

1 **SENATE FLOOR VERSION**

2 February 20, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 782

5 By: Scott

6 **[professions and occupations - Radiologist Assistant**
7 **Licensure Act - radiologic technologists - repealer -**
8 **effective date]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

17 Section 541.1. A. A radiologist may use the services of a
18 radiologist assistant or radiologic technologist, licensed by the
19 State Board of Medical Licensure and Supervision, to practice or
20 administer radiology assistance or technology under the direct
21 supervision of a physician licensed by the State Board of Medical
22 Licensure and Supervision or the State Board of Osteopathic
23 Examiners and certified by the American Board of Radiology or the
24 American Osteopathic Board of Radiology.

1 B. The State Board of Medical Licensure and Supervision shall
2 promulgate rules defining the scope of practice of a radiologist
3 assistant and the educational qualifications necessary to practice
4 as a radiologist assistant. The Board shall promulgate rules
5 defining the scope of practice of radiologic technologists and the
6 educational qualifications necessary to practice as a radiologic
7 technologist. The Board may use guidelines adopted by the American
8 College of Radiology, the American Society of Radiologic
9 Technologists, and the American Registry of Radiologic Technologists
10 in promulgating rules. The Board shall be the final authority in
11 all matters pertaining to licensure, continuing education
12 requirements and scope of practice of radiologist assistants and
13 radiologic technologists and shall not exceed the guidelines in this
14 subsection.

15 C. A radiologist assistant or radiologic technologist shall be
16 certified and registered with the American Registry of Radiologic
17 Technologists and credentialed to provide radiology services and
18 have completed a radiologist assistant or radiologic technologist
19 program accredited by the American Registry of Radiologic
20 Technologists and passed the American Registry of Radiologic
21 Technologists certification examinations.

22 D. A radiologist assistant or radiologic technologist shall not
23 interpret images, make diagnoses, or prescribe medications or
24 therapies or obtain informed consent.

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

3 Section 541.2. A. There is hereby created a Radiologist
4 Assistant and Radiologic Technologist Advisory Committee within the
5 State Board of Medical Licensure and Supervision to assist in
6 administering the provisions of the Radiologist Assistant and
7 Radiologic Technologist Licensure Act. The Committee shall consist
8 of seven (7) members as follows:

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

11 2. One member shall be a radiologist appointed by the State
12 Board of Medical Licensure and Supervision from a list of qualified
13 individuals submitted by the Oklahoma State Medical Association and
14 who is not a member of the Board;

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

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

21 5. 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 Radiological Society and
24 who is not a member of the Board; and

1 6. ~~Two members~~ One member shall be a radiologist ~~assistants~~
2 assistant and one member shall be a radiologic technologist
3 appointed by the State Board of Medical Licensure and Supervision
4 from a list of radiologist assistants and radiologic technologists
5 submitted by the Oklahoma State Radiological Society.

6 The radiologist assistant or radiologic technologist
7 practitioner members shall have engaged in rendering ~~radiologist~~
8 ~~assistant~~ services within their respective scope of practice to the
9 public, teaching, or research for at least two (2) years immediately
10 preceding their appointments. These members shall at all times be
11 holders of valid licenses as radiologist assistants or radiologic
12 technologists in this state, except for the members first appointed
13 to the Committee.

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

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

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

24

1 Upon the expiration of a member's term of office, the appointing
2 authority for that member shall appoint a successor. Vacancies on
3 the Committee shall be filled in like manner for the balance of an
4 unexpired term. No member shall serve more than three consecutive
5 terms. Each member shall serve until a successor is appointed and
6 qualified.

7 C. Upon expiration or vacancy of the term of a member, the
8 respective nominating authority may, as appropriate, submit to the
9 appointing Board a list of three persons qualified to serve on the
10 Committee to fill the expired term of their respective member.
11 Appointments may be made from these lists by the appointing Board,
12 and additionally lists may be provided by the respective
13 organizations if requested by the State Board of Medical Licensure
14 and Supervision.

15 D. The State Board of Medical Licensure and Supervision may
16 remove any member from the Committee for neglect of any duty
17 required by law, for incompetency, or for unethical or dishonorable
18 conduct.

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

24

1 F. A majority of the members of the Committee, including the
2 chair and vice-chair, shall constitute a quorum at any meeting, and
3 a majority of the required quorum shall be sufficient for the
4 Committee to take action by vote.

5 G. The Committee shall advise the Board in developing policy
6 and rules pertaining to the Radiologist Assistant and Radiologic
7 Technologist Licensure Act.

8 H. Members of the State Board of Medical Licensure and
9 Supervision and members of the Radiologist Assistant and Radiologic
10 Technologist Advisory Committee shall be reimbursed for all actual
11 and necessary expenses incurred while engaged in the discharge of
12 official duties pursuant to ~~this act~~ the Radiologist Assistant and
13 Radiologic Technologist Licensure Act in accordance with the State
14 Travel Reimbursement Act.

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

17 Section 541.3. A. The State Board of Medical Licensure and
18 Supervision shall:

- 19 1. License and renew the licenses of duly qualified applicants;
- 20 2. Maintain an up-to-date list of every person licensed to
21 practice as a radiologist assistant or radiologic technologist
22 pursuant to the Radiologist Assistant and Radiologic Technologist
23 Licensure Act. The list shall show the licensee's:

- 24 a. last-known place of employment,

1 b. last-known place of residence, and

2 c. the date and number of the license;

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

6 4. Keep a record of all proceedings of the Board and make the
7 record available to the public for inspection during reasonable
8 business hours;

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

11 6. Share information on a case-by-case basis of any person
12 whose license has been suspended, revoked, or denied. This
13 information shall include the name, type and cause of action, date
14 and penalty incurred, and the length of penalty. This information
15 shall be available for public inspection during reasonable business
16 hours and shall be supplied to similar boards in other states upon
17 request.

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

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

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

1 3. Establish license renewal requirements and procedures as
2 deemed appropriate; and

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

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

7 Section 541.4. A. The applicant for a radiologist assistant
8 license, except where otherwise defined in the Radiologist Assistant
9 and Radiologic Technologist Licensure Act, shall be required to pass
10 an examination, whereupon the State Board of Medical Licensure and
11 Supervision may issue to the applicant a license to practice as a
12 radiologist assistant.

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

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

20 2. Applicants holding credentials who are certified and
21 registered with the American Registry of Radiologic Technologists
22 and have completed a radiologist assistant or radiologic
23 technologist program accredited by the American Registry of
24 Radiologic Technologists and passed the American Registry of

1 Radiologic Technologists certification examinations, provided such
2 credentials have not been suspended or revoked; and

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

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

8 Section 541.5. A. A person holding a license to practice as a
9 radiologist assistant in this state may use the title "radiologist
10 assistant" and the abbreviation "RA". A person holding a license to
11 practice as a radiologic technologist may use the title "radiologic
12 technologist" and the abbreviation "RT".

13 B. A licensee shall present this license when requested.

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

16 Section 541.6. A. Except as otherwise provided in the
17 Radiologist Assistant and Radiologic Technologist Licensure Act, a
18 license shall be renewed biennially. The State Board of Medical
19 Licensure and Supervision shall mail notices at least thirty (30)
20 days prior to expiration for renewal of licenses to every person to
21 whom a license was issued or renewed during the preceding renewal
22 period. The licensee shall complete the notice of renewal and
23 return it to the Board with the renewal fee determined by the Board
24 before the date of expiration.

1 B. Upon receipt of the notice of renewal and the fee, the Board
2 shall verify its contents and shall issue the licensee a license for
3 the current renewal period, which shall be valid for the period
4 stated thereon.

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

10 D. 1. A licensed radiologist assistant or radiologic
11 technologist who does not intend to engage in the practice shall
12 send a written notice to that effect to the Board and is not
13 required to submit a notice of renewal and pay the renewal fee as
14 long as the practitioner remains inactive. Upon desiring to resume
15 practicing as a radiologist assistant or radiologic technologist,
16 the practitioner shall notify the Board in writing of this intent
17 and shall satisfy the current requirements of the Board in addition
18 to submitting a notice of renewal and remitting the renewal fee for
19 the current renewal period and the reinstatement fee.

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

22 E. The Board is authorized to establish by rule fees for
23 replacement and duplicate licenses not to exceed One Hundred Dollars
24 (\$100.00) per license.

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

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

6 Section 541.7. Fees received by the State Board of Medical
7 Licensure and Supervision and any other monies collected pursuant to
8 the Radiologist Assistant and Radiologic Technologist Licensure Act
9 shall be deposited with the State Treasurer who shall place the
10 monies in the regular depository fund of the Board. The deposit,
11 less the ten-percent gross fees paid into the General Revenue Fund
12 pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is
13 hereby appropriated and shall be used to pay expenses incurred
14 pursuant to the Radiologist Assistant and Radiologic Technologist
15 Licensure Act.

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

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

22 1. Is guilty of fraud or deceit in procuring or attempting to
23 procure a license or renewal of a license to practice as a
24 radiologist assistant or radiologic technologist;

- 1 2. Is unfit or incompetent by reason of negligence, habits, or
2 other causes of incompetency;
- 3 3. Is habitually intemperate in the use of alcoholic beverages;
- 4 4. Is addicted to, or has improperly obtained, possessed, used
5 or distributed habit-forming drugs or narcotics;
- 6 5. Is guilty of dishonest or unethical conduct;
- 7 6. Has practiced as a radiologist assistant or radiologic
8 technologist after the license has expired or has been suspended;
- 9 7. Has practiced as a radiologist assistant or radiologic
10 technologist under cover of any license illegally or fraudulently
11 obtained or issued;
- 12 8. Has violated or aided or abetted others in violation of any
13 provision of the Radiologist Assistant and Radiologic Technologist
14 Licensure Act;
- 15 9. Has been guilty of unprofessional conduct as defined by the
16 rules established by the Board, or of violating the code of ethics
17 adopted and published by the Board; or
- 18 10. Is guilty of the unauthorized practice of medicine.

19 SECTION 10. REPEALER 59 O.S. 2011, Section 541.9, is
20 hereby repealed.

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

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 February 20, 2017 - DO PASS AS AMENDED
24