

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 407**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on Professional Registration, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

1610S.02C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To amend chapter 334, RSMo, by adding thereto twenty new sections relating to radiologic imaging and radiation therapy certification, with penalty provisions.

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

Section A. Chapter 334, RSMo, is amended by adding thereto twenty new sections, to be known as sections 334.1000, 334.1003, 334.1006, 334.1007, 334.1009, 334.1010, 334.1012, 334.1015, 334.1018, 334.1021, 334.1024, 334.1027, 334.1030, 334.1033, 334.1036, 334.1039, 334.1042, 334.1045, 334.1050, and 334.1051, to read as follows:

**334.1000. Sections 334.1000 to 334.1050 shall be cited as the "Missouri Patient Safety in Radiologic Imaging and Radiation Therapy Act".**

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

- (1) "Advisory commission", the radiologic imaging and radiation therapy advisory commission;**
- (2) "Board", the state board of registration for the healing arts;**
- (3) "Bone densitometry", the determination of bone mass by means of the radiation absorption by a skeleton or part of a skeleton;**
- (4) "Certificate", authorization from this state to use radioactive substances or equipment emitting ionizing radiation or magnetic resonance for radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes in accordance with sections 334.1000 to 334.1051 and the rules adopted by the board;**
- (5) "Certification organization", a certification organization that specializes in the certification and registration of radiologic imaging**

15 or radiation therapy technical personnel that is accredited by the  
16 National Commission for Certifying Agencies, American National  
17 Standards Institute, the International Organization for  
18 Standardization, or other accreditation organization recognized by the  
19 board;

20 (6) "Computed tomography", the process of producing sectional  
21 and three-dimensional images using external ionizing radiation;

22 (7) "Diagnostic medical sonography", the process of using high  
23 frequency sound waves with specialized equipment to direct the sound  
24 waves into an area of the human body to generate a diagnostic image;

25 (8) "Fluoroscopy", the exposure of a patient to x-rays in a  
26 fluoroscopy mode, including the positioning of the patient, positioning  
27 of the fluoroscopy equipment and the selection of exposure factors;

28 (9) "Hybrid imaging equipment", equipment that combines more  
29 than one medical imaging modality into a single device;

30 (10) "Ionizing radiation", radiation that may consist of alpha  
31 particles, beta particles, gamma rays, x-rays, neutrons, high-speed  
32 electrons, high-speed protons, or other particles capable of producing  
33 ions. Ionizing radiation does not include non-ionizing radiation, such  
34 as radiofrequency or microwaves, visible infrared or ultraviolet light,  
35 or ultrasound;

36 (11) "Licensed practitioner", a person licensed to practice  
37 medicine, dentistry, podiatry, or chiropractic in this state;

38 (12) "Limited x-ray machine operator", a person who is certified  
39 under sections 334.1000 to 334.1051 to perform, under the supervision  
40 of a licensed practitioner or radiographer, diagnostic radiography  
41 procedures, or bone density procedures using equipment that emits  
42 external ionizing radiation resulting in diagnostic radiographic images  
43 of selected specific parts of human anatomy or bone density  
44 measurements;

45 (13) "Magnetic resonance imaging", the use of magnetic fields and  
46 radiofrequency signals to create diagnostic images or dynamic images  
47 for medical purposes;

48 (14) "Magnetic resonance technologist", a person who is certified  
49 under sections 334.1000 to 334.1051 to perform a comprehensive set of  
50 magnetic resonance procedures using magnetic fields and radio  
51 frequency signals;

52           **(15) "Mobile imaging", any arrangement in which radiologic**  
53 **imaging equipment is transported to various sites where radiologic**  
54 **imaging procedures are performed. Mobile imaging does not include**  
55 **movement within a hospital or movement to a site where the equipment**  
56 **will be located permanently;**

57           **(16) "Modality", the various types of equipment used to acquire**  
58 **images of the body or to treat disease using ionizing radiation or**  
59 **magnetic resonance including:**

60           **(a) Magnetic resonance imaging;**

61           **(b) Nuclear medicine;**

62           **(c) Radiation therapy; or**

63           **(d) Radiography;**

64           **(17) "Nuclear medicine advanced associate", a person who is**  
65 **certified under sections 334.1000 to 334.1051 to perform a variety of**  
66 **activities under the supervision of a radiologist who is also an**  
67 **authorized user of radioactive materials in the areas of patient care,**  
68 **patient management, nuclear medicine, and molecular imaging**  
69 **procedures using sealed and unsealed radiation sources, ionizing**  
70 **radiation and magnetic resonance, and adjunctive medicine and**  
71 **therapeutic procedures using unsealed radioactive sources;**

72           **(18) "Nuclear medicine technologist", a person who is certified**  
73 **under sections 334.1000 to 334.1051 to perform a variety of nuclear**  
74 **medicine and molecular imaging procedures using sealed and unsealed**  
75 **radiation sources, ionizing radiation and magnetic resonance, and**  
76 **adjunctive medicine and therapeutic procedures using unsealed**  
77 **radioactive sources;**

78           **(19) "Nuclear medicine technology", the branch of medicine that**  
79 **uses in vivo and in vitro detection and measurement of radionuclides**  
80 **radiation in diagnosis, management guidance, and treatment of disease;**

81           **(20) "Radiation therapist", a person who is certified under**  
82 **sections 334.1000 to 334.1051 to administer ionizing radiation to human**  
83 **beings for therapeutic purposes;**

84           **(21) "Radiation therapy", the use of ionizing radiation for the**  
85 **purpose of treating disease;**

86           **(22) "Radiographer", a person who is certified under sections**  
87 **334.1000 to 334.1051 to perform a comprehensive set of diagnostic**  
88 **radiographic procedures using external ionizing radiation to produce**

89 radiographic, fluoroscopic, or digital images;

90 (23) "Radiography", the process of obtaining an image for  
91 diagnostic evaluation using external ionizing radiation;

92 (24) "Radiologic imaging", any procedure or article intended for  
93 use in the diagnosis or visualization of disease or other medical  
94 conditions in human beings, including, but not limited to computed  
95 tomography, fluoroscopy, magnetic resonance, nuclear medicine,  
96 radiography, and other procedures using ionizing radiation or  
97 magnetic fields;

98 (25) "Radiologist", a physician licensed in this state and certified  
99 by or board-eligible to be certified by the American Board of Radiology,  
100 the American Osteopathic Board of Radiology, the British Royal College  
101 of Radiology, or the Canadian College of Physicians and Surgeons in  
102 that medical specialty;

103 (26) "Radiologist assistant", a person who is certified under  
104 sections 334.1000 to 334.1051 to perform a variety of activities under the  
105 supervision of a radiologist in the areas of patient care, patient  
106 management, radiologic imaging, or interventional procedures guided  
107 by radiologic imaging.

334.1006. 1. Except as provided in this section, on and after  
2 October 1, 2018, only a person currently certified under sections  
3 334.1000 to 334.1051 may perform or offer to perform radiologic imaging  
4 or radiation therapy procedures on humans for diagnostic or  
5 therapeutic purposes or otherwise indicate or imply that the person is  
6 certified to perform radiologic imaging or radiation therapy  
7 procedures.

8 2. The board shall establish certification standards for persons  
9 performing limited x-ray machine operation, magnetic resonance  
10 imaging, nuclear medicine advanced associate, nuclear medicine  
11 technology, radiation therapy, radiography, and radiologist assistant.

12 3. No person shall knowingly employ a person who does not hold  
13 a certificate under sections 334.1000 to 334.1051 to perform radiologic  
14 imaging or radiation therapy procedures.

15 4. Nothing in sections 334.1000 to 334.1051 relating to radiologic  
16 imaging or radiation therapy shall limit or enlarge the practice of a  
17 licensed practitioner.

18 5. The provisions of sections 334.1000 to 334.1051 shall not apply

19 to the following:

- 20 (1) A licensed practitioner;
- 21 (2) A dental hygienist currently licensed by this state;
- 22 (3) A dental assistant currently licensed by this state;
- 23 (4) A resident physician or a student enrolled in and attending
- 24 a school or college of medicine, chiropractic, podiatry, radiologic
- 25 imaging, or radiation therapy who performs radiologic imaging or
- 26 radiation therapy procedures on humans while under the supervision
- 27 of a licensed practitioner or supervision of a person holding an
- 28 unlimited certificate under sections 334.1000 to 334.1051 in the
- 29 supervised modality;
- 30 (5) A person performing radiologic imaging or radiation
- 31 procedures who is employed by the United States government when
- 32 performing duties associated with that employment;
- 33 (6) A person performing diagnostic medical sonography;
- 34 (7) A person performing radiologic imaging or radiation therapy
- 35 procedures on nonhuman subjects or cadavers.

334.1007. 1. The board, based on recommendations, guidance and

2 advice from the advisory commission, shall establish scope of practice

3 standards for limited x-ray machine operator, magnetic resonance

4 technologist, nuclear medicine advanced associate, nuclear medicine

5 technologist, radiation therapist, radiographer, and radiologist

6 assistant. The board may review and adopt by rule a scope of practice

7 from a certification organization or a professional society or

8 association.

9 2. A person holding a certificate under sections 334.1000 to

10 334.1051 may use radioactive substances or equipment emitting ionizing

11 radiation or magnetic resonance and perform radiologic imaging and

12 radiation therapy procedures on humans for diagnostic or therapeutic

13 purposes only:

- 14 (1) With a valid prescription of a person authorized by this state
- 15 to prescribe radiologic imaging or radiation therapy procedures;
- 16 (2) Under the supervision of a licensed practitioner or individual
- 17 holding an unlimited certificate under sections 334.1000 to 334.1051;
- 18 and
- 19 (3) Within the scope of the certificate as specified in sections
- 20 334.1000 to 334.1051 and under the rules adopted by the board; a person

21 certified under sections 334.1000 to 334.1051 may only perform  
22 radiologic imaging or radiation therapy procedures in a modality for  
23 which they are certified.

24 3. On and after January 1, 2021, a person certified under sections  
25 334.1000 to 334.1051 who performs computed tomography must be  
26 certified in computed tomography by the American Registry of  
27 Radiologic Technologists, Nuclear Medicine Technologist Certification  
28 Board, or other certification organization recognized by the board.

29 4. A person certified to perform radiation therapy may perform  
30 computed tomography or magnetic resonance imaging for treatment  
31 planning purposes.

32 5. A person certified to perform nuclear medicine technology  
33 may perform computed tomography or magnetic resonance imaging for  
34 attenuation correction on hybrid imaging equipment.

35 6. A person certified to perform radiography may perform  
36 fluoroscopy.

37 7. A person certified as a limited x-ray machine operator shall  
38 perform tasks or procedures only within the scope of the specific  
39 permit issued to them by the board for a particular area of the human  
40 anatomy as provided in 334.1015 and shall not perform procedures  
41 involving the administration or utilization of contrast media, or  
42 perform computed tomography, fluoroscopy, magnetic resonance  
43 imaging, mammography, mobile imaging, nuclear medicine, or radiation  
44 therapy.

45 8. A nuclear medicine advanced associate or radiologist assistant  
46 shall not interpret medical images, render diagnoses, or prescribe  
47 medications or therapies.

334.1009. 1. The Missouri Radiologic Imaging and Radiation  
2 Therapy Advisory Commission is hereby created within the board. The  
3 advisory commission shall guide, advise, and make recommendations  
4 to the board. The advisory commission shall be responsible for the  
5 ongoing review of the scope of practice and promoting the continuing  
6 role of a person certified under sections 334.1000 to 334.1051 in the  
7 delivery of health care services. The advisory commission shall assist  
8 the board in carrying out the provisions of sections 334.1000 to  
9 334.1045.

10 2. The advisory commission shall be appointed no later than

11 **October 1, 2017, and shall consist of seven members appointed by the**  
12 **governor with the advice and consent of the senate. Each member shall**  
13 **be a citizen of the United States and a resident of this state. The**  
14 **members shall include:**

- 15 **(1) One certified limited x-ray machine operator;**
- 16 **(2) One certified magnetic resonance technologist;**
- 17 **(3) One certified nuclear medicine technologist or nuclear**  
18 **medicine advanced associate;**
- 19 **(4) One licensed practitioner who is a radiologist and supervises**  
20 **radiologic imaging or radiation therapy professionals;**
- 21 **(5) One licensed practitioner who is not a radiologist and**  
22 **supervises radiologic imaging or radiation therapy professionals;**
- 23 **(6) One certified radiation therapist; and**
- 24 **(7) One certified radiographer or radiologist assistant.**

25 **3. The director of the division of professional registration shall**  
26 **seek recommendations for appointment to the first commission on a**  
27 **form provided by the board from state and national radiologic imaging**  
28 **and radiation therapy professional societies or associations.**

29 **4. The first commission shall consist of one member whose term**  
30 **shall be for one year, three members whose terms shall be for two**  
31 **years, and three members whose terms shall be for three**  
32 **years. Subsequent appointments to the advisory commission shall be**  
33 **for three years.**

34 **5. At least ninety days prior to expiration of a commission**  
35 **member's term or if a vacancy on the commission occurs due to**  
36 **resignation or other cause, the director of the division of professional**  
37 **registration shall request recommendations on a form provided by the**  
38 **board from persons certified under sections 334.1000 to 334.1051 and**  
39 **applicable state and national radiologic imaging and radiation therapy**  
40 **professional societies or associations.**

41 **6. The director of the division of professional registration shall**  
42 **determine whether a person who is submitted for consideration is**  
43 **qualified and willing to fill the vacancy.**

44 **7. The advisory commission shall review and, if applicable,**  
45 **transmit the names and information to the governor for consideration**  
46 **and appointment.**

47 **8. Notwithstanding any other provision of law to the contrary,**

48 any appointed member of the advisory commission shall receive as  
49 compensation an amount established by the director of the division of  
50 professional registration not to exceed seventy dollars per day for  
51 advisory commission business plus actual and necessary expenses. The  
52 director of the division of professional registration shall establish by  
53 rule guidelines for payment. All staff for the commission shall be  
54 provided by the board.

55 9. The advisory commission shall hold an annual meeting at  
56 which it shall elect from its membership a chairman and secretary. The  
57 advisory commission may hold such additional meetings as may be  
58 required in the performance of its duties, provided that notice of every  
59 meeting shall be given to each member at least ten days prior to the  
60 date of the meeting. A quorum of the board shall consist of a majority  
61 of its members.

62 10. Advisory commission meetings shall be open to the public,  
63 except as provided for under section 610.021. Notice of each meeting  
64 shall be provided to the public at least ten days prior to the date of the  
65 meeting.

334.1010. 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) Establish the scope of practice, unless specified in sections  
5 334.1000 to 334.1051, for each certificate or permit type issued by the  
6 board. The board may review and adopt by rule the scope of practice  
7 established by a radiologic imaging or radiation therapy certification  
8 organization or professional association that shall apply to a person  
9 who is certified under sections 334.1000 to 334.1051;
- 10 (4) Promulgate rules not inconsistent with the laws of this state  
11 that are necessary to carry out sections 334.1000 to 334.1051;
- 12 (5) Authorize, by written agreement, the division of professional  
13 registration to act as its agent in its interest;
- 14 (6) Set by rule fees and requirements for the issuance of a new  
15 certificate and renewal of a certificate;
- 16 (7) Devise or contract to use an examination for certification to  
17 determine an applicant's fitness to perform radiologic imaging or  
18 radiation therapy or issue a certificate based on the review and  
19 acceptance of a certification and registration by a certification



20 organization recognized by the board. Where applicable, applicants for  
21 certification shall be examined at a time and place and under such  
22 supervision as the board may require;

23 (8) Require the self-reporting by an applicant or a person  
24 certified under sections 334.1000 to 334.1051 of any information the  
25 board determines may indicate possible deficiencies in practice,  
26 performance, fitness, or qualifications;

27 (9) Conduct investigations for the purpose of determining  
28 whether violations of sections 334.1000 to 334.1051, the rules adopted  
29 by the board, or other grounds for discipline exist;

30 (10) Appoint a hearing officer, issue a subpoena, examine a  
31 witness, and administer an oath concerning practices that are alleged  
32 to violate sections 334.1000 to 334.1051 or the rules adopted by the  
33 board;

34 (11) Impose sanctions, deny certification, levy fines, or seek  
35 appropriate civil or criminal penalties against anyone who:

36 (a) Violates or attempts to violate sections 334.1000 to 334.1051  
37 or the rules adopted by the board;

38 (b) Obtains or attempts to obtain certification by fraud or  
39 deception; or

40 (c) Knowingly assists in such activity;

41 (12) Establish a mechanism for dealing with a person certified  
42 under sections 334.1000 to 334.1051 who abuses or is dependent upon  
43 or addicted to alcohol or other addictive chemical substances, and  
44 enter into an agreement with a professional organization possessing  
45 relevant procedures and techniques the board has evaluated and  
46 approved for the organization's cooperation or participation. The  
47 board may require a person certified under sections 334.1000 to  
48 334.1051 to pay for treatment ordered by the board;

49 (13) Issue a cease and desist order, obtain a court order or  
50 injunction to halt the uncertified practice, a violation of sections  
51 334.1000 to 334.1051, or a violation of the rules adopted by the board;

52 (14) Issue a conditional, restricted, or otherwise limited  
53 certificate as the board determines necessary;

54 (15) Recover costs and fees incurred in the investigation of an  
55 applicant, person certified under sections 334.1000 to 334.1051, or other  
56 person alleged to have violated sections 334.1000 to 334.1051 or the

57 rules adopted by the board;

58 (16) Maintain a record of all proceedings and make available to  
59 persons certified under sections 334.1000 to 334.1051 and the public an  
60 annual report of all board action;

61 (17) Develop standards and adopt rules for the administration of  
62 radiologic imaging or radiation therapy procedures in this state. The  
63 board may, in its discretion, revise the certification requirements of  
64 sections 334.1000 to 334.1051 for areas of this state that the board  
65 deems too remote to contain a sufficient number of qualified persons  
66 certified under sections 334.1000 to 334.1051 to perform radiologic  
67 imaging or radiation therapy procedures on humans for diagnostic or  
68 therapeutic purposes;

69 (18) Set requirements for continuing education as a requirement  
70 for certificate renewal. The board may review and adopt by rule the  
71 continuing education or continuing competency requirements  
72 established by a radiologic imaging or radiation therapy certification  
73 organization recognized by the board for certificate renewal;

74 (19) Establish criteria and standards for educational programs  
75 offered in this state in radiologic imaging or radiation therapy. The  
76 board may review and adopt by rule the accreditation criteria and  
77 standards established by an appropriate educational accreditation  
78 agency; and

79 (20) Approve radiologic imaging or radiation therapy  
80 educational programs that the board determines meet the criteria and  
81 standards established by rule by the board.

334.1012. 1. The mission of the advisory commission shall be to  
2 protect the citizens of this state through the certification of radiologic  
3 imaging or radiation therapy professionals including assessment of  
4 their competence to practice.

5 2. The advisory commission shall investigate all complaints in a  
6 fair and equitable manner against a person certified under sections  
7 334.1000 to 334.1051 or a person who is alleged to have violated sections  
8 334.1000 to 334.1051 or the rules adopted by the board;

9 3. The advisory commission shall guide, advise, and make  
10 recommendations to the board concerning the radiologic imaging and  
11 radiation therapy professions.

334.1015. 1. To be eligible for certification by the board as a

2 limited x-ray machine operator by examination, each applicant shall  
3 submit the application fee and shall furnish evidence of current  
4 competence, and shall:

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

7 (2) Pass an examination approved by the board. The certificate  
8 of a limited x-ray machine operator shall be limited in scope through  
9 the issuance of permits to perform diagnostic x-rays on specific  
10 anatomical areas of the human body. The permits which may be issued  
11 are as follows:

12 (a) Chest radiography permit: radiography of the thorax, heart,  
13 and lungs;

14 (b) Extremity radiography permit: radiography of the upper and  
15 lower extremities, including the pectoral girdle;

16 (c) Spine radiography permit: radiography of the vertebral  
17 column;

18 (d) Skull/sinus radiology permit: radiography of the skull and  
19 facial structures;

20 (e) Podiatric permit: radiography of the foot, ankle, and lower  
21 leg below the knee;

22 (f) Bone densitometry permit: a person who is certified by the  
23 International Society for Clinical Densitometry or the American  
24 Registry of Radiologic Technologists in bone densitometry shall be  
25 granted a permit to perform bone densitometry testing.

26 2. Any person seeking to obtain a certificate for a radiologic  
27 imaging or radiation therapy modality shall comply with the following  
28 requirements:

29 (1) Satisfactory completion of a course of study in magnetic  
30 resonance, nuclear medicine, radiation therapy, or radiography,  
31 respectively, or its equivalent to be determined by the board. The  
32 curriculum for each course of study shall be no less stringent than the  
33 standards approved by the Joint Review Committee on Education in  
34 Radiologic Technology, Joint Review Committee on Education in  
35 Nuclear Medicine Technology, Regional Accrediting Agencies, or other  
36 appropriate educational accreditation agency recognized by  
37 certification organizations. A person who holds a current certification  
38 and registration in a radiologic imaging or radiation therapy modality

39 or specialization shall be deemed to have met the requirements of this  
40 subdivision; and

41 (2) Pass an applicable examination administered by the  
42 American Registry of Radiologic Technologists, Certification Board of  
43 Radiology Practitioner Assistants, Nuclear Medicine Technologist  
44 Certification Board, or other certification organization recognized by  
45 the board and hold current certification and registration by the  
46 certification organization.

47 3. In addition to the requirements of subsection 2 of this section,  
48 a person seeking to obtain a certificate as a nuclear medicine advanced  
49 associate or radiologist assistant, shall:

50 (1) Be registered and certified by a certification organization  
51 recognized by the board as a nuclear medicine advanced associate or  
52 radiologist assistant; and

53 (2) Submit to the board the clinical protocols to be used by the  
54 person, which shall specify procedures that may be performed, levels  
55 of radiologist supervision, and shall be signed by the supervising  
56 radiologist. Updated protocols shall be submitted biannually with  
57 certificate renewal.

58 4. A person holding a certificate or permit issued under sections  
59 334.1000 to 334.1051 shall notify the board in writing within fifteen days  
60 of any name or address change.

61 5. Within fifteen days, a person holding a certificate under  
62 sections 334.1000 to 334.1051 shall submit written notification to the  
63 board if the person fails to maintain a required certification and  
64 registration by a certification organization or is subject to any legal or  
65 disciplinary action other than minor traffic infractions, or proceedings  
66 for acts or conduct substantially the same as acts or conduct which  
67 would constitute grounds for refusal to issue, refusal to renew,  
68 suspension, revocation, or other discipline of an applicant or a person  
69 holding certificate or permit under sections 334.1000 to 334.1051 by any:

- 70 (1) Jurisdiction whether in the United States or foreign;
- 71 (2) Health care institution;
- 72 (3) Professional society or association;
- 73 (4) Certification organization;
- 74 (5) Government agency; or
- 75 (6) Law enforcement agency.

334.1018. 1. To meet the requirement of examination under  
2 sections 334.1000 to 334.1051, the board shall accept current  
3 certification and registration by the American Registry of Radiologic  
4 Technologists, Certification Board of Radiology Practitioner Assistants,  
5 or Nuclear Medicine Technologist Certification Board. The board may  
6 accept current certification and registration by other certification  
7 organizations, provided that the standards of those organizations are  
8 substantially equivalent to those established or recognized by the  
9 board.

10 2. The board shall use a limited x-ray machine operator  
11 examination administered by the American Registry of Radiologic  
12 Technologists for persons applying for a limited X-ray machine  
13 operator certificate and permit in chest, extremities, skull/sinuses,  
14 podiatric, or spine radiography.

15 3. The board may accept certification from the American  
16 Chiropractic Registry of Radiologic Technologists for persons applying  
17 for a limited x-ray machine operator certificate and permit in spine  
18 radiography.

19 4. The board may accept certification from the American Society  
20 of Podiatric Medical Assistants for persons applying for a limited x-ray  
21 machine operator certificate and permit in podiatric radiography.

334.1021. 1. The board may issue a certificate to each applicant  
2 who meets the requirements for certification specified in sections  
3 334.1000 to 334.1051 and the rules adopted by the board, upon payment  
4 of a fee as provided in section 334.1033.

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

17 a regular certificate.

18           3. A person certified under sections 334.1000 to 334.1051 may  
19 apply to the board for a temporary certificate in an additional  
20 radiologic imaging or radiation therapy modality to complete clinical  
21 experience requirements for an applicable training pathway  
22 established by a certification organization recognized by the  
23 board. Temporary certificates issued for training purposes shall expire  
24 six months after issuance.

25           4. A person certified under sections 334.1000 to 334.1051 shall  
26 display the official certificate document or a verified copy in each  
27 place of regular employment.

          334.1024. 1. The board shall establish, or review and adopt by  
2 rule, standards for radiologic imaging and radiation therapy  
3 educational programs. Such standards shall be no less stringent than  
4 the standards approved by the Joint Review Committee on Education  
5 in Radiologic Technology, Joint Review Committee on Education in  
6 Nuclear Medicine Technology, Regional Accrediting Agencies, or other  
7 appropriate educational accreditation agency recognized by  
8 certification organizations.

9           2. A program approved by the board in limited x-ray machine  
10 operation, magnetic resonance technology, nuclear medicine  
11 technology, radiation therapy, or radiography may be offered by a  
12 medical facility or educational institution. The program shall be  
13 affiliated with one or more hospitals or clinics approved by the board  
14 to provide the requisite clinical education.

15           3. The board may establish, or review and adopt by rule, a course  
16 of study for a limited x-ray machine operator.

          334.1027. 1. Unless otherwise provided, a certificate issued  
2 under sections 334.1000 to 334.1051 shall be renewed every two  
3 years. The board may adjust the expiration date of a certificate by up  
4 to six months to allow coordination of expiration dates for certificates  
5 and registration of certifications issued by certification  
6 organizations. The certificate shall be renewed upon the payment of a  
7 renewal fee, as provided in section 334.1033, if, at the time of  
8 application for renewal, the applicant is not in violation of sections  
9 334.1000 to 334.1051 and has complied with the rules adopted by the  
10 board.

11           2. The board shall notify a person holding a certificate under  
12 sections 334.1000 to 334.1051 at least sixty days in advance of the  
13 expiration of the certificate.

14           3. A person holding a certificate under sections 334.1000 to  
15 334.1051 is responsible for renewing a certificate before the expiration  
16 date. A certificate that is not renewed before the date of expiration  
17 date shall automatically lapse.

18           4. The board may provide for the late renewal of an  
19 automatically lapsed certificate or permit upon the payment of a  
20 reinstatement fee. No certificate or permit that has been expired for  
21 more than two years shall be renewed.

22           5. Where applicable, a person holding a certificate under sections  
23 334.1000 to 334.1051 shall maintain current certification and  
24 registration by the applicable certification organization throughout the  
25 certification period and shall not be required to duplicate the  
26 continuing education hours submitted to the certification organization.

27           6. The board may require a person holding a certificate under  
28 sections 334.1000 to 334.1051 to submit evidence of current certification  
29 and registration by the applicable certification organization, which  
30 shall be sufficient evidence of compliance with the continuing  
31 education requirements established by the board.

32           7. As a condition of certificate renewal, a person certified as a  
33 limited x-ray machine operator shall be required to complete twenty-  
34 four hours of continuing education as approved by the board.

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

          334.1033. 1. The board is authorized to charge and collect fees.

2           2. All fees shall be set by the board pursuant to rules adopted  
3 under sections 334.1000 to 334.1051 and shall be set at a level to meet  
4 the needs of administering sections 334.1000 to 334.1051.

5           3. All fees payable pursuant to the provisions of sections 334.1000  
6 to 334.1045 shall be collected by the division of professional

7 registration, which shall transmit them to the department of revenue  
8 for deposit in the state treasury to the credit of the board of  
9 registration for the healing arts fund to be used to administer the  
10 provisions of sections 334.1000 to 334.1051.

334.1036. In addition to the provisions of section 334.100, the  
2 board may deny, suspend, revoke, or refuse to renew a certificate or  
3 impose probationary conditions on a certificate if the person holding  
4 a certificate under sections 334.1000 to 334.1051 or applicant for a  
5 certificate, renewal of certificate, or reinstatement of certificate has  
6 engaged in any of the following conduct:

7 (1) Obtaining a certificate by means of fraud, misrepresentation,  
8 or concealment of material facts;

9 (2) Engaging in unprofessional conduct pursuant to rules  
10 adopted by the board;

11 (3) Having been convicted of or pleaded guilty or nolo  
12 contendere to a crime involving moral turpitude or any crime that  
13 indicates that the person holding a certificate under sections 334.1000  
14 to 334.1051 or applicant is unfit or incompetent to administer  
15 radiologic imaging or radiation therapy procedures or that the person  
16 holding a certificate under sections 334.1000 to 334.1051 or applicant  
17 has deceived or defrauded the public;

18 (4) Engaging in any act or practice in violation of any provision  
19 of sections 334.1000 to 334.1051 or any rule adopted by the board or  
20 aiding, abetting, or assisting any person in such a violation;

21 (5) Committing an act or acts of malpractice, gross negligence,  
22 or incompetence in administering radiologic imaging or radiation  
23 therapy procedures;

24 (6) Practicing as a person certified to administer radiologic  
25 imaging or radiation therapy procedures without a current certificate;

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

28 (8) Having a certificate issued under sections 334.1000 to  
29 334.1051 revoked or suspended or other disciplinary action taken,  
30 whether in this state or another jurisdiction;

31 (9) Being unfit or incompetent to administer radiologic imaging  
32 or radiation therapy services by reason of deliberate or negligent acts  
33 or omissions, regardless of whether actual injury to a patient is



34 established.

334.1039. A 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 a person has violated or is about  
4 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 any section of sections  
3 334.1000 to 334.1051 or the violation of any rules adopted by the  
4 board. The clear proceeds of any civil penalty assessed under this  
5 section shall be remitted to the credit of the board of registration for  
6 the healing arts fund.

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

9 (1) The nature, gravity, and persistence of the particular  
10 violation;

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

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

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

16 3. The board shall establish a schedule of civil penalties for  
17 violations of sections 334.1000 to 334.1051 and rules adopted by the  
18 board.

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

334.1050. A person who has been engaged in the practice of  
2 radiologic imaging and radiation therapy, other than a nuclear  
3 medicine advanced associate or radiologist assistant, and who does not  
4 hold a current certification and registration by a certification  
5 organization recognized by the board may continue to practice in the  
6 radiologic imaging or radiation therapy modality in which they are

7 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 or current  
10 place of employment;

11 (3) Complete all continuing education requirements for their  
12 modality biannually as prescribed by the board;

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

15 (5) Meet all certification requirements of sections 334.1000 to  
16 334.1051 and the rules adopted by the board and obtain a certificate  
17 from the board on or before January 1, 2020.

334.1051. The board may promulgate rules to implement the  
2 provisions of sections 334.1000 to 334.1051. 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, 2017, shall be invalid and void.

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