imaging equipment", equipment that combines more
16 than one medical imaging modality into a single device;

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

23 (8) "License", a certificate issued by the board authorizing the
24 licensee to use radioactive materials, radiologic imaging, or radiation
25 therapy equipment on humans for diagnostic or therapeutic purposes
26 in accordance with the provisions of sections 334.1000 to 334.1051;

27 (9) "Licensed practitioner", a person licensed to practice
28 medicine, dentistry, or podiatry in this state;

29 (10) "Limited x-ray machine operator", a person who is licensed
30 under sections 334.1000 to 334.1051 to perform, under the supervision
31 of a licensed practitioner or radiographer, diagnostic radiography
32 procedures or bone density procedures using equipment that emits
33 external ionizing radiation resulting in diagnostic radiographic images
34 of selected specific parts of human anatomy or bone density
35 measurements;

36 (11) "Magnetic resonance imaging", the use of magnetic fields and
37 radiofrequency signals to create diagnostic images or dynamic images
38 for medical purposes;

39 (12) "Magnetic resonance technologist", a person who is licensed
40 under sections 334.1000 to 334.1051 to perform magnetic resonance
41 procedures using magnetic fields and radiofrequency signals;

42 (13) "Medical physicist", a person who is certified by the
43 American Board of Radiology, American Board of Medical Physics,
44 American Board of Health Physics, American Board of Science in
45 Nuclear Medicine, or Canadian College of Physics in Medicine in
46 radiological physics or one of the subspecialties of radiological physics;

47 (14) "Mobile imaging", any arrangement in which radiologic
48 imaging services are transported to various sites. Mobile imaging does
49 not include movement within a hospital or movement to a site where
50 the equipment will be located permanently;

51 (15) "Nuclear medicine advanced associate", a person who is
52 licensed under sections 334.1000 to 334.1051 to perform a variety of
53 activities under the supervision of a licensed physician who is also an

54 authorized user of radioactive materials in the areas of patient care,
55 patient management, nuclear medicine, and molecular imaging
56 procedures using sealed and unsealed radiation sources, ionizing and
57 nonionizing radiation, and adjunctive medicine and therapeutic
58 procedures using unsealed radioactive sources;

59 (16) "Nuclear medicine technology", the branch of medicine that
60 uses in vivo and in vitro detection and measurement of radionuclides
61 radiation in diagnosis, management guidance, and treatment of disease;

62 (17) "Nuclear medicine technologist", a person who is licensed
63 under sections 334.1000 to 334.1051 to perform a variety of nuclear
64 medicine and molecular imaging procedures using sealed and unsealed
65 radiation sources, ionizing and nonionizing radiation, and adjunctive
66 medicine and therapeutic procedures using unsealed radioactive
67 sources;

68 (18) "Radiation therapist", a person who is licensed under
69 sections 334.1000 to 334.1051 to administer ionizing radiation to human
70 beings for therapeutic purposes;

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

73 (20) "Radiographer", a person who is licensed under sections
74 334.1000 to 334.1051 to perform a comprehensive set of diagnostic
75 radiographic procedures using external ionizing radiation to produce
76 radiographic, fluoroscopic, or digital images;

77 (21) "Radiography", the process of obtaining an image for
78 diagnostic evaluation using external ionizing radiation (x-rays);

79 (22) "Radiologic imaging", any procedure or article intended for
80 use in the diagnosis or visualization of disease or other medical
81 conditions in human beings including, but not limited to, computed
82 tomography, fluoroscopy, magnetic resonance, nuclear medicine,
83 radiography, and other procedures using ionizing radiation or
84 magnetic resonance. "Radiologic imaging" does not include the use of
85 ultrasound;

86 (23) "Radiologist", a physician certified by or board eligible to be
87 certified for the American Board of Radiology, the American
88 Osteopathic Board of Radiology, the British Royal College of Radiology,
89 or the Canadian College of Physicians and Surgeons in that medical
90 specialty;

91 **(24) "Radiologist assistant", a person who is licensed under**
92 **sections 334.1000 to 334.1051 to perform a variety of activities under the**
93 **supervision of a radiologist in the areas of patient care, patient**
94 **management, radiologic imaging, or interventional procedures.**

334.1006. 1. On or after October 1, 2017, no person shall perform
2 **or offer to perform radiologic imaging or administer or offer to**
3 **administer radiation therapy procedures on humans for diagnostic or**
4 **therapeutic purposes, or otherwise indicate or imply that the person is**
5 **licensed to perform radiologic imaging procedures or administer**
6 **radiation therapy unless that person is currently licensed as provided**
7 **under sections 334.1000 to 334.1051.**

8 **2. The provisions of sections 334.1000 to 334.1051 shall not apply**
9 **to the following:**

10 **(1) A licensed practitioner performing radiologic imaging**
11 **procedures or administering radiation therapy;**

12 **(2) A registered dental hygienist licensed by the state;**

13 **(3) A dental assistant licensed by the state;**

14 **(4) A student enrolled in and attending a school or college of**
15 **medicine or radiologic imaging or radiation therapy who performs**
16 **radiologic imaging or radiation therapy procedures on humans while**
17 **under the supervision of a licensed practitioner, radiographer,**
18 **radiation therapist, nuclear medicine technologist, magnetic resonance**
19 **technologist, or radiologist assistant holding a license under sections**
20 **334.1000 to 334.1051;**

21 **(5) A person administering radiologic imaging or radiation**
22 **procedures who is employed by the United States government when**
23 **performing duties associated with that employment;**

24 **(6) A person performing ultrasound procedures or sonography;**

25 **(7) A person performing radiologic procedures or radiation**
26 **therapy on nonhuman subjects or cadavers.**

334.1007. 1. The board shall establish licensure standards for the
2 **following radiologic imaging and radiation therapy modalities:**

3 **(1) Limited x-ray machine operator;**

4 **(2) Magnetic resonance technologist;**

5 **(3) Nuclear medicine advanced associate;**

6 **(4) Nuclear medicine technologist;**

7 **(5) Radiation therapist;**

8 **(6) Radiographer;**

9 **(7) Radiologist assistant.**

10 **2. A person holding a license under sections 334.1000 to 334.1051**
11 **may use radioactive substances or equipment emitting ionizing**
12 **radiation or magnetic resonance for radiologic imaging and radiation**
13 **therapy procedures on humans for diagnostic or therapeutic purposes**
14 **only by prescription of an individual authorized by the state to**
15 **prescribe radiologic imaging or radiation therapy procedures and**
16 **under the supervision of a licensed practitioner.**

17 **3. A person holding a license under sections 334.1000 to 334.1051**
18 **may use radioactive substances or equipment emitting ionizing**
19 **radiation or magnetic resonance for radiologic imaging and radiation**
20 **therapy procedures on humans for diagnostic or therapeutic purposes**
21 **only within the scope of that license as specified in sections 334.1000**
22 **to 334.1051 and under the rules adopted by the board.**

23 **4. Persons licensed as limited x-ray machine operators shall**
24 **perform tasks only within the scope of the specific permit issued to**
25 **them by the board for a particular area of the human anatomy as**
26 **provided in section 334.1015 and shall not perform computed**
27 **tomography, fluoroscopy, magnetic resonance imaging, mammography,**
28 **nuclear medicine technology, radiation therapy, mobile imaging**
29 **procedures, or imaging procedures using contrast media.**

30 **5. Radiologist assistants shall not interpret images, make**
31 **diagnoses, or prescribe medications or therapies. Radiologist**
32 **assistants may administer prescribed drugs as directed by the**
33 **supervising radiologist or radiologist designee. Radiologist assistants**
34 **may communicate and document initial clinical and imaging**
35 **observations or procedure details only to the radiologist for the**
36 **radiologist's use.**

334.1009. 1. The Missouri radiologic imaging and radiation
2 **therapy board of examiners is created within the board of registration**
3 **for the healing arts.**

4 **2. The board shall consist of nine members who shall serve**
5 **staggered terms. The board members shall be appointed by the**
6 **governor and the initial board members shall be appointed on or before**
7 **October 1, 2016, as follows:**

8 **(1) One member who is a licensed radiographer who shall serve**

9 for a three-year term;

10 (2) One member who is a licensed nuclear medicine technologist
11 or licensed nuclear medicine advanced associate who shall serve for a
12 two-year term;

13 (3) One member who is a licensed radiation therapist who shall
14 serve for a one-year term;

15 (4) One member who is a licensed radiologist assistant who shall
16 serve for a one-year term;

17 (5) One member who is a licensed limited x-ray machine operator
18 who shall serve for a three-year term;

19 (6) One member who is a radiologist who shall serve for a
20 two-year term;

21 (7) One member who is a medical physicist who shall serve for
22 a three-year term;

23 (8) One member who is a licensed physician practicing in a
24 hospital setting who shall serve for a three-year term;

25 (9) One public member who shall serve for a two-year term.

26 3. Upon the expiration of the terms of the initial board members,
27 members shall be appointed for terms of three years and shall serve
28 until their successors are appointed. Successors appointed shall be
29 licensed in the same specialty as the member of the board they will
30 replace. No member may serve more than two consecutive terms.

31 4. Except for the public member of the board, every member of
32 the board shall hold a valid license issued by the board in the category
33 of license for that member's specialty, shall be a resident of this state,
34 and shall remain in active practice and in good standing with the board
35 as a licensee during their terms. The public member shall be a resident
36 of this state and shall not be a licensed practitioner or a person who
37 administers radiation therapy procedures under sections 334.1000 to
38 334.1051.

39 5. A vacancy shall be filled in the same manner as the original
40 appointment and shall be filled within forty-five days after the vacancy
41 occurs. Appointees to fill vacancies shall serve the remainder of the
42 unexpired term and until their successors have been duly appointed
43 and qualified.

44 6. The board may remove any of its members for neglect of duty,
45 incompetence, or unprofessional conduct. A member subject to

46 disciplinary proceedings as a licensee shall be disqualified from
47 participating in the official business of the board until the charges
48 have been resolved.

49 7. Each member of the board shall receive a per diem and
50 reimbursement for travel and subsistence as provided in section
51 334.120.

52 8. The officers of the board shall be a chair who shall be licensed
53 under sections 334.1000 to 334.1051, a vice-chair, and other officers
54 deemed necessary by the board to carry out the purposes of sections
55 334.1000 to 334.1051. All officers shall be elected annually by the board
56 for one-year terms and shall serve until their successors are elected
57 and qualified.

58 9. The board shall hold at least two meetings each year to
59 conduct business and to review the standards and rules for improving
60 the administration of radiologic imaging or radiation therapy
61 procedures. The board shall establish the procedures for calling,
62 holding, and conducting regular and special meetings. A majority of
63 board members shall constitute a quorum.

334.1012. 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) Adopt rules as may be necessary to carry out the provisions
5 of sections 334.1000 to 334.1051;
- 6 (4) Examine and determine the qualifications and fitness of
7 applicants for licensure, renewal of licensure, and reciprocal licensure;
- 8 (5) Issue, renew, deny, suspend, or revoke licenses and carry out
9 any disciplinary actions authorized by sections 334.1000 to 334.1051;
- 10 (6) Set fees for licensure, license renewal, and other services
11 deemed necessary to carry out the purposes of sections 334.1000 to
12 334.1051;
- 13 (7) Conduct investigations for the purpose of determining
14 whether violations of sections 334.1000 to 334.1051 or grounds for
15 disciplining licensees exist;
- 16 (8) Conduct administrative hearings;
- 17 (9) Maintain a record of all proceedings and make available to
18 licensees and other concerned parties an annual report of all board
19 action;

20 **(10) Develop standards and adopt rules for the improvement of**
21 **the administration of radiologic imaging or radiation therapy**
22 **procedures in this state;**

23 **(11) Adopt a seal containing the name of the board for use on all**
24 **licenses and official reports issued by it;**

25 **(12) Establish criteria and standards for educational programs**
26 **offered in the state in radiologic imaging and radiation therapy; and**

27 **(13) Approve radiologic imaging and radiation therapy**
28 **educational programs that the board determines meet the criteria and**
29 **standards established by the board.**

334.1015. 1. The board shall admit to examination for licensure
2 **any applicant who shall pay a nonrefundable fee, as set forth in section**
3 **334.1033, and submit satisfactory evidence, verified by oath or**
4 **affirmation, that the applicant meets the following criteria:**

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

7 **(2) Has obtained a high school diploma or a high school**
8 **graduation equivalency certificate;**

9 **2. In addition to the requirements of subsection 1 of this section,**
10 **any person seeking to obtain a license for a specific modality of**
11 **radiologic imaging or radiation therapy, other than a limited x-ray**
12 **machine operator or radiologist assistant, shall comply with the**
13 **following requirements:**

14 **(1) Satisfactory completion of a course of study in magnetic**
15 **resonance, nuclear medicine, radiation therapy, or radiography,**
16 **respectively, or its equivalent to be determined by the board. The**
17 **curriculum for each course of study shall be no less stringent than the**
18 **standards approved by the Joint Review Committee on Education in**
19 **Radiologic Technology, Joint Review Committee on Education in**
20 **Nuclear Medicine Technology, Commission on Accreditation of Allied**
21 **Health Education Programs, or any other appropriate educational**
22 **accreditation agency approved by the board, provided the standards**
23 **are not in conflict with board policy; and**

24 **(2) Pass an examination administered by the American Registry**
25 **of Radiologic Technologists, Nuclear Medicine Technologist**
26 **Certification Board, Certification Board of Radiology Practitioner**
27 **Assistants, or other organizations whose examinations are approved by**

28 the board.

29 **3. In addition to the requirements of subsection 1 of this section,**
30 **a person seeking to obtain a license as a limited x-ray machine**
31 **operator shall pass an examination established or approved by the**
32 **board. The license of a limited x-ray machine operator shall be limited**
33 **in scope through the issuance of permits to perform diagnostic x-rays**
34 **on specific anatomical areas of the human body. The permits which**
35 **may be issued are as follows:**

36 **(1) Chest radiography permit for radiography of the thorax,**
37 **heart, and lungs;**

38 **(2) Extremities radiography permit for radiography of the upper**
39 **and lower extremities, including the pectoral girdle;**

40 **(3) Spine radiography permit for radiography of the vertebral**
41 **column;**

42 **(4) Skull or sinus radiology permit for radiography of the skull**
43 **and facial structures;**

44 **(5) Podiatric permit for radiography of the foot, ankle, and lower**
45 **leg below the knee;**

46 **(6) Bone densitometry technologist permit. Notwithstanding the**
47 **provisions of this subdivision, individuals who are certified by the**
48 **International Society for Clinical Densitometry or the American**
49 **Registry of Radiologic Technologists in bone densitometry shall be**
50 **granted a permit to perform bone densitometry testing.**

51 **4. In addition to the requirements of subsection 1 of this section,**
52 **a person seeking to obtain a license as a nuclear medicine advanced**
53 **associate shall:**

54 **(1) Be licensed as a nuclear medicine technologist by meeting the**
55 **requirements of subsection 2 of this section;**

56 **(2) Be certified and registered as a nuclear medicine advanced**
57 **associate by the Nuclear Medicine Technologist Certification Board;**
58 **and**

59 **(3) Submit to the board clinical protocols signed by the licensed**
60 **physician who is also an authorized user of radioactive materials**
61 **specifying procedures that are performed by the nuclear medicine**
62 **advanced associate, levels of physician supervision, and locations of**
63 **practice designated by the supervising physician. Updated protocols**
64 **shall be submitted biannually consistent with license renewal. The**

65 nuclear medicine advanced associate scope of practice shall be
66 consistent with the most recent version of the Scope of Practice for the
67 Nuclear Medicine Advanced Associate published by the Society of
68 Nuclear Medicine and Molecular Imaging.

69 5. In addition to the requirements of subsection 1 of this section,
70 a person seeking to obtain a license as a radiologist assistant shall:

71 (1) Be licensed as a radiographer by meeting the requirements
72 of subsection 2 of this section;

73 (2) Be certified and registered as a registered radiologist
74 assistant by the American Registry of Radiologic Technologists or
75 certified as a radiology practitioner assistant by the Certification
76 Board of Radiology Practitioner Assistants;

77 (3) Submit to the board clinical protocols signed by the
78 supervising radiologist specifying procedures that are performed by
79 the radiologist assistant, levels of radiologist supervision, and locations
80 of practice designated by the supervising radiologist. Updated
81 protocols shall be submitted biannually consistent with license
82 renewal. The radiologist assistant scope of practice shall be consistent
83 with the most recent version of the Radiologist Assistant Practice
84 Standards published by the American Society of Radiologic
85 Technologists.

334.1018. 1. To meet the requirement of examination, the board
2 shall accept current registration by the American Registry of
3 Radiologic Technologists, Certification Board of Radiology Practitioner
4 Assistants, or Nuclear Medicine Technologist Certification Board. The
5 board may accept current registration of other recognized national
6 voluntary certification organizations; provided that, the standards of
7 that organization are substantially equivalent to those established by
8 the board.

9 2. The board shall use a limited x-ray machine operator
10 examination administered by the American Registry of Radiologic
11 Technologists for persons applying for a limited permit in chest,
12 extremity, skull or sinus, podiatric, or spine radiography.

13 3. The board may accept certification from the American
14 Chiropractic Registry of Radiologic Technologists for persons applying
15 for a limited permit in spine radiography.

16 4. The board may accept certification from the American Society

17 of Podiatric Medical Assistants for persons applying for a limited
18 permit in podiatric radiography.

334.1021. 1. The board may issue a license to each applicant who
2 meets the requirements for licensure specified in sections 334.1000 to
3 334.1051, upon payment of a fee as provided in section 334.1033.

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

18 3. Graduates of radiologic imaging or radiation therapy
19 educational programs approved by the board awaiting results of
20 national certification examinations may be issued a provisional license
21 for employment purposes for a period not to exceed one year.

22 4. Any person issued a license under sections 334.1000 to 334.1051
23 shall display the official license document or a verified copy in each
24 place of regular employment.

334.1024. 1. A program approved by the board in radiography,
2 radiation therapy, nuclear medicine technology, magnetic resonance
3 technology, or limited x-ray machine operation may be offered by a
4 medical facility or educational institution. The program shall be
5 affiliated with one or more hospitals or clinics approved by the board
6 to provide the requisite clinical education.

7 2. Under rules adopted by the board, the board shall do the
8 following:

9 (1) Establish procedures for an educational program to follow in
10 making application for approval by the board; and

11 (2) Provide a process for reviewing the accreditation status of an

12 educational program which is currently accredited by a recognized
13 national educational accreditation organization.

334.1027. 1. Every license issued under sections 334.1000 to
2 334.1051 shall be renewed every two years. The license shall be
3 renewed upon the payment of a renewal fee, as provided in section
4 334.1033, if, at the time of application for renewal, the applicant is not
5 in violation of sections 334.1000 to 334.1051 and has complied with any
6 continuing education requirements under rules adopted by the board.

7 2. As a condition of license renewal, each individual licensed as
8 a radiographer, radiation therapist, magnetic resonance technologist,
9 nuclear medicine advanced associate, nuclear medicine technologist,
10 limited x-ray machine operator, radiation therapist, or radiographer
11 shall be required to complete twenty-four hours of continuing
12 education as approved by the board. Individuals licensed as radiologist
13 assistants shall complete fifty hours of continuing education approved
14 by the board. A licensee is not required to duplicate the continuing
15 education hours submitted to the American Registry of Radiologic
16 Technologists, Nuclear Medicine Technologist Certification Board, or
17 other certification organization recognized by the board for renewal.

18 3. The board shall notify a licensee at least thirty days in
19 advance of the expiration of his or her license. The licensee shall
20 inform the board of any change of the licensee's address. Each licensee
21 is responsible for renewing his or her license before the expiration
22 date. Licenses that are not renewed automatically lapse.

23 4. The board may provide for the late renewal of an
24 automatically lapsed license upon the payment of a reinstatement
25 fee. The licensee shall maintain certification in his or her licensed
26 specialty throughout the licensure period established by the
27 certification organization.

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

334.1033. 1. (1) The board is authorized to charge and collect

2 fees for the following:

- 3 (a) Initial, provisional, or temporary license application fee;
- 4 (b) Biannual license renewal fee;
- 5 (c) Temporary license fee;
- 6 (d) Provisional license fee;
- 7 (e) Duplicate license; and
- 8 (f) License renewal late fee.

9 (2) The fees shall be set at a level to produce revenue which shall
10 not substantially exceed the cost and expense of administering sections
11 334.1000 to 334.1051.

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

14 3. All fees payable under the provisions of sections 334.1000 to
15 334.1051 shall be collected by the division of professional registration,
16 which shall transmit them to the department of revenue for deposit in
17 the state treasury to the credit of the board of registration for the
18 healing arts fund. The state treasurer shall be custodian of the fund.
19 In accordance with sections 30.170 and 30.180, the state treasurer may
20 approve disbursements. The fund shall be a dedicated fund and, upon
21 appropriation, the moneys in the fund shall be used to administer the
22 provisions of sections 334.1000 to 334.1051. Notwithstanding the
23 provisions of section 33.080 to the contrary, any moneys remaining in
24 the fund at the end of the biennium shall not revert to the credit of the
25 general revenue fund. The state treasurer shall invest moneys in the
26 fund in the same manner as other funds are invested. Any interest and
27 moneys earned on such investments shall be credited to the fund.

334.1036. 1. The board may deny, suspend, revoke, or refuse to
2 renew a license or impose probationary conditions on a license if the
3 licensee or applicant for licensure has engaged in any of the following
4 conduct:

5 (1) Obtaining a license by means of fraud, misrepresentation, or
6 concealment of material facts;

7 (2) Engaging in unprofessional conduct under rules adopted by
8 the board;

9 (3) Having been convicted of or pleaded guilty or nolo
10 contendere to a crime involving moral turpitude or any crime which
11 indicates that the licensee or applicant is unfit or incompetent to

12 administer radiologic imaging or radiation therapy procedures or that
13 the licensee or applicant has deceived or defrauded the public;

14 (4) Engaging in any act or practice in violation of any of the
15 provisions of sections 334.1000 to 334.1051 or any rule adopted by the
16 board or aiding, abetting, or assisting any person in such a violation;

17 (5) Committing an act or acts of malpractice, gross negligence,
18 or incompetence in administering radiologic imaging or radiation
19 therapy procedures;

20 (6) Practicing as a person licensed to administer radiologic
21 imaging or radiation therapy procedures without a current license;

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

24 (8) Having a license issued under sections 334.1000 to 334.1051
25 revoked or suspended or other disciplinary action taken, whether in
26 this state or another jurisdiction; or

27 (9) Being unfit or incompetent to administer radiologic imaging
28 or radiation therapy services by reason of deliberate or negligent acts
29 or omissions, regardless of whether actual injury to a patient is
30 established.

31 2. The denial, refusal to renew, suspension, revocation, or
32 imposition of probationary conditions upon a license may be ordered
33 by the board after a hearing held in accordance with section 334.100
34 and rules adopted by the board. An application may be made to the
35 board for reinstatement of a revoked license if the revocation has been
36 in effect for at least two years after the date of the board's order
37 revoking the license.

334.1039. Any 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 any person has violated or is
4 about 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 sections 334.1000 to 334.1051

3 or the violation of any rules adopted by the board.

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

6 (1) The nature, gravity, and persistence of the particular
7 violation;

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

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

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

13 3. The board shall establish a schedule of civil penalties for
14 violations of sections 334.1000 to 334.1051 and rules adopted by the
15 board.

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

334.1048. Notwithstanding the requirements of section 334.1009,
2 the initial appointees to the Missouri radiologic imaging and radiation
3 therapy board of examiners filling the membership positions for
4 licensed radiographer, licensed nuclear medicine technologist, licensed
5 radiation therapist, licensed magnetic resonance technologist, licensed
6 limited x-ray machine operator, or licensed radiologist assistant do not
7 have to meet the licensure requirements established in sections
8 334.1000 to 334.1051; provided that, these initial appointees shall apply
9 for and obtain a license from the board within ninety days after the
10 board begins issuing licenses.

334.1051. Persons who have been engaged in the practice of
2 radiologic imaging and radiation therapy, other than a radiologist
3 assistant, who do not hold a current registration from a voluntary
4 professional certification organization approved by the Missouri
5 radiologic imaging and radiation therapy board of examiners may
6 continue to practice in the modality of radiologic imaging or radiation
7 therapy in which they are 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;

10 (3) Complete all continuing education requirements for their
11 area of practice biannually as prescribed by the board;

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

14 **(5) Obtain a license from the board on or before January 1, 2020.**

✓

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Bill

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