

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 782

By: Scott

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 541, 541.1, 541.2,
9 541.3, 541.4, 541.5, 541.6, 541.7 and 541.8, which
10 relate to the Radiologist Assistant Licensure Act;
11 broadening short title; permitting radiologists to
12 use radiologic technologists; directing State Board
13 of Medical Licensure and Supervision to promulgate
14 certain rules; requiring certain certification and
15 registration; prohibiting certain acts; broadening
16 scope of certain advisory committee; clarifying
17 membership and methods of appointment; expanding
18 powers of Board to include certain professions;
19 permitting issuance of certain license; permitting
20 license by endorsement under certain circumstances;
21 permitting use of certain title and abbreviation;
22 requiring biennial renewal of license; providing
23 standards for withdrawal and resumption of license;
24 permitting revocation of certain licenses; repealing
59 O.S. 2011, Section 541.9, which relates to certain
exemption; clarifying language; and providing an
effective date.

18
19
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 59 O.S. 2011, Section 541, is
22 amended to read as follows:

23 Section 541. This act shall be known and may be cited as the
24 "Radiologist Assistant and Radiologic Technologist Licensure Act".

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 541.1, is
2 amended to read as follows:

3 Section 541.1. A. A radiologist may use the services of a
4 radiologist assistant or radiologic technologist, licensed by the
5 State Board of Medical Licensure and Supervision, to practice or
6 administer radiology assistance or technology under the direct
7 supervision of a physician licensed by the State Board of Medical
8 Licensure and Supervision or the State Board of Osteopathic
9 Examiners and certified by the American Board of Radiology or the
10 American Osteopathic Board of Radiology.

11 B. The State Board of Medical Licensure and Supervision shall
12 promulgate rules defining the scope of practice of a radiologist
13 assistant and the educational qualifications necessary to practice
14 as a radiologist assistant. The Board shall promulgate rules
15 defining the scope of practice of radiologic technologists and the
16 educational qualifications necessary to practice as a radiologic
17 technologist. The Board may use guidelines adopted by the American
18 College of Radiology, the American Society of Radiologic
19 Technologists, and the American Registry of Radiologic Technologists
20 in promulgating rules. The Board shall be the final authority in
21 all matters pertaining to licensure, continuing education
22 requirements and scope of practice of radiologist assistants and
23 radiologic technologists and shall not exceed the guidelines in this
24 subsection.

1 C. A radiologist assistant or radiologic technologist shall be
2 certified and registered with the American Registry of Radiologic
3 Technologists and credentialed to provide radiology services and
4 have completed a radiologist assistant or radiologic technologist
5 program accredited by the American Registry of Radiologic
6 Technologists and passed the American Registry of Radiologic
7 Technologists certification examinations.

8 D. A radiologist assistant or radiologic technologist shall not
9 interpret images, make diagnoses, or prescribe medications or
10 therapies or obtain informed consent.

11 SECTION 3. AMENDATORY 59 O.S. 2011, Section 541.2, is
12 amended to read as follows:

13 Section 541.2. A. There is hereby created a Radiologist
14 Assistant and Radiologic Technologist Advisory Committee within the
15 State Board of Medical Licensure and Supervision to assist in
16 administering the provisions of the Radiologist Assistant and
17 Radiologic Technologist Licensure Act. The Committee shall consist
18 of seven (7) members as follows:

19 1. One member shall be a physician appointed by the State Board
20 of Medical Licensure and Supervision from its membership;

21 2. One member shall be a radiologist appointed by the State
22 Board of Medical Licensure and Supervision from a list of qualified
23 individuals submitted by the Oklahoma State Medical Association and
24 who is not a member of the Board;

1 3. One member shall be a physician appointed by the State Board
2 of Osteopathic Examiners from its membership;

3 4. One member shall be a physician appointed by the State Board
4 of Osteopathic Examiners from a list of qualified individuals
5 submitted by the Oklahoma Osteopathic Association and who is not a
6 member of the State Board of Osteopathic Examiners;

7 5. One member shall be a radiologist appointed by the State
8 Board of Medical Licensure and Supervision from a list of qualified
9 individuals submitted by the Oklahoma State Radiological Society and
10 who is not a member of the Board; and

11 6. ~~Two members~~ One member shall be a radiologist assistants
12 assistant and one member shall be a radiologic technologist
13 appointed by the State Board of Medical Licensure and Supervision
14 from a list of radiologist assistants and radiologic technologists
15 submitted by the Oklahoma State Radiological Society.

16 The radiologist assistant or radiologic technologist
17 practitioner members shall have engaged in rendering ~~radiologist~~
18 ~~assistant~~ services within their respective scope of practice to the
19 public, teaching, or research for at least two (2) years immediately
20 preceding their appointments. These members shall at all times be
21 holders of valid licenses as radiologist assistants or radiologic
22 technologists in this state, except for the members first appointed
23 to the Committee.
24

1 B. Initial members of the Committee shall be appointed by
2 September 1, 2008. Members of the Committee shall be appointed for
3 terms of four (4) years. Provided, the terms of office of the
4 members first appointed shall begin within a reasonable time frame
5 after ~~the effective date of this act~~ April 11, 2008, and shall
6 continue for the following periods:

7 1. Two physicians and one radiologist assistant or radiologic
8 technologist for a period of three (3) years; and

9 2. Three physicians and one radiologist assistant or radiologic
10 technologist for a period of four (4) years.

11 Upon the expiration of a member's term of office, the appointing
12 authority for that member shall appoint a successor. Vacancies on
13 the Committee shall be filled in like manner for the balance of an
14 unexpired term. No member shall serve more than three consecutive
15 terms. Each member shall serve until a successor is appointed and
16 qualified.

17 C. Upon expiration or vacancy of the term of a member, the
18 respective nominating authority may, as appropriate, submit to the
19 appointing Board a list of three persons qualified to serve on the
20 Committee to fill the expired term of their respective member.
21 Appointments may be made from these lists by the appointing Board,
22 and additionally lists may be provided by the respective
23 organizations if requested by the State Board of Medical Licensure
24 and Supervision.

1 D. The State Board of Medical Licensure and Supervision may
2 remove any member from the Committee for neglect of any duty
3 required by law, for incompetency, or for unethical or dishonorable
4 conduct.

5 E. The Committee shall meet at least twice each year and shall
6 elect biennially during odd-numbered years a chair and vice-chair
7 from among its members. The Committee may convene at the request of
8 the chair, or as the Committee may determine for such other meetings
9 as may be deemed necessary.

10 F. A majority of the members of the Committee, including the
11 chair and vice-chair, shall constitute a quorum at any meeting, and
12 a majority of the required quorum shall be sufficient for the
13 Committee to take action by vote.

14 G. The Committee shall advise the Board in developing policy
15 and rules pertaining to the Radiologist Assistant and Radiologic
16 Technologist Licensure Act.

17 H. Members of the State Board of Medical Licensure and
18 Supervision and members of the Radiologist Assistant and Radiologic
19 Technologist Advisory Committee shall be reimbursed for all actual
20 and necessary expenses incurred while engaged in the discharge of
21 official duties pursuant to ~~this act~~ the Radiologist Assistant and
22 Radiologic Technologist Licensure Act in accordance with the State
23 Travel Reimbursement Act.

24

1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 541.3, is
2 amended to read as follows:

3 Section 541.3. A. The State Board of Medical Licensure and
4 Supervision shall:

5 1. License and renew the licenses of duly qualified applicants;

6 2. Maintain an up-to-date list of every person licensed to
7 practice as a radiologist assistant or radiologic technologist
8 pursuant to the Radiologist Assistant and Radiologic Technologist
9 Licensure Act. The list shall show the licensee's:

10 a. last-known place of employment,

11 b. last-known place of residence, and

12 c. the date and number of the license;

13 3. Cause the prosecution of all persons violating the
14 Radiologist Assistant and Radiologic Technologist Licensure Act and
15 incur necessary expenses therefor;

16 4. Keep a record of all proceedings of the Board and make the
17 record available to the public for inspection during reasonable
18 business hours;

19 5. Conduct hearings upon charges calling for discipline of a
20 licensee, or denial, revocation, or suspension of a license; and

21 6. Share information on a case-by-case basis of any person
22 whose license has been suspended, revoked, or denied. This
23 information shall include the name, type and cause of action, date
24 and penalty incurred, and the length of penalty. This information

1 shall be available for public inspection during reasonable business
2 hours and shall be supplied to similar boards in other states upon
3 request.

4 B. The State Board of Medical Licensure and Supervision may:

5 1. Promulgate rules consistent with the laws of this state and
6 in accordance with Article I of the Administrative Procedures Act as
7 may be necessary to enforce the provisions of the Radiologist
8 Assistant and Radiologic Technologist Licensure Act;

9 2. Employ such personnel as necessary to assist the Board in
10 performing its function;

11 3. Establish license renewal requirements and procedures as
12 deemed appropriate; and

13 4. Set fees for licensure and renewal not to exceed Three
14 Hundred Dollars (\$300.00) per license or renewal.

15 SECTION 5. AMENDATORY 59 O.S. 2011, Section 541.4, is
16 amended to read as follows:

17 Section 541.4. A. The applicant for a radiologist assistant
18 license, except where otherwise defined in the Radiologist Assistant
19 and Radiologic Technologist Licensure Act, shall be required to pass
20 an examination, whereupon the State Board of Medical Licensure and
21 Supervision may issue to the applicant a license to practice as a
22 radiologist assistant.

23 B. The Board may issue a license to practice as a radiologist
24 assistant or radiologic technologist by endorsement to:

1 1. An applicant who is currently licensed to practice as a
2 radiologist assistant or radiologic technologist under the laws of
3 another state, territory, or country if the qualifications of the
4 applicant are deemed by the Board to be equivalent to those required
5 in this state;

6 2. Applicants holding credentials who are certified and
7 registered with the American Registry of Radiologic Technologists
8 and have completed a radiologist assistant or radiologic
9 technologist program accredited by the American Registry of
10 Radiologic Technologists and passed the American Registry of
11 Radiologic Technologists certification examinations, provided such
12 credentials have not been suspended or revoked; and

13 3. Applicants applying under the conditions of this section who
14 certify under oath that their credentials have not been suspended or
15 revoked.

16 SECTION 6. AMENDATORY 59 O.S. 2011, Section 541.5, is
17 amended to read as follows:

18 Section 541.5. A. A person holding a license to practice as a
19 radiologist assistant in this state may use the title "radiologist
20 assistant" and the abbreviation "RA". A person holding a license to
21 practice as a radiologic technologist may use the title "radiologic
22 technologist" and the abbreviation "RT".

23 B. A licensee shall present this license when requested.
24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 541.6, is
2 amended to read as follows:

3 Section 541.6. A. Except as otherwise provided in the
4 Radiologist Assistant and Radiologic Technologist Licensure Act, a
5 license shall be renewed biennially. The State Board of Medical
6 Licensure and Supervision shall mail notices at least thirty (30)
7 days prior to expiration for renewal of licenses to every person to
8 whom a license was issued or renewed during the preceding renewal
9 period. The licensee shall complete the notice of renewal and
10 return it to the Board with the renewal fee determined by the Board
11 before the date of expiration.

12 B. Upon receipt of the notice of renewal and the fee, the Board
13 shall verify its contents and shall issue the licensee a license for
14 the current renewal period, which shall be valid for the period
15 stated thereon.

16 C. A licensee who allows the license to lapse by failing to
17 renew it may be reinstated by the Board upon payment of the renewal
18 fee and reinstatement fee of One Hundred Dollars (\$100.00);
19 provided, that such request for reinstatement must be received
20 within thirty (30) days of the end of the renewal period.

21 D. 1. A licensed radiologist assistant or radiologic
22 technologist who does not intend to engage in the practice shall
23 send a written notice to that effect to the Board and is not
24 required to submit a notice of renewal and pay the renewal fee as

1 long as the practitioner remains inactive. Upon desiring to resume
2 practicing as a radiologist assistant or radiologic technologist,
3 the practitioner shall notify the Board in writing of this intent
4 and shall satisfy the current requirements of the Board in addition
5 to submitting a notice of renewal and remitting the renewal fee for
6 the current renewal period and the reinstatement fee.

7 2. Rules of the Board shall provide for a specific period of
8 time of continuous inactivity after which retesting is required.

9 E. The Board is authorized to establish by rule fees for
10 replacement and duplicate licenses not to exceed One Hundred Dollars
11 (\$100.00) per license.

12 F. The Board shall by rule prescribe continuing education
13 requirements as a condition for renewal of license. The program
14 criteria with respect thereto shall be approved by the Board.

15 SECTION 8. AMENDATORY 59 O.S. 2011, Section 541.7, is
16 amended to read as follows:

17 Section 541.7. Fees received by the State Board of Medical
18 Licensure and Supervision and any other monies collected pursuant to
19 the Radiologist Assistant and Radiologic Technologist Licensure Act
20 shall be deposited with the State Treasurer who shall place the
21 monies in the regular depository fund of the Board. The deposit,
22 less the ten-percent gross fees paid into the General Revenue Fund
23 pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is
24 hereby appropriated and shall be used to pay expenses incurred

1 pursuant to the Radiologist Assistant and Radiologic Technologist
2 Licensure Act.

3 SECTION 9. AMENDATORY 59 O.S. 2011, Section 541.8, is
4 amended to read as follows:

5 Section 541.8. The State Board of Medical Licensure and
6 Supervision may revoke, suspend, or refuse to renew any license, or
7 place on probation, or otherwise reprimand a licensee or deny a
8 license to an applicant if it finds that the person:

- 9 1. Is guilty of fraud or deceit in procuring or attempting to
10 procure a license or renewal of a license to practice as a
11 radiologist assistant or radiologic technologist;
- 12 2. Is unfit or incompetent by reason of negligence, habits, or
13 other causes of incompetency;
- 14 3. Is habitually intemperate in the use of alcoholic beverages;
- 15 4. Is addicted to, or has improperly obtained, possessed, used
16 or distributed habit-forming drugs or narcotics;
- 17 5. Is guilty of dishonest or unethical conduct;
- 18 6. Has practiced as a radiologist assistant or radiologic
19 technologist after the license has expired or has been suspended;
- 20 7. Has practiced as a radiologist assistant or radiologic
21 technologist under cover of any license illegally or fraudulently
22 obtained or issued;

23
24

1 8. Has violated or aided or abetted others in violation of any
2 provision of the Radiologist Assistant and Radiologic Technologist
3 Licensure Act;

4 9. Has been guilty of unprofessional conduct as defined by the
5 rules established by the Board, or of violating the code of ethics
6 adopted and published by the Board; or

7 10. Is guilty of the unauthorized practice of medicine.

8 SECTION 10. REPEALER 59 O.S. 2011, Section 541.9, is
9 hereby repealed.

10 SECTION 11. This act shall become effective November 1, 2017.

11
12 56-1-738 AM 1/20/2017 8:03:41 AM

13
14
15
16
17
18
19
20
21
22
23
24