

SECOND REGULAR SESSION

HOUSE BILL NO. 1090

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor), PAGE, WHORTON, WILDBERGER,
MOORE AND THRELKELD (Co-sponsors).

Pre-filed December 8, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3698L.02I

AN ACT

To amend chapter 334, RSMo, by adding thereto ten new sections relating to regulation of professional licenses, with a penalty provision.

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

Section A. Chapter 334, RSMo, is amended by adding thereto ten new sections, to be
2 known as sections 334.1000, 334.1003, 334.1006, 334.1009, 334.1012, 334.1015, 334.1018,
3 334.1021, 334.1024, and 334.1050, to read as follows:

2 **334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited as the**
3 **"Medical Imaging and Radiation Therapy Quality Assurance Act of 2006".**

2 **334.1003. As used in sections 334.1000 to 334.1024, the following terms mean:**

2 (1) **"Board", the medical imaging and radiation therapy board of examiners**
3 **created in section 334.1012;**

4 (2) **"Chiropractic radiologist", a physician certified by the American Chiropractic**
5 **Board of Radiology;**

6 (3) **"Dental radiographer", a person, other than a licensed practitioner, dental**
7 **assistant working under direct supervision of a licensed practitioner required under**
8 **chapter 332, RSMo, or person who administers medical imaging or radiation therapy**
9 **procedures on humans, whose duties are restricted to radiography of the maxilla and**
10 **mandible for diagnostic purposes;**

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.

- 11 (4) **"Director"**, the director of the division of professional registration within the
12 department of economic development;
- 13 (5) **"License"**, a certificate issued by the board authorizing the licensee to use
14 radioactive materials, medical imaging, or radiation therapy equipment on humans for
15 diagnostic or therapeutic purposes in accordance with sections 334.1000 to 334.1024;
- 16 (6) **"Licensed practitioner"**, a person licensed to practice medicine, dentistry,
17 podiatry, chiropractic, osteopathy, veterinary medicine, or as a registered nurse or dental
18 hygienist in this state;
- 19 (7) **"Limited permit"**, a certificate issued by the board authorizing a person to
20 conduct diagnostic radiology examinations that is limited to the performance of specific
21 medical imaging procedures on specific parts of the human body, such as chest, spine, or
22 extremity radiography;
- 23 (8) **"Medical imaging"**, any procedures or article intended for use in the diagnosis
24 of disease or other medical or dental conditions, including but not limited to diagnostic X-
25 rays and nuclear medicine;
- 26 (9) **"Nuclear medicine technologist"**, a person, other than a licensed practitioner,
27 who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes;
- 28 (10) **"Persons who administer medical imaging or radiation therapy procedures"**,
29 any person, other than a licensed practitioner, who intentionally administers medical
30 imaging or radiation therapy procedures to other persons for medical purposes, and
31 including, but not limited to, radiographers, radiation therapists, and nuclear medicine
32 technologists, licensed under sections 334.1000 to 334.1024;
- 33 (11) **"Public member"**, a person who is a resident of this state but who is not a
34 licensed practitioner, person who administers medical imaging and radiation therapy
35 procedures, or dental radiographer under sections 334.1000 to 334.1024;
- 36 (12) **"Radiation therapist"**, a person, other than a licensed practitioner, who
37 applies radiation to humans for therapeutic purposes;
- 38 (13) **"Radiation therapy"**, any radiation procedure or article intended for the cure,
39 mitigation, or prevention of disease in humans;
- 40 (14) **"Radiologic physicist"**, a person who is certified by the American Board of
41 Radiology in radiological physics or one of the subspecialties of radiological physics, or is
42 eligible for such certification;
- 43 (15) **"Radiographer"**, a person, other than a licensed practitioner, who applies
44 radiation to humans for diagnostic purposes;
- 45 (16) **"Radiologist"**, a physician certified by the American Board of Radiology or
46 the American Osteopathic Board of Radiology, the American Chiropractic Board of

47 Radiology, the British Royal College of Radiology, or the Canadian College of Physicians
48 and Surgeons;

49 (17) "Temporary license", a certificate issued by the board authorizing an
50 applicant to perform medical imaging and radiation therapy procedures when his or her
51 licensure or relicensure is pending before the board and when issuance may be justified
52 by special circumstances as determined by the board.

334.1006. 1. No person, other than a licensed practitioner, person who administers
2 medical imaging and radiation therapy procedures, or dental radiographer shall perform
3 medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic
4 purposes.

5 2. The board shall establish licensure standards consistent with national
6 accreditation standards for the radiographer (R), radiation therapist (T), nuclear medicine
7 technologist (N), dental radiographer (D), limited permit holder, and temporary license
8 holder. Persons holding such licenses shall be recognized by this nomenclature.

9 3. A person holding a license under sections 334.1000 to 334.1024 shall use
10 radioactive substances or equipment for medical imaging and radiation therapy
11 procedures on humans only for diagnostic or therapeutic purposes at the direction of a
12 licensed practitioner, and only if the application of a substance or the use of equipment is
13 limited in a manner specified in sections 334.1000 to 334.1024.

14 4. Nothing in sections 334.1000 to 334.1024 relating to medical imaging, radiation
15 therapy, or dental radiography shall limit, enlarge, or affect the practice of licensed
16 practitioners as defined in section 334.1003.

17 5. The requirement of a license shall not apply to a resident physician or a student
18 enrolled in and attending a school or college of medicine, osteopathy, chiropractic,
19 podiatry, dentistry, dental hygiene, medical imaging, or radiation therapy who performs
20 medical imaging or radiation therapy procedures on humans while under the supervision
21 of a licensed practitioner or direct supervision of a radiographer, radiation therapist, or
22 nuclear medicine technologist holding a license under sections 334.1000 to 334.1024.

23 6. The provisions of sections 334.1000 to 334.1024 shall not apply to persons
24 performing sonography services or bone density studies.

334.1009. 1. There is hereby established the "Medical Imaging and Radiation
2 Therapy Board of Examiners" which shall consist of twelve members appointed by the
3 governor with the advice and consent of the senate. All members of the board shall be
4 residents of this state. Of the twelve board members, five shall be persons who administer
5 medical imaging and radiation therapy procedures, three shall be radiologists, one of

6 whom shall be a chiropractic radiologist, two shall be other licensed practitioners, one shall
7 be a radiologic physicist, and one shall be a public member.

8 **2. The term of office for each member of the board shall be three years; except that,**
9 **of the members first appointed four shall be appointed to a term of one year, four shall be**
10 **appointed to a term of two years, and four shall be appointed to a term of three years.**
11 **Vacancies shall be filled for an unexpired term only in the manner provided by original**
12 **appointment.**

13 **3. Persons who administer medical imaging or radiation therapy procedures**
14 **appointed to the board for terms beginning thirty-six months following issuance of a**
15 **license in any category by the board shall hold a valid license in any category issued by the**
16 **board.**

17 **4. Members of the board shall not receive compensation for their service on the**
18 **board, but may be reimbursed for reasonable and necessary expenses incurred in the**
19 **performance of their official duties as members of the board.**

20 **5. The director of the division of professional registration shall designate an officer**
21 **or employee of the state to act as a secretary of the board who shall not be a member of the**
22 **board. The director shall furnish staff, logistics, budget, and other support to the board**
23 **as appropriate.**

24 **6. No public member shall have any association or relationship with a licensed**
25 **practitioner, person who administers medical imaging or radiation therapy procedures,**
26 **or dental radiographer that would prevent or in any way hinder the public member in**
27 **representing the interest of the public.**

28 **7. For administrative purposes, the board shall meet at least once every three**
29 **months at times and places of its choosing. The first meeting of the board shall be for**
30 **organization only, in which the board will set forth its responsibilities and rules.**

31 **8. A majority of the voting members shall constitute a quorum. No action shall be**
32 **taken by the board except by an affirmative vote of the majority of those members present**
33 **and voting.**

34 **9. The board shall be responsible for setting and implementing policies for licensing**
35 **individuals, accrediting programs, imposing discipline, and hearing appeals.**

334.1012. 1. The board shall admit to examination for licensure any applicant who
2 **pays a nonrefundable fee established by rule of the board and submits satisfactory**
3 **evidence, verified by oath or affirmation, that the applicant:**

4 **(1) At the time of application, the applicant is at least eighteen years of age; and**

5 **(2) Has successfully completed a four-year course of study in a secondary school**
6 **approved by the state board of education, or passed an approved equivalency test.**

7 **2. In addition to the requirements in subsection 1 of this section, any person seeking**
8 **to obtain a license in a specific area of medical imaging and radiation therapy shall comply**
9 **with the following requirements:**

10 **(1) Each applicant for a license as a radiographer, radiation therapist, nuclear**
11 **medicine technologist, or dental radiographer shall have satisfactorily completed a course**
12 **of study in radiography, radiation therapy, nuclear medicine, or dental radiography,**
13 **respectively, or an equivalent to be determined by the board;**

14 **(2) The curriculum for each course of study shall be based on the standards**
15 **approved by the Joint Review Committee on Education in Radiologic Technology, the**
16 **Joint Review Committee on Nuclear Medicine Technology, or other appropriate**
17 **accreditation agencies approved by the board.**

18 **3. The board shall establish criteria and standards within the state for educational**
19 **programs in medical imaging and radiation therapy consistent with national accreditation**
20 **standards, and approve such programs upon finding that the criteria and standards have**
21 **been met.**

22 **4. In addition to the requirements in subsection 1 of this section, any person seeking**
23 **a license in dental radiography shall comply with the following requirements:**

24 **(1) Each applicant for a license as a dental radiographer shall have satisfactorily**
25 **completed a course of study for dental radiography, or its equivalent, as determined by the**
26 **board; and**

27 **(2) The curriculum for the course of study may follow, and shall be no less stringent**
28 **than the standards approved by the Section on Oral Radiology of the American**
29 **Association of Dental Schools, provided such standards are not in conflict with board**
30 **policy.**

31 **5. In addition to the requirements of subsection 1 of this section, the scope of each**
32 **limited permit is restricted as follows:**

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

34 **(2) Skeletal radiography permit: radiography of the upper and lower extremities,**
35 **or the vertebral column.**

36 **6. The board shall waive the examination and education requirements for licensure**
37 **of a person who has been employed on a full-time basis for a minimum of three of the**
38 **immediately preceding five years as a radiographer, radiation therapist, nuclear medicine**
39 **technologist, or dental radiographer. Such person shall have a minimum of two years to**
40 **meet the continuing education requirements set by the board for renewal of licensure.**

41 **7. The board shall be authorized to study the impact of waiving the licensure**
42 **requirements for persons who use equipment powered by no more than one hundred ten**

43 volt electricity and, if after analysis the board determines the benefit to outweigh the risk
44 to the public, the board may issue a rule waiving such licensure requirement.

45 **8. (1) There is hereby created in the state treasury the "Medical Imaging and**
46 **Radiation Therapy Licensure Fund", which shall consist of money collected pursuant to**
47 **sections 334.1000 to 334.1024. The state treasurer shall be custodian of the fund and shall**
48 **disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo.**
49 **Upon appropriation, money in the fund shall be used solely for the administration of**
50 **sections 334.1000 to 334.1024.**

51 **(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
52 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
53 **the general revenue fund.**

54 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
55 **funds are invested. Any interest and moneys earned on such investments shall be credited**
56 **to the fund.**

334.1015. 1. An approved program of medical imaging and radiation therapy may
2 **be offered by a medical, chiropractic, or dental facility, educational institution,**
3 **chiropractic college, or other public or private agency or institution. The program shall**
4 **be affiliated with one or more hospitals or dental schools or chiropractic colleges that, in**
5 **the opinion of the board and the appropriate accrediting agency, shall provide the requisite**
6 **clinical education.**

7 **2. The board shall by rule:**

8 **(1) Adopt procedures for an educational program to follow in making application**
9 **for accreditation;**

10 **(2) Provide a process for review of such accreditation by an existing accreditation**
11 **agency and approval by a recognized national voluntary accrediting organization.**

334.1018. 1. Each applicant for licensure shall be required to pass a license
2 **examination designed and approved by the board.**

3 **2. The board shall hold an examination at least every six months at times and places**
4 **as the board may determine.**

5 **3. An applicant who fails to pass the examination may reapply for the examination**
6 **provided the applicant complies with the rules established by the board.**

7 **4. The board shall accept in lieu of its own examination:**

8 **(1) A current certificate by the American Registry of Radiologic Technologists or**
9 **Nuclear Medicine Technologist Certification Board;**

10 (2) A current certificate issued on the basis of a satisfactory completion of the
11 certification examination given by the Dental Assisting National Board, Inc., or the
12 National Board of Dental Examiners;

13 (3) A limited scope radiography examination administered by the American
14 Registry of Radiologic Technologists or the American Chiropractic Radiology Registry of
15 Technologists for persons applying for a limited permit in chest, extremity, or spine
16 radiography.

17 **5. The board may accept in lieu of its own examination:**

18 (1) A current certificate from a recognized national voluntary credentialing body
19 not described in subsection 4 of this section that is issued on the basis of an examination
20 satisfactory to the board; provided that the standards of such credentialing body are at
21 least as stringent as those established by the board;

22 (2) A current certificate, registration, or license as a person who administers
23 medical imaging and radiation therapy procedures issued by another state; provided that
24 the standards in the other state are at least as stringent as those established by the board;

25 (3) A current certificate from a recognized national voluntary credentialing body
26 not described in subsection 4 of this section for persons applying for a limited permit in
27 chest, extremity, or spine radiography; provided that the standards of such credentialing
28 body are at least as stringent as those established by the board.

334.1021. 1. The board may issue a license to each applicant who has either
2 **successfully passed the examination or qualified under subsection 4 or 5 of section 334.1018**
3 **and has paid the prescribed fees.**

4 **2. The board may at its discretion issue a temporary license to any person whose**
5 **licensure or relicensure may be pending and when issuance may be justified by special**
6 **circumstances. A temporary license shall be issued only if the board finds that it will not**
7 **violate the purpose of sections 334.1000 to 334.1024 or endanger the public health and**
8 **safety. A temporary license shall expire ninety days after the date of the next examination**
9 **if the applicant is required to take the examination, or if the applicant does not take the**
10 **examination, then on the date of the examination. In all cases, a temporary license shall**
11 **expire when the determination is made either to issue or deny the applicant a regular**
12 **license and in no event shall a temporary license be issued for a period longer than one**
13 **hundred eighty days.**

14 **3. Holders of a license under sections 334.1000 to 334.1024 shall display the official**
15 **license document or a verified copy in each place of regular employment.**

16 **4. The board shall renew a license for a period of two years upon payment of the**
17 **renewal fee set by the board. Continuing education requirements may also be set by rule**
18 **of the board.**

19 **5. A licensee holding a license or permit under sections 334.1000 to 334.1024 whose**
20 **license has lapsed and who has ceased activities as such for more than five years may apply**
21 **for relicensure upon payment of a fee set by the board. Continuing education**
22 **requirements may also be set by the board.**

23 **6. A licensee holding a license or permit under sections 334.1000 to 334.1024 shall**
24 **notify the board in writing within thirty days of any name or address change.**

334.1024. 1. The license of a licensee or permittee holding a license or permit under
2 **sections 334.1000 to 334.1024 may be suspended or revoked, or the individual may be**
3 **censured, reprimanded, or otherwise sanctioned by the board in accordance with the**
4 **provisions and procedures of sections 334.1000 to 334.1024 if, after due process, it is found**
5 **that the individual:**

6 **(1) Is guilty of fraud or deceit in the procurement or holding of the license or**
7 **permit;**

8 **(2) Has been convicted of a felony in a court of competent jurisdiction, either within**
9 **or outside of this state, unless the conviction has been reversed and the holder of the license**
10 **or permit is discharged or acquitted, or if the holder has been pardoned with full**
11 **restoration of civil rights in which case the license or permit shall be restored;**

12 **(3) Is or has been afflicted with any medical problem, disability, or addiction which**
13 **in the opinion of the board would impair professional competence;**

14 **(4) Has aided and abetted a person who is not a licensee or permittee holding a**
15 **license under sections 334.1000 to 334.1024 or otherwise authorized by subsection 3 of**
16 **section 334.1009 to perform the duties of a license or permit holder;**

17 **(5) Has undertaken or engaged in any practice beyond the scope of duties permitted**
18 **a license or permit holder under sections 334.1000 to 334.1024;**

19 **(6) Has impersonated a licensee or permittee or former licensee or former**
20 **permittee, or is performing duties of a dental radiographer, or a person who administers**
21 **medical imaging or radiation therapy procedures under an assumed name;**

22 **(7) Has been found guilty of violations of a code of ethics that the board may**
23 **establish by rule;**

24 **(8) Has performed medical imaging or radiation therapy procedures without**
25 **supervision of a licensed practitioner, or radiographer, radiation therapist, nuclear**
26 **medicine technologist holding a license under sections 334.1000 to 334.1024;**

27 **(9) Has interpreted a diagnostic image for a physician, a patient, the patient's**
28 **family, or the public;**

29 **(10) Is or has been found guilty of incompetence or negligence in his or her**
30 **performance as a license or permit holder.**

31 **Any person aggrieved by an official action of the board affecting the licensed status of a**
32 **person under the provisions of sections 334.1000 to 334.1024, including the refusal to grant,**
33 **the granting, the revocation, the suspension, or the failure to renew a license, may seek a**
34 **determination thereon by the administrative hearing commission pursuant to the**
35 **provisions of section 621.045, RSMo, and it shall not be a condition to such determination**
36 **that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other**
37 **procedure with the board.**

38 **2. Proceedings against the holder of a license or permit under sections 334.1000 to**
39 **334.1024 shall be commenced by filing a written charge or charges with the board. A**
40 **person, corporation, association, public officer, or the board may bring the charge or**
41 **charges. The board may refuse to issue or renew any license or permit required under**
42 **sections 334.1000 to 334.1024 for one or any combination of causes stated in subsection 1**
43 **of this section. The board shall notify the licensee or permittee in writing of the reasons**
44 **for the refusal and shall advise the licensee or permittee of his or her right to file a**
45 **complaint with the administrative hearing commission as provided by chapter 621, RSMo.**

46 **3. When the license or permit of any person has been revoked, reapplication to the**
47 **board may be made no sooner than two years after the date of the board's order revoking**
48 **the license or permit.**

49 **4. No person shall knowingly employ as a radiographer, radiation therapist,**
50 **nuclear medicine technologist, dental radiographer, or any person to perform medical**
51 **imaging or radiation therapy procedures who does not hold a license under sections**
52 **334.1000 to 334.1024.**

53 **5. Any person who violates the provisions of sections 334.1000 to 334.1024, or any**
54 **rule or order made under sections 334.1000 to 334.1024, is guilty of a class A misdemeanor**
55 **and shall be subject to the sanctions of subsection 2 of this section, or other appropriate**
56 **punishment.**

57 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
58 **that is created under the authority delegated in sections 334.1000 to 334.1024 shall become**
59 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
60 **RSMo, and, if applicable, section 536.028, RSMo. Sections 334.1000 to 334.1024 and**
61 **chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
62 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**

63 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
64 **rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be**
65 **invalid and void.**

66 **7. Any person licensed to practice veterinary medicine under chapter 340, RSMo,**
67 **is exempt from the provisions of sections 334.1000 to 334.1024, except for section 334.1018,**
68 **when acting within such person's scope of practice.**

334.1050. 1. Beginning August 28, 2009, any sonographer or vascular technologist
2 **who, as a Medicaid provider, provides the technical component of a diagnostic ultrasound**
3 **service shall be credentialed in the appropriate modality by the American Registry for**
4 **Diagnostic Medical Sonography (ARDMS) or by Cardiovascular Credentialing**
5 **International (CCI), or shall practice in a laboratory accredited by the American Institute**
6 **on Ultrasound in Medicine (AIUM), the American Society for the Inter-Societal**
7 **Accreditation of Vascular Laboratories (ASICAVL), or the Inter-Societal Commission or**
8 **the Accreditation of Echocardiography Laboratories (ICAEL).**

9 **2. For purposes of this section, "sonographer or vascular technologist" means any**
10 **nonphysician who is qualified by national credentialing to perform diagnostic medical**
11 **ultrasound. A sonographer or vascular technologist may also be known as an ultrasound**
12 **technologist or sonologist.**

13 **3. Any sonographer or vascular technologist who is credentialed as required in**
14 **subsection 1 of this section shall, in performing a diagnostic ultrasound, perform the work**
15 **under the supervision of a physician or surgeon licensed under chapter 334, RSMo.**

16 **4. A health care facility or provider wishing to secure coverage and payment under**
17 **the Medicaid program for diagnostic ultrasound services shall develop policies and**
18 **procedures to implement the requirements of this section.**

19 **5. This section and policies and procedures adopted under this section shall not**
20 **prohibit any physician or surgeon licensed in this state from performing the technical**
21 **component of a diagnostic ultrasound.**

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