

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 303

100TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, April 4, 2019, with recommendation that the Senate Committee Substitute do pass.

1619S.04C

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

20 medicine, chiropractic, podiatry, or dentistry in this state with
21 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 for more than one hundred eighty days.

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 **licensed practitioners, individuals certified or registered by a**
8 **certification organization, or individuals licensed under sections**
9 **334.1000 to 334.1030.**

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

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

15 **(2) Promulgate rules for issuance of licenses;**

16 **(3) Establish minimum requirements for the issuance of licenses**
17 **and recognition of licenses issued by other states;**

18 **(4) Establish minimum requirements for continuing education;**

19 **(5) Determine fees and requirements for the issuance of new**
20 **licenses and renewal of licenses;**

21 **(6) Contract to use a competency-based examination that shall**
22 **provide for a virtually administered option for the determination of**
23 **limited x-ray machine operator qualifications for licensure;**

24 **(7) Promulgate rules for acceptance of certification and**
25 **registration by a certification organization recognized by the board as**
26 **qualification for licensure;**

27 **(8) Promulgate rules for issuance of licenses to retired military**
28 **personnel and spouses of active-duty military personnel;**

29 **(9) Establish ethical, moral, and practice standards; and**

30 **(10) Promulgate rules and procedures for the denial, suspension,**
31 **revocation, or refusal to renew a license and the suspension,**
32 **revocation, or other discipline of active licensees.**

33 **3. The board shall create alternative licensure requirements for**
34 **individuals working in rural health clinics as defined in P.L. 95-210 and**
35 **areas of this state that the board deems too remote to contain a**
36 **sufficient number of qualified persons licensed under sections 334.1000**
37 **to 334.1030 to perform radiologic imaging or radiation therapy**
38 **procedures.**

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

44 5. There is hereby created in the state treasury the "Radiologic
45 Imaging and Radiation Therapy Fund", which shall consist of money
46 collected under this section. The state treasurer shall be custodian of
47 the fund. In accordance with sections 30.170 and 30.180, the state
48 treasurer may approve disbursements. The fund shall be a dedicated
49 fund and money in the fund shall be used solely by the division of
50 professional registration for the purposes of administering sections
51 334.1000 to 334.1030. Notwithstanding the provisions of section 33.080
52 to the contrary, any moneys remaining in the fund at the end of the
53 biennium shall not revert to the credit of the general revenue
54 fund. The state treasurer shall invest moneys in the fund in the same
55 manner as other funds are invested. Any interest and moneys earned
56 on such investments shall be credited to the fund.

57 6. The fee charged for a limited x-ray machine operator
58 examination shall not exceed the actual cost to administer the
59 examination.

 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;

16 (5) Podiatric radiography: radiography of the foot, ankle, and

17 lower leg below the knee;

18 (6) Bone densitometry: performance and analysis of bone density
19 scans; or

20 (7) Other areas the board deems necessary to ensure necessary
21 services throughout the state.

22 4. The board may require a limited x-ray machine operator to
23 verify training in x-ray procedures at their place of employment,
24 including a minimum of one hundred hours of supervised experience
25 performing x-ray procedures. The hours shall be sufficient for
26 individuals to be licensed in any limited machine operator area for
27 which they pass an examination. The hours shall be documented by the
28 licensee and verified by the licensee's supervisor.

29 5. Individuals shall be licensed in any limited machine operator
30 area for which they successfully pass an examination as defined by the
31 board.

32 6. The board shall not require, but may recommend, any advance
33 class work, either remote or in person, prior to a limited x-ray machine
34 operator candidate taking such examination.

35 7. No additional testing requirements or other stipulations shall
36 be imposed after the initial examination for limited x-ray machine
37 operator licensure, provided that the licensee maintains required
38 continuing education and is not disciplined under rules promulgated
39 under subdivision (10) of subsection 2 of section 334.1010.

40 8. The board shall require limited x-ray machine operators to
41 complete a minimum of twelve hours biannually of continuing
42 education that may be fulfilled by approved continuing education
43 activities at the licensee's place of employment.

44 9. The board may accept certification from the American
45 Chiropractic Board of Radiology for persons applying for a limited x-
46 ray machine operator license.

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

50 11. The board may accept certification from the International
51 Society of Clinical Densitometry for persons applying for a limited
52 x-ray machine operator license in bone densitometry.

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. The clear proceeds of any civil penalty
8 assessed under this section shall be remitted to the credit of the public
9 school fund of the state.

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 January 1, 2020;

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. Persons licensed under a chapter other than chapter 334 who

13 violate the provisions of sections 334.1000 to 334.1030 shall be subject
14 to discipline by his or her respective licensing board.

15 3. Any authority to promulgate rules to implement the provisions
16 of sections 334.1000 to 334.1030, to issue interpretation of those
17 provisions, or to establish the scope of practice for licenses issued
18 pursuant to sections 334.1000 to 334.1030 shall not include the authority
19 to define, regulate, or interpret the scope of practice of certified nurse
20 anesthetists as defined in section 335.016.

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