

State of Wisconsin



2009 Senate Bill 184

Date of enactment: **February 4, 2010**
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2009 WISCONSIN ACT 106

AN ACT to amend 15.08 (1m) (b); and to create 15.405 (7e), 440.08 (2) (a) 39m., 440.08 (2) (a) 64g., 448.695 (3) and chapter 462 of the statutes; **relating to:** licenses and limited X-ray machine operator permits to engage in the practice of radiography, creating a radiography examining board, granting rule-making authority, and requiring the exercise of rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, perfusionists examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the marriage and family therapy, professional counseling, and social work examining board, and the psychology examining board, and the radiography examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.405 (7e) of the statutes is created to read:

15.405 (7e) **RADIOGRAPHY EXAMINING BOARD.** There is created in the department of regulation and licensing a radiography examining board consisting of the following 7 members appointed for 4-year terms:

(a) Three members who practice radiography and who are licensed under s. 462.03 (2).

(b) One member who is a physician licensed under s. 448.04 (1) (a) and certified in radiology by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiologists, or the Royal College of Physicians and Surgeons of Canada.

(c) One member who is a radiologic physicist certified by the American Board of Radiology.

(d) Two public members.

SECTION 3. 440.08 (2) (a) 39m. of the statutes is created to read:

440.08 (2) (a) 39m. Limited X-ray machine operator: September 1 of each even-numbered year.

SECTION 4. 440.08 (2) (a) 64g. of the statutes is created to read:

440.08 (2) (a) 64g. Radiographer, licensed: September 1 of each even-numbered year.

SECTION 5. 448.695 (3) of the statutes is created to read:

448.695 (3) The affiliated credentialing board shall promulgate rules specifying the requirements for a course of instruction related to X-ray examinations by persons under the direct supervision of a podiatrist under

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

s. 462.02 (2) (f). In promulgating the rules, the affiliated credentialing board shall consult with the radiography examining board and shall examine laws and rules in other states. The affiliated credentialing board shall approve courses that meet the requirements set forth in the rules.

SECTION 6. Chapter 462 of the statutes is created to read:

CHAPTER 462

RADIOGRAPHERS AND LIMITED X-RAY MACHINE OPERATORS

462.01 Definitions. In this chapter:

(1) "Board" means the radiography examining board.

(2) "Bone densitometry" means the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry.

(3) "Department" means the department of regulation and licensing.

(4) "Physician" means a person licensed to practice medicine and surgery under s. 448.04 (1) (a) or (b).

(5) "Practice of radiography" means the imaging of anatomical structures, produced by the combined application of X-rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic technique, and knowledge of principles of radiation protection, for the purpose of medical diagnosis except that "practice of radiography" does not include bone densitometry.

462.02 Practice, use of title restricted. (1) (a) Subject to sub. (2), no person may use the title "radiographer," represent himself or herself as a radiographer, or engage in the practice of radiography, unless the person is granted a license under s. 462.03 (2).

(b) A person who holds a limited X-ray machine operator permit to perform radiography and who does not hold a license under s. 462.03 (2) may not perform radiography except as authorized under the permit. A limited X-ray machine operator permit shall authorize the holder to perform radiography of one or more of the following:

1. The thorax, lungs, and ribs.
2. The upper and lower extremities, including the pectoral girdle but excluding the hip and pelvis.
3. The foot, ankle, and lower leg below the knee.
4. The cervical, thoracic, and lumbar spine.

(2) Subsection (1) does not apply to any of the following:

- (a) A physician.
- (b) A person enrolled as a student in a radiography program approved by the board, if the person is directly supervised by a physician or a person licensed under s. 462.03 (2).

(c) A chiropractor licensed under s. 446.02 or a person under the direct supervision of such a chiropractor, if the person has successfully completed a course of instruction comprising at least 48 hours of instruction

approved by the chiropractic examining board related to X-ray examinations.

(d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s. 447.04 (2), or a person under the direct supervision of a dentist.

(e) A physician assistant licensed under s. 448.04 (1) (f).

(f) A podiatrist licensed under s. 448.63 or a person under the direct supervision of such a podiatrist, if the person has successfully completed a course of instruction approved by the podiatrists affiliated credentialing board related to X-ray examinations under s. 448.695 (3).

462.03 Issuance of license, permit. (1) GENERAL REQUIREMENTS. The board may not grant a license or limited X-ray machine operator permit under this section to a person unless all of the following apply:

- (a) The person is at least 18 years of age.
- (b) The person holds a high school diploma or its equivalent, as determined by the board.
- (c) The person pays the initial credential fee determined by the department under s. 440.03 (9) (a).
- (d) The person submits an application on a form provided by the department.
- (e) Subject to ss. 111.321, 111.322, and 111.335, the person does not have an arrest or conviction record.

(2) LICENSE. Subject to sub. (1), the board shall grant a license to practice radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed a course of study in radiography that has been approved by the board or an equivalent course of study, as determined by the board.

(3) PERMIT. Subject to sub. (1), the board shall grant a limited X-ray machine operator permit to perform radiography to a person who passes an examination administered by the board and submits evidence satisfactory to the board that the person has completed an appropriate course of study, as determined by the board.

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a physician assistant licensed under s. 448.04 (1) (f).

462.05 Renewal of license, permit. (1) The renewal date for licenses and limited X-ray machine operator permits granted under this chapter is specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

(2) (a) A radiographer or limited X-ray machine operator is not eligible for renewal of a license or permit under sub. (1) unless the radiographer or limited X-ray machine operator has complied with the continuing education requirements established by the board under s. 462.06 (1) (c).

(b) Paragraph (a) does not apply to a radiographer or limited X-ray machine operator if the radiographer or limited X-ray machine operator is applying for renewal for the first time.

462.06 Rule making. (1) The board shall promulgate rules that do all of the following:

(a) Establish standards for courses of study in radiography. The standards shall be no less stringent than the standards adopted by the Joint Review Committee on Education in Radiologic Technology or a successor organization.

(b) Establish standards for examinations under s. 462.03 (2) and (3). Notwithstanding s. 462.03 (2) and (3), the rules may permit a person to satisfy the examination requirement by providing the board with evidence satisfactory to the board that the person holds a current registration by the American Registry of Radiologic Technologists or a successor organization or is currently licensed to practice radiography in another state with examination standards at least as stringent as those promulgated by the board under this paragraph. The board may adopt a limited scope radiography examination administered by the American Registry of Radiologic Technologists, a successor organization, or other recognized national voluntary credentialing body, if the examination standards are at least as stringent as those adopted by the board under this paragraph.

(c) Establish continuing education standards for renewal of licenses and limited X-ray machine operator permits issued under this chapter. The standards adopted under this paragraph may recognize current certification by the American Registry of Radiologic Technologists or a successor organization as evidence of compliance with the continuing education standards established under this paragraph, if the continuing education requirements for such certification are no less stringent than those adopted by the board under this paragraph.

(2) The board may promulgate rules that establish a code of ethics for persons who hold a license or limited X-ray machine operator permit under s. 462.03.

462.07 Discipline. (1) Subject to the rules promulgated under s. 440.03 (1), the board may conduct investigations and hearings to determine whether a person has violated this chapter or a rule promulgated under this chapter.

(2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies for or holds a license or limited X-ray machine operator permit under s. 462.03 does any of the following, the board may reprimand the person

or deny, limit, suspend, or revoke the person's license or permit:

(a) Makes a material misstatement in an application for a license or permit under s. 462.03 or an application for renewal of a license or permit.

(b) Violates any law of this state or federal law that substantially relates to the practice of radiography, violates this chapter, or violates a rule promulgated under this chapter, including a provision of a code of ethics promulgated under s. 462.06 (2).

(c) Materially assists a person who does not hold a license or permit under s. 462.03 to engage in the practice of radiography.

(d) Advertises, practices, or attempts to practice under another person's name.

(e) Engages in unprofessional conduct, as defined by the board by rule.

(f) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of an offense the circumstances of which substantially relate to the practice of radiology.

SECTION 7. Nonstatutory provisions.

(1) EXAMINING BOARD, INITIAL TERMS. Notwithstanding the length of terms specified for the members of the radiography examining board under section 15.405 (7e) of the statutes, as created by this act, 2 of the initial members shall be appointed for terms expiring on May 1, 2011, 2 of the initial members shall be appointed for terms expiring on May 1, 2012, 2 of the initial members shall be appointed for terms expiring on May 1, 2013, and the remaining initial member shall be appointed for a term expiring on May 1, 2014.

(2) EXAMINING BOARD; INITIAL RADIOGRAPHER MEMBERS. Notwithstanding section 15.405 (7e) (a) of the statutes, as created by this act, the initial members appointed to the radiography examining board under section 15.405 (7e) (a) of the statutes, as created by this act, may be persons who are engaged in the practice of radiography, as defined in section 462.01 (4) of the statutes, as created by this act, and who are not licensed under section 462.03 (2) of the statutes, as created by this act.

(3) TRANSITIONAL LICENSE OR PERMIT.

(a) Notwithstanding section 462.03 of the statutes, as created by this act, the radiography examining board shall grant a license to practice radiography to a person who does all of the following:

1. Satisfies the requirements specified in section 462.03 (1) of the statutes, as created by this act.

2. Presents evidence satisfactory to the board that the person has been engaged in the practice of radiography, as defined in section 462.01 (4) of the statutes, as created by this act, for at least 3 of the 5 years immediately preceding the date of application.

3. Passes an examination administered by the board.

(b) Notwithstanding section 462.03 of the statutes, as created by this act, the radiography examining board

shall grant a limited X-ray machine operator permit to a person who does all of the following:

- 1. Satisfies the requirements specified in section 462.03 (1) of the statutes, as created by this act.
- 2. Presents evidence satisfactory to the board that the person has been engaged performing radiography on a limited basis as described in section 462.02 (1) (b) of the statutes, as created by this act, for at least 3 of the 5 years immediately preceding the date of application.
- 3. Passes an examination administered by the board.

(c) This subsection does not apply after the first day of the 25th month beginning after the effective date of this paragraph.

(4) RENEWAL; INITIAL CREDENTIAL HOLDERS. Notwithstanding section 440.08 (2) (a) 39m. and 64g. of the statutes, as created by this act, an individual who is granted a license or permit under subsection (3) (a) or (b) or under section 462.03 (2) or (3) of the statutes, as created by this act, on or after March 1, 2012, and before

September 1, 2012, is not required to renew the license or permit until September 1, 2014. Notwithstanding section 462.05 (2) (b) of the statutes, as created by this act, such an individual is not eligible for renewal for the first time unless the individual has complied with the continuing education standards established by the radiography examining board under section 462.06 (1) (c) of the statutes, as created by this act.

(5) POSITION AUTHORIZATION INCREASE. The authorized FTE positions for the department of regulation and licensing are increased by 0.5 PR position, to be funded from the appropriation under section 20.165 (1) (g) of the statutes.

SECTION 8. Effective dates. This act takes effect on the day after publication or on July 1, 2009, whichever is later, except as follows:

- (1) The treatment of section 462.02 of the statutes takes effect on the first day of the 25th month beginning after the effective date of this subsection.

