

SECOND REGULAR SESSION

# SENATE BILL NO. 926

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 17, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5808S.02I

## 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 medicine, chiropractic medicine, podiatry, or dentistry in this state

21 with 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 their  
24 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 2019, 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.

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; or

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

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 individuals licensed under sections 334.1000 to 334.1030.

8 2. The board, based on recommendations, guidance, and advice  
9 from the advisory committee, shall:

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

13 (2) Promulgate rules for issuance of licenses;

14 (3) Establish minimum requirements for the issuance of licenses  
15 and recognition of licenses issued by other states;

16 (4) Determine fees and requirements for the issuance of new  
17 licenses and renewal of licenses;

18 (5) Contract to use an examination for determination of limited  
19 x-ray machine operator qualifications for licensure;

20 (6) Promulgate rules for acceptance of certification and  
21 registration by a certification organization recognized by the board as  
22 qualification for licensure;

23 (7) Promulgate rules for issuance of licenses to retired military  
24 personnel and spouses of active-duty military personnel; and

25 (8) Promulgate rules for the denial, suspension, revocation, or  
26 refusal to renew a license.

27 3. The board may create alternative licensure requirements for  
28 areas of this state that the board deems too remote to contain a  
29 sufficient number of qualified persons licensed under sections 334.1000  
30 to 334.1030 to perform radiologic imaging or radiation therapy  
31 procedures.

32 4. All fees payable pursuant to this section shall be collected by  
33 the division of professional registration, which shall transmit them to  
34 the department of revenue for deposit in the state treasury to the  
35 credit of a board fund to be known as the radiologic imaging and  
36 radiation therapy fund.

37 5. There is hereby created in the state treasury the "Radiologic  
38 Imaging and Radiation Therapy Fund", which shall consist of money  
39 collected under this section. The state treasurer shall be custodian of  
40 the fund. In accordance with sections 30.170 and 30.180, the state  
41 treasurer may approve disbursements. The fund shall be a dedicated

42 fund and money in the fund shall be used solely by the division of  
43 professional registration for the purposes of administering sections  
44 334.1000 to 334.1030. Notwithstanding the provisions of section 33.080  
45 to the contrary, any moneys remaining in the fund at the end of the  
46 biennium shall not revert to the credit of the general revenue  
47 fund. The state treasurer shall invest moneys in the fund in the same  
48 manner as other funds are invested. Any interest and moneys earned  
49 on such investments shall be credited to the fund.

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; or

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

18 4. The board may accept certification from the American  
19 Chiropractic Registry of Radiologic Technologists for persons applying  
20 for a limited x-ray machine operator license in spine radiography.

21 5. The board may accept certification from the American Society  
22 of Podiatric Medical Assistants for persons applying for a limited x-ray  
23 machine operator license in podiatric radiography.

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 board  
9 of registration for the healing arts fund.

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 they are currently employed, provided that such  
7 person:

8 (1) Registers with the board on or before October 1, 2018;

9 (2) Does not change the scope of their current practice or  
10 current place of employment;

11 (3) Completes all continuing education requirements for their  
12 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, 2023.

334.1030. 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  
4 the 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, 2018, shall be invalid and void.

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