

FIRST REGULAR SESSION

HOUSE BILL NO. 601

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

0064H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 621.045, RSMo, and to enact in lieu thereof twenty-one new sections relating to certification of persons specializing in radiology services, with a penalty provision.

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

Section A. Section 621.045, RSMo, is repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 334.1000, 334.1003, 334.1006, 334.1007, 334.1009, 334.1010, 334.1012, 334.1015,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, 334.1046, 334.1048, 334.1050, and 621.045, to read as follows:

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

334.1003. As used in sections 334.1000 to 334.1050, 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 section 334.1000 to 334.1050 and the rules adopted by the board;

(5) "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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 National Standards Institute, the International Organization for Standardization, or other
15 accreditation organization recognized by the board;

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

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

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

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

26 (10) "Ionizing radiation", radiation that may consist of alpha particles, beta
27 particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other
28 particles capable of producing ions. Ionizing radiation does not include nonionizing
29 radiation such as radiofrequency or microwaves, visible infrared or ultraviolet light, or
30 ultrasound;

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

33 (12) "Limited x-ray machine operator", a person who is certified under sections
34 334.1000 to 334.1050 to perform, under the supervision of a licensed practitioner or
35 radiographer, diagnostic radiography procedures or bone density procedures using
36 equipment that emits external ionizing radiation resulting in diagnostic radiographic
37 images of selected specific parts of human anatomy or bone density measurements;

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

40 (14) "Magnetic resonance technologist", a person who is certified under sections
41 334.1000 to 334.1050 to perform a comprehensive set of magnetic resonance procedures
42 using magnetic fields and radiofrequency signals;

43 (15) "Mobile imaging", any arrangement in which radiologic imaging equipment
44 is transported to various sites where radiologic imaging procedures are performed. Mobile
45 imaging does not include movement within a hospital or movement to a site where the
46 equipment will be located permanently;

47 (16) "Modality", the various types of equipment used to acquire images of the body
48 or to treat disease using ionizing radiation or magnetic resonance, including the following:

49 (a) Magnetic resonance imaging;

- 50 (b) Nuclear medicine;
- 51 (c) Radiation therapy; or
- 52 (d) Radiography;
- 53 (17) "Nuclear medicine advanced associate", a person who is certified under
- 54 sections 334.1000 to 334.1050 to perform a variety of activities under the supervision of a
- 55 radiologist who is also an authorized user of radioactive materials in the areas of patient
- 56 care, patient management, nuclear medicine, and molecular imaging procedures using
- 57 sealed and unsealed radiation sources, ionizing radiation and magnetic resonance, and
- 58 adjunctive medicine and therapeutic procedures using unsealed radioactive sources;
- 59 (18) "Nuclear medicine technologist", a person who is certified under sections
- 60 334.1000 to 334.1050 to perform a variety of nuclear medicine and molecular imaging
- 61 procedures using sealed and unsealed radiation sources, ionizing radiation and magnetic
- 62 resonance, and adjunctive medicine and therapeutic procedures using unsealed radioactive
- 63 sources;
- 64 (19) "Nuclear medicine technology", the branch of medicine that uses in vivo and
- 65 in vitro detection and measurement of radionuclides radiation in diagnosis, management
- 66 guidance, and treatment of disease;
- 67 (20) "Radiation therapist", a person who is certified under sections 334.1000 to
- 68 334.1050 to administer ionizing radiation to human beings for therapeutic purposes;
- 69 (21) "Radiation therapy", the use of ionizing radiation for the purpose of treating
- 70 disease;
- 71 (22) "Radiographer", a person who is certified under sections 334.1000 to 334.1050
- 72 to perform a comprehensive set of diagnostic radiographic procedures using external
- 73 ionizing radiation to produce radiographic, fluoroscopic, or digital images;
- 74 (23) "Radiography", the process of obtaining an image for diagnostic evaluation
- 75 using external ionizing radiation (x-rays);
- 76 (24) "Radiologic imaging", any procedure or article intended for use in the
- 77 diagnosis or visualization of disease or other medical conditions in human beings including,
- 78 but not limited to, computed tomography, fluoroscopy, magnetic resonance, nuclear
- 79 medicine, radiography, and other procedures using ionizing radiation or magnetic
- 80 resonance;
- 81 (25) "Radiologist", a physician licensed in this state and certified by or
- 82 board-eligible to be certified by the American Board of Radiology, the American
- 83 Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian
- 84 College of Physicians and Surgeons in that medical specialty;

85 **(26) "Radiologist assistant", a person who is certified under sections 334.1000 to**
86 **334.1050 to perform a variety of activities under the supervision of a radiologist in the**
87 **areas of patient care, patient management, radiologic imaging, or interventional**
88 **procedures guided by radiologic imaging.**

334.1006. 1. Except as provided in this section, on or after January 1, 2019, only
2 **a person currently certified under sections 334.1000 to 334.1050 may perform or offer to**
3 **perform radiologic imaging or radiation therapy procedures on humans for diagnostic or**
4 **therapeutic purposes as defined in section 334.1000, or otherwise indicate or imply that the**
5 **person is certified to perform radiologic imaging or radiation therapy procedures.**

6 **2. The board shall establish certification standards for persons performing limited**
7 **X-ray machine operation, magnetic resonance imaging, nuclear medicine advanced**
8 **associate, nuclear medicine technology, radiation therapy, or radiography or a radiologist**
9 **assistant.**

10 **3. No person shall knowingly employ a person who does not hold a certificate under**
11 **sections 334.1000 to 334.1050 to perform radiologic imaging or radiation therapy**
12 **procedures.**

13 **4. Nothing in sections 334.1000 to 334.1050 relating to radiologic imaging or**
14 **radiation therapy shall limit or enlarge the practice of a licensed practitioner defined under**
15 **section 334.1000.**

16 **5. The provisions of sections 334.1000 to 334.1050 shall not apply to the following:**

17 **(1) A licensed practitioner;**

18 **(2) A dental hygienist currently licensed by the state;**

19 **(3) A dental assistant currently licensed by the state;**

20 **(4) A resident physician or a student enrolled in and attending a school or college**
21 **of medicine, chiropractic, podiatry, radiologic imaging, or radiation therapy who performs**
22 **radiologic imaging or radiation therapy procedures on humans while under the**
23 **supervision of a licensed practitioner or supervision of a person holding an unlimited**
24 **certificate under sections 334.1000 to 334.1050 in the supervised modality;**

25 **(5) A person performing radiologic imaging or radiation procedures who is**
26 **employed by the United States government when performing duties associated with that**
27 **employment;**

28 **(6) A person performing diagnostic medical sonography;**

29 **(7) A person performing radiologic imaging or radiation therapy procedures on**
30 **nonhuman subjects or cadavers.**

334.1007. 1. The board, based on recommendations, guidance, and advice from the
2 **advisory commission, shall establish scope of practice standards for a limited x-ray**

3 machine operator, magnetic resonance technologist, radiation therapist, radiographer, and
4 radiologist assistant. The board may review and adopt by rule a scope of practice from a
5 certification organization or a professional society or association.

6 2. A person holding a certificate under sections 334.1000 to 334.1050 may use
7 radioactive substances or equipment emitting ionizing radiation or magnetic resonance and
8 perform radiologic imaging and radiation therapy procedures on humans for diagnostic
9 or therapeutic purposes only:

10 (1) With a valid prescription of a person authorized by the state to prescribe
11 radiologic imaging or radiation therapy procedures;

12 (2) Under the supervision of a licensed practitioner or individual holding an
13 unlimited certificate under sections 334.1000 to 334.1050; and

14 (3) Within the scope of the certificate as specified in section 334.1000 to 334.1050
15 and under the rules adopted by the board.

16
17 A person certified under sections 334.1000 to 334.1050 may only perform radiologic
18 imaging or radiation therapy procedures in a modality for which they are certified.

19 3. On and after January 1, 2020, a person certified under sections 334.1000 to
20 334.1050 who performs computed tomography shall be certified in computed tomography
21 by the American Registry of Radiologic Technologists, Nuclear Medicine Technologist
22 Certification Board, or other certification organization recognized by the board.

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

25 5. A person certified to perform nuclear medicine technology may perform
26 computed tomography or magnetic resonance imaging for attenuation correction on hybrid
27 imaging equipment.

28 6. A person certified to perform radiography may perform fluoroscopy.

29 7. A person certified as a limited x-ray machine operator shall perform tasks or
30 procedures only within the scope of the specific permit issued to them by the board for a
31 particular area of the human anatomy as provided under section 334.1015 and shall not
32 perform procedures involving the administration or utilization of contrast media, or
33 perform computed tomography, fluoroscopy, magnetic resonance imaging, mammography,
34 mobile imaging, nuclear medicine, or radiation therapy.

35 8. A nuclear medicine advanced associate or radiologist assistant shall not interpret
36 images, render diagnoses, or prescribe medications or therapies.

334.1009. 1. The Missouri Radiologic Imaging and Radiation Therapy Advisory
2 Commission is hereby created within the board. The advisory commission shall guide,

3 advise, and make recommendations to the board. The advisory commission shall be
4 responsible for the ongoing review of the scope of practice and promoting the continuing
5 role of a person certified under sections 334.1000 to 334.1050 in the delivery of health care
6 services. The advisory commission shall assist the board in carrying out the provisions of
7 sections 334.1000 to 334.1050.

8 2. The advisory commission shall be appointed no later than October 1, 2017, and
9 shall consist of seven members appointed by the governor with the advice and consent of
10 the senate. Each member shall be a citizen of the United States and a resident of this state.

11 The members shall include:

12 (1) One certified limited x-ray machine operator;

13 (2) One certified magnetic resonance technologist;

14 (3) One certified nuclear medicine technologist or nuclear medicine advanced
15 associate;

16 (4) One licensed practitioner who is a radiologist and supervises radiologic imaging
17 or radiation therapy professionals;

18 (5) One licensed practitioner who is not a radiologist and supervises radiologic
19 imaging or radiation therapy professionals;

20 (6) One certified radiation therapist; and

21 (7) One certified radiographer or radiologist assistant.

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

26 4. The first commission shall consist of one member whose term shall be for one
27 year; three members whose terms shall be for two years; and three members whose terms
28 shall be for three years. Subsequent appointments to the advisory commission shall be for
29 three years.

30 5. At least ninety days prior to expiration of a commission member's term or if a
31 vacancy on the commission occurs due to resignation or other cause, the director of the
32 division of professional registration shall request recommendations on a form provided by
33 the board from persons certified under sections 334.1000 to 334.1050 and applicable state
34 and national radiologic imaging and radiation therapy professional societies or
35 associations.

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

38 7. The advisory commission shall review and, if applicable, transmit the names and
39 information to the governor for consideration and appointment.

40 8. Notwithstanding any other provision of law, any appointed member of the
41 advisory commission shall receive as compensation an amount established by the director
42 of the division of professional registration not to exceed seventy dollars per day for
43 advisory commission business plus actual and necessary expenses. The director of the
44 division of professional registration shall establish by rule guidelines for payment. All staff
45 for the commission shall be provided by the board.

46 9. The advisory commission shall hold an annual meeting at which it shall elect
47 from its membership a chairperson and secretary. The advisory commission may hold
48 such additional meetings as may be required in the performance of its duties; provided
49 that, notice of every meeting shall be given to each member at least ten days prior to the
50 date of the meeting. A quorum of the board shall consist of a majority of its members.

51 10. Advisory commission meetings shall be open to the public, except when
52 necessary to consider disciplinary or other confidential matters. Notice of each meeting
53 shall be provided to the public at least ten days prior to the date of the meeting.

334.1010. 1. The board shall have the following powers and duties:

- 2 (1) Administer sections 334.1000 to 334.1050;
- 3 (2) Issue interpretations of sections 334.1000 to 334.1050;
- 4 (3) Establish the scope of practice, unless specified under sections 334.1000 to
5 334.1050, for each certificate or permit type issued by the board. The board may review
6 and adopt by rule the scope of practice established by a radiologic imaging or radiation
7 therapy certification organization or professional association that shall apply to a person
8 who is certified under sections 334.1000 to 334.1050;
- 9 (4) Promulgate rules consistent with the laws of this state that are necessary to
10 carry out sections 334.1000 to 334.1050;
- 11 (5) Authorize, by written agreement, the division of professional registration to act
12 as its agent in its interest;
- 13 (6) Set by rule fees and requirements for the issuance of a new certificate and
14 renewal of a certificate;
- 15 (7) Devise or contract to use an examination for certificate to determine an
16 applicant's fitness to perform radiologic imaging or radiation therapy or issue a certificate
17 based on the review and acceptance of a certification and registration by a certification
18 organization recognized by the board. If applicable, applicants for certification shall be
19 examined at a time and place and under such supervision as the board may require;

- 20 **(8) Require the self-reporting by an applicant or a person certified under sections**
21 **334.1000 to 334.1050 of any information the board determines may indicate possible**
22 **deficiencies in practice, performance, fitness, or qualifications;**
- 23 **(9) Conduct investigations for the purpose of determining whether violations of**
24 **sections 334.1000 to 334.1050, the rules adopted by the board, or other grounds for**
25 **discipline exist;**
- 26 **(10) Appoint a hearing officer, issue a subpoena, examine a witness, and administer**
27 **an oath concerning practices that are alleged to violate sections 334.1000 to 334.1050 or the**
28 **rules adopted by the board;**
- 29 **(11) Impose sanctions, deny certification, or seek appropriate criminal penalties**
30 **against anyone who:**
- 31 **(a) Violates or attempts to violate sections 334.1000 to 334.1050 or the rules adopted**
32 **by the board;**
- 33 **(b) Obtains or attempts to obtain certification by fraud or deception; or**
34 **(c) Knowingly assists in such activity;**
- 35 **(12) Establish a mechanism for dealing with a person certified under sections**
36 **334.1000 to 334.1050 who abuses or is dependent upon or addicted to alcohol or other**
37 **addictive chemical substances, and enter into an agreement with a professional**
38 **organization possessing relevant procedures and techniques the board has evaluated and**
39 **approved for the organization's cooperation or participation. The board may require a**
40 **person certified under sections 334.1000 to 334.1050 to pay for treatment ordered by the**
41 **board;**
- 42 **(13) Issue a cease and desist order or obtain a court order or injunction to halt the**
43 **uncertified practice, a violation of sections 334.1000 to 334.1050, or a violation of the rules**
44 **adopted by the board;**
- 45 **(14) Issue a conditional, restricted, or otherwise limited certificate as the board**
46 **determines necessary;**
- 47 **(15) Recover costs and fees incurred in the investigation of an applicant, person**
48 **certified under sections 334.1000 to 334.1050, or other person alleged to have violated**
49 **sections 334.1000 to 334.1050 or the rules adopted by the board;**
- 50 **(16) Maintain a record of all proceedings and make available to persons certified**
51 **under sections 334.1000 to 334.1050 and the public an annual report of all board action;**
- 52 **(17) Develop standards and adopt rules for the administration of radiologic**
53 **imaging or radiation therapy procedures in this state;**
- 54 **(18) Set requirements for continuing education as a requirement for certificate**
55 **renewal. The board may review and adopt by rule the continuing education or continuing**

56 competency requirements established by a radiologic imaging or radiation therapy
57 certification organization recognized by the board for certificate renewal;

58 (19) Establish criteria and standards for educational programs offered in this state
59 in radiologic imaging or radiation therapy. The board may review and adopt by rule the
60 accreditation criteria and standards established by an appropriate educational
61 accreditation agency; and

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

334.1012. 1. The mission of the advisory commission is to protect the citizens of the
2 state through the certification of radiologic imaging or radiation therapy professionals,
3 including assessment of their competence to practice and their moral character.

4 2. It is also the advisory commission's duty to assist the board in investigating all
5 complaints in a fair and equitable manner against a person certified under sections
6 334.1000 to 334.1050 or a person who is alleged to have violated sections 334.1000 to
7 334.1050 or the rules adopted by the board.

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

334.1015. 1. To be eligible for certification by the board as a limited x-ray machine
2 operator by examination, each applicant shall submit the application fee and shall furnish
3 evidence of such person's good moral and ethical character and current competence and
4 shall:

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

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

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

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

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

14 (d) Skull or sinus radiology permit: radiography of the skull and facial structures;

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

16 and

17 (f) Bone densitometry permit. A person who is certified by the International Society
18 for Clinical Densitometry or the American Registry of Radiologic Technologists in bone
19 densitometry shall be granted a permit to perform bone densitometry testing.

20 **2. Any person seeking to obtain a certificate for a radiologic imaging or radiation**
21 **therapy modality or a nuclear medicine advanced associate or radiologist assistant shall**
22 **comply with the following requirements:**

23 **(1) Satisfactory completion of a course of study in magnetic resonance, nuclear**
24 **medicine, radiation therapy, or radiography, respectively, or its equivalent to be**
25 **determined by the board. The curriculum for each course of study shall be no less**
26 **stringent than the standards approved by the Joint Review Committee on Education in**
27 **Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine**
28 **Technology, Regional Accrediting Agencies, or any other appropriate educational**
29 **accreditation agency recognized by certification organizations.**

30 **A person who holds a current certification and registration in a radiologic imaging or**
31 **radiation therapy modality or specialization shall be deemed to have met the requirements**
32 **of this subdivision; and**

33 **(2) Pass an applicable examination administered by the American Registry of**
34 **Radiologic Technologists, Certification Board of Radiology Practitioner Assistants,**
35 **Nuclear Medicine Technologist Certification Board, or other certification organization**
36 **recognized by the board and hold current certification and registration by the certification**
37 **organization.**

38 **3. In addition to the requirements under subsection 2 of this section, a person**
39 **seeking to obtain a certificate as a nuclear medicine advanced associate or radiologist**
40 **assistant shall:**

41 **(1) Be registered and certified by a certification organization recognized by the**
42 **board as a nuclear medicine advanced associate or radiologist assistant; and**

43 **(2) Submit to the board clinical protocols to be used by the person that shall specify**
44 **procedures that may be performed, levels of radiologist supervision, and shall be signed**
45 **by the supervising radiologist. Updated protocols shall be submitted biannually consistent**
46 **with certificate renewal.**

47 **4. A person holding a certificate or permit issued under sections 334.1000 to**
48 **334.1050 shall notify the board in writing within fifteen days of any name or address**
49 **change.**

50 **5. Within fifteen days, a person holding a certificate under sections 334.1000 to**
51 **334.1050 shall submit written notification to the board if the person fails to maintain a**
52 **required certification and registration by a certification organization or is subject to any**
53 **legal or disciplinary action other than minor traffic infractions, or proceedings for acts or**
54 **conduct substantially the same as acts or conduct that would constitute grounds for refusal**

55 to issue, refusal to renew, suspension, revocation, or other discipline of an applicant or a
56 person holding certificate or permit under sections 334.1000 to 334.1050 by any:

- 57 (1) Jurisdiction, whether in the United States or foreign;
58 (2) Health care institution;
59 (3) Professional society or association;
60 (4) Certification organization;
61 (5) Government agency;
62 (6) Law enforcement agency; or
63 (7) Court.

334.1018. 1. To meet the requirement of examination under sections 334.1000 to
2 334.1050, the board shall accept current certification and registration by the American
3 Registry of Radiologic Technologists, Certification Board of Radiology Practitioner
4 Assistants, or Nuclear Medicine Technologist Certification Board. The board may accept
5 current certification and registration by other certification organizations; provided that,
6 the standards of that organization are substantially equivalent to those established by the
7 board.

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

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

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

334.1021. 1. The board may issue a certificate to each applicant who meets the
2 requirements for certification specified under sections 334.1000 to 334.1050 and rules
3 adopted by the board upon payment of a fee as provided under section 334.1033.

4 2. The board may issue a temporary certificate to any person whose certificate or
5 certificate renewal may be pending or if issuance is for the purpose of providing radiologic
6 imaging or radiation therapy services to medically underserved areas as determined by the
7 board. A temporary certificate shall be issued only if the board finds that it will not violate
8 the purpose of sections 334.1000 to 334.1050 or endanger the public health and safety. A
9 temporary certificate shall expire ninety days after the date of the next examination if the
10 applicant is required to take an examination. If the applicant does not take the

11 examination on the scheduled date, the temporary certificate shall expire. In all other
12 cases, a temporary certificate shall expire if the determination is made either to issue or
13 deny the applicant a regular certificate.

14 3. A graduate of a radiologic imaging or radiation therapy educational program
15 approved by the board who is awaiting results of a certification examination administered
16 by the board or a certification organization recognized by the board may be issued a
17 provisional certificate for employment purposes for a period not to exceed one year.

18 4. A person certified under sections 334.1000 to 334.1050 may apply to the board
19 for a temporary certificate in an additional radiologic imaging or radiation therapy
20 modality to complete clinical experience requirements for an applicable training pathway
21 established by a certification organization recognized by the board. Temporary certificates
22 issued for training purposes shall expire three years after issuance.

23 5. A person certified under sections 334.1000 to 334.1050 shall display the official
24 certificate document or a verified copy in each place of regular employment.

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

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

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

334.1027. 1. Unless otherwise provided, a certificate issued under sections 334.1000
2 to 334.1050 shall be renewed every two years. The board may adjust the expiration date
3 of a certificate by up to six months to allow coordination of expiration dates for certificates
4 and registration of certifications issued by certification organizations. The certificate shall
5 be renewed upon the payment of a renewal fee, as provided in section 334.1033, if, at the
6 time of application for renewal, the applicant is not in violation of sections 334.1000 to
7 334.1050 and has complied with the rules adopted by the board.

8 2. The board shall notify a person holding a certificate under sections 334.1000 to
9 334.1050 at least sixty days in advance of the expiration of the certificate.

10 **3. A person holding a certificate under sections 334.1000 to 334.1050 is responsible**
11 **for renewing a certificate before the expiration date. A certificate that is not renewed**
12 **before the expiration date shall automatically lapse.**

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

16 **5. If applicable, a person holding a certificate under sections 334.1000 to 334.1050**
17 **shall maintain current certification and registration by the applicable certification**
18 **organization throughout the certification period and shall not be required to duplicate the**
19 **continuing education hours submitted to the certification organization.**

20 **6. The board may require a person holding a certificate under sections 334.1000 to**
21 **334.1050 to submit evidence of current certification and registration by the applicable**
22 **certification organization, which shall be sufficient evidence of compliance with the**
23 **continuing education requirements established by the board.**

334.1030. The board may, upon application and payment of proper fees, issue a
2 **certificate to a person who resides in this state and has been certified, registered, or**
3 **certified to perform or administer radiologic imaging or radiation therapy procedures in**
4 **another jurisdiction if that jurisdiction's standards are substantially equivalent to those**
5 **provided under sections 334.1000 to 334.1050 and the rules adopted 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 under rules adopted under sections 334.1000**
3 **to 334.1050.**

4 **3. All fees payable under the provisions of sections 334.1000 to 334.1050 shall be**
5 **collected by the division of professional registration, which shall transmit them to the**
6 **department of revenue for deposit in the state treasury to the credit of the board of**
7 **registration for the healing arts fund.**

8 **4. Upon appropriation by the general assembly, moneys in the fund shall be used**
9 **to administer the provisions of sections 334.1000 to 334.1050.**

334.1036. 1. The board may deny, suspend, revoke, or refuse to renew a certificate
2 **or impose probationary conditions on a certificate if the person holding a certificate under**
3 **sections 334.1000 to 334.1050 or applicant for a certificate, renewal of certificate, or**
4 **reinstatement of certificate has engaged in any of the following conduct:**

5 **(1) Obtained a certificate by means of fraud, misrepresentation, or concealment of**
6 **material facts;**

7 **(2) Engaged in unprofessional conduct under rules adopted by the board;**

8 (3) Has been convicted of or pleaded guilty or nolo contendere to an offense
9 involving moral turpitude or any offense that indicates the person holding a certificate
10 under sections 334.1000 to 334.1050 or applicant is unfit or incompetent to administer
11 radiologic imaging or radiation therapy procedures or that the person holding a certificate
12 under sections 334.1000 to 334.1050 or applicant has deceived or defrauded the public;

13 (4) Engaged in any act or practice in violation of any of the provisions of sections
14 334.1000 to 334.1050 or any rule adopted by the board, or aiding, abetting, or assisting any
15 person in such a violation;

16 (5) Committed an act or acts of malpractice, gross negligence, or incompetence in
17 administering radiologic imaging or radiation therapy procedures;

18 (6) Practiced as a person certified to administer radiologic imaging or radiation
19 therapy procedures without a current certificate;

20 (7) Engaged in conduct that could result in harm or injury to the public;

21 (8) Had a certificate issued under sections 334.1000 to 334.1050 revoked or
22 suspended or other disciplinary action taken, whether in this state or another jurisdiction;
23 or

24 (9) Is deemed unfit or incompetent to administer radiologic imaging or radiation
25 therapy services by reason of deliberate or negligent acts or omissions, regardless of
26 whether actual injury to a patient is established.

27 2. The denial, refusal to renew, suspension, revocation, or imposition of
28 probationary conditions upon a certificate may be ordered by the board after a hearing
29 held in accordance with section 334.099 and rules adopted by the board. An application
30 may be made to the board for reinstatement of a revoked certificate if the revocation has
31 been in effect for at least two years after the date of the board's order revoking the
32 certificate.

 334.1039. A person who violates any provision of sections 334.1000 to 334.1050 shall
2 be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute a
3 distinct and separate offense.

 334.1042. The board may make application to any appropriate court for an order
2 enjoining violations of sections 334.1000 to 334.1050, and upon a showing by the board that
3 any person has violated or is about to violate sections 334.1000 to 334.1050, the court may
4 grant an injunction, restraining order, or take other appropriate action.

 334.1046. The board shall promulgate rules to implement the provisions of sections
2 334.1000 to 334.1050. Any rule or portion of a rule, as that term is defined in section
3 536.010, that is created under the authority delegated in this section shall become effective
4 only if it complies with and is subject to all of the provisions of chapter 536 and, if

5 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
6 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2017, shall be invalid and void.

334.1048. Notwithstanding the requirements of section 334.1009, the initial
2 appointees to the advisory commission filling the membership positions for a certified
3 radiographer or radiologist assistant, certified nuclear medicine technologist nuclear
4 medicine advanced associate, certified radiation therapist, certified magnetic resonance
5 technologist, or certified limited x-ray machine operator do not have to meet the licensure
6 requirements established under sections 334.1000 to 334.1050; provided that, these initial
7 appointees shall apply for and obtain a certificate from the board within ninety days after
8 the board begins issuing certificates.

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

6 (1) Register with the board on or before July 1, 2018;

7 (2) Do not change the scope of their current practice or current place of
8 employment;

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

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

12 (5) Meet all certification requirements of sections 334.1000 to 334.1050 and rules
13 adopted by the board and obtain a certificate from the board on or before January 1, 2020.

621.045. 1. The administrative hearing commission shall conduct hearings and make
2 findings of fact and conclusions of law in those cases when, under the law, a license **or**
3 **certificate** issued by any of the following agencies may be revoked or suspended or when the
4 licensee **or certificate holder** may be placed on probation or when an agency refuses to permit
5 an applicant to be examined upon his or her qualifications or refuses to issue or renew a license
6 **or certificate** of an applicant who has passed an examination for licensure **or certification** or
7 who possesses the qualifications for licensure **or certification** without examination:

8 Missouri State Board of Accountancy

9 Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors
10 and Landscape Architects

11 Board of Barber Examiners
12 Board of Cosmetology
13 Board of Chiropody and Podiatry
14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Insurance, Financial Institutions and Professional Registration
26 Department of Mental Health
27 Board of Private Investigator Examiners.

28 2. If in the future there are created by law any new or additional administrative agencies
29 which have the power to issue, revoke, suspend, or place on probation any license **or certificate**,
30 then those agencies are under the provisions of this law.

31 3. The administrative hearing commission is authorized to conduct hearings and make
32 findings of fact and conclusions of law in those cases brought by the Missouri state board for
33 architects, professional engineers, professional land surveyors and landscape architects against
34 unlicensed persons under section 327.076.

35 4. Notwithstanding any other provision of this section to the contrary, after August 28,
36 1995, in order to encourage settlement of disputes between any agency described in subsection
37 1 or 2 of this section and its licensees **or certificate holders**, any such agency shall:

38 (1) Provide the licensee **or certificate holder** with a written description of the specific
39 conduct for which discipline is sought and a citation to the law and rules allegedly violated,
40 together with copies of any documents which are the basis thereof and the agency's initial
41 settlement offer, or file a contested case against the licensee **or certificate holder**;

42 (2) If no contested case has been filed against the licensee **or certificate holder**, allow
43 the licensee **or certificate holder** at least sixty days, from the date of mailing, to consider the
44 agency's initial settlement offer and to contact the agency to discuss the terms of such settlement
45 offer;

46 (3) If no contested case has been filed against the licensee **or certificate holder**, advise
47 the licensee **or certificate holder** that the licensee **or certificate holder** may, either at the time
48 the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the
49 agreement to the administrative hearing commission for determination that the facts agreed to
50 by the parties to the settlement constitute grounds for denying or disciplining the license of the
51 licensee **or certificate of the certificate holder**; and

52 (4) In any contact under this subsection by the agency or its counsel with a licensee **or**
53 **certificate holder** who is not represented by counsel, advise the licensee **or certificate holder**
54 that the licensee **or certificate holder** has the right to consult an attorney at the licensee's **or**
55 **certificate holder's** own expense.

56 5. If the licensee **or certificate holder** desires review by the administrative hearing
57 commission under subdivision (3) of subsection 4 of this section at any time prior to the
58 settlement becoming final, the licensee **or certificate holder** may rescind and withdraw from the
59 settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and
60 not admissible for any purposes under the law against the licensee **or certificate holder**. Any
61 settlement submitted to the administrative hearing commission shall not be effective and final
62 unless and until findings of fact and conclusions of law are entered by the administrative hearing
63 commission that the facts agreed to by the parties to the settlement constitute grounds for
64 denying or disciplining the license of the licensee **or certificate of the certificate holder**.

65 6. When a holder of a license, **certificate**, registration, permit, or certificate of authority
66 issued by the division of professional registration or a board, commission, or committee of the
67 division of professional registration against whom an affirmative decision is sought has failed
68 to plead or otherwise respond in the contested case and adequate notice has been given under
69 sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case
70 under this chapter or chapter 536, a default decision shall be entered against the licensee **or**
71 **certificate holder** without further proceedings. The default decision shall grant such relief as
72 requested by the division of professional registration, board, committee, commission, or office
73 in the writing initiating the contested case as allowed by law. Upon motion stating facts
74 constituting a meritorious defense and for good cause shown, a default decision may be set aside.
75 The motion shall be made within a reasonable time, not to exceed thirty days after entry of the
76 default decision. "Good cause" includes a mistake or conduct that is not intentionally or
77 recklessly designed to impede the administrative process.

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