

SECOND REGULAR SESSION

HOUSE BILL NO. 2468

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

6387H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 334, RSMo, by adding thereto seven new sections relating to radiologic imaging and radiation therapy licensure, with penalty provisions.

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

Section A. Chapter 334, RSMo, is amended by adding thereto seven new sections, to be known as sections 334.1000, 334.1005, 334.1010, 334.1015, 334.1020, 334.1025, and 334.1030, to read as follows:

334.1000. As used in sections 334.1000 to 334.1030, the following terms mean:

(1) "Advisory committee", the Missouri radiologic imaging and radiation therapy advisory committee;

(2) "Board", the state board of registration for the healing arts;

(3) "Certification organization", a certification organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, American National Standards Institute, the International Organization for Standardization, or other accreditation organization recognized by the board;

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

(5) "Licensed practitioner", a person licensed to practice medicine, chiropractic medicine, podiatry, or dentistry in this state with education and specialist training in the

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.

17 **medical or dental use of radiation who is deemed competent to independently perform or**
18 **supervise radiologic imaging or radiation therapy procedures by their respective state**
19 **licensure board;**

20 **(6) "Limited x-ray machine operator", a person who is licensed to perform only x-**
21 **ray procedures not involving the administration or utilization of contrast media on selected**
22 **specific parts of human anatomy under the supervision of a licensed practitioner;**

23 **(7) "Nuclear medicine technologist", a person who is licensed to perform a variety**
24 **of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation**
25 **sources, ionizing radiation, adjunctive medicine and pharmaceuticals associated with**
26 **nuclear medicine procedures, and therapeutic procedures using unsealed radioactive**
27 **sources;**

28 **(8) "Radiation therapist", a person who is licensed to administer ionizing radiation**
29 **to human beings for therapeutic purposes;**

30 **(9) "Radiation therapy", the use of ionizing radiation for the purpose of treating**
31 **disease;**

32 **(10) "Radiographer", a person who is licensed to perform a comprehensive set of**
33 **diagnostic radiographic procedures using external ionizing radiation to produce**
34 **radiographic, fluoroscopic, or digital images;**

35 **(11) "Radiologic imaging", any procedure or article intended for use in the**
36 **diagnosis or visualization of disease or other medical conditions in human beings including,**
37 **but not limited to, computed tomography, fluoroscopy, nuclear medicine, radiography, and**
38 **other procedures using ionizing radiation;**

39 **(12) "Radiologist", a physician licensed in this state and certified by or board-**
40 **eligible to be certified by the American Board of Radiology, the American Osteopathic**
41 **Board of Radiology, the British Royal College of Radiology, or the Canadian College of**
42 **Physicians and Surgeons in that medical specialty;**

43 **(13) "Radiologist assistant", a person who is licensed to perform a variety of**
44 **activities under the supervision of a radiologist in the areas of patient care, patient**
45 **management, radiologic imaging, or interventional procedures guided by radiologic**
46 **imaging, and who does not interpret images, render diagnoses, or prescribe medications**
47 **or therapies.**

334.1005. 1. Except as provided in this section, after January 1, 2019, only a person
2 **licensed under the provisions of sections 334.1000 to 334.1030 or a licensed practitioner**
3 **may perform radiologic imaging or radiation therapy procedures on humans for diagnostic**
4 **or therapeutic purposes.**

5 **2. The board shall issue licenses to persons certified by a certification organization**
6 **to perform nuclear medicine technology, radiation therapy, radiography, and radiologist**
7 **assistant procedures and to limited x-ray machine operators meeting licensure standards**
8 **established by the board.**

9 **3. No person, corporation, or facility shall knowingly employ a person who does not**
10 **hold a license or who is not exempt from the provisions of sections 334.1000 to 334.1030 to**
11 **perform radiologic imaging or radiation therapy procedures.**

12 **4. Nothing in this section relating to radiologic imaging or radiation therapy shall**
13 **limit or expand the scope of practice of a licensed practitioner.**

14 **5. The provisions of section 334.1000 to 334.1030 shall not apply to the following:**

15 **(1) A dental hygienist or dental assistant licensed by this state;**

16 **(2) A resident physician or a student enrolled in and attending a school or college**
17 **of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who**
18 **performs radiologic imaging or radiation therapy procedures on humans while under the**
19 **supervision of a licensed practitioner or a person holding a nuclear medicine technologist,**
20 **radiation therapist, radiographer, or radiologist assistant license;**

21 **(3) A person who is employed by the United States government when performing**
22 **radiologic imaging or radiation therapy associated with that employment; or**

23 **(4) A person performing radiologic imaging procedures on nonhuman subjects or**
24 **cadavers.**

334.1010. 1. There is hereby created the "Missouri Radiologic Imaging and
2 **Radiation Therapy Advisory Committee". The board shall provide administrative support**
3 **to the advisory committee. The advisory committee shall guide, advise, and make**
4 **recommendations to the board, and shall consist of five members appointed by the director**
5 **of the division of professional registration, a majority of whom shall be individuals licensed**
6 **under sections 334.1000 to 334.1030.**

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

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

11 **(2) Promulgate rules for issuance of licenses;**

12 **(3) Establish minimum requirements for the issuance of licenses and recognition**
13 **of licenses issued by other states;**

14 **(4) Determine fees and requirements for the issuance of new licenses and renewal**
15 **of licenses;**

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

18 **(6) Promulgate rules for acceptance of certification and registration by a**
19 **certification organization recognized by the board as qualification for licensure;**

20 **(7) Promulgate rules for issuance of licenses to retired military personnel and**
21 **spouses of active-duty military personnel; and**

22 **(8) Promulgate rules for the denial, suspension, revocation, or refusal to renew a**
23 **license.**

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

28 **4. All fees payable under this section shall be collected by the division of**
29 **professional registration, which shall transmit them to the department of revenue for**
30 **deposit in the state treasury to the credit of a board fund to be known as the radiologic**
31 **imaging and radiation therapy fund.**

32 **5. There is hereby created in the state treasury the "Radiologic Imaging and**
33 **Radiation Therapy Fund", which shall consist of moneys collected under this section. The**
34 **state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
35 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
36 **and moneys in the fund shall be used solely by the division of professional registration for**
37 **the purposes of administering sections 334.1000 to 334.1030. Notwithstanding the**
38 **provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end**
39 **of the biennium shall not revert to the credit of the general revenue fund. The state**
40 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
41 **Any interest and moneys earned on such investments shall be credited to the fund.**

334.1015. 1. To be eligible for licensure by the board, at the time of application an
2 **applicant shall be at least eighteen years of age.**

3 **2. The board shall accept nuclear medicine technology, radiation therapy,**
4 **radiography, or radiologist assistant certification and registration by a certification**
5 **organization recognized by the board as qualification for licensure.**

6 **3. The board may issue limited x-ray machine operator licenses in the areas of:**

7 **(1) Chest radiography: radiography of the thorax, heart, and lungs;**

8 **(2) Extremity radiography: radiography of the upper and lower extremities,**
9 **including the pectoral girdle;**

10 **(3) Spine radiography: radiography of the vertebral column;**

- 11 **(4) Skull/sinus radiography: radiography of the skull and facial structures; or**
12 **(5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the**
13 **knee.**

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

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

334.1020. 1. A person who violates any provision of sections 334.1000 to 334.1030
2 **shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall**
3 **constitute a distinct and separate offense.**

4 **2. The board may assess a civil penalty not in excess of two hundred dollars for**
5 **each violation of sections 334.1000 to 334.1030 or any rules adopted by the board.**

334.1025. A person who has engaged in the practice of radiologic imaging and
2 **radiation therapy, other than a radiologist assistant, and who does not hold a current**
3 **certification and registration by a certification organization recognized by the board may**
4 **continue to practice in the radiologic imaging or radiation therapy modality in which they**
5 **are currently employed, provided that such person:**

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

7 **(2) Does not change the scope of his or her current practice or current place of**
8 **employment;**

9 **(3) Completes all continuing education requirements for their modality biennially**
10 **as prescribed by the board;**

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

12 **(5) Meets all licensure requirements of sections 334.1000 to 334.1030 and the rules**
13 **adopted by the board and obtains a license from the board on or before October 1, 2023.**

334.1030. The board may promulgate rules to implement the provisions of sections
2 **334.1000 to 334.1030. 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, 2018, shall be invalid and void.**

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