

FIRST REGULAR SESSION

# HOUSE BILL NO. 884

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

1838H.02I

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 334, RSMo, by adding thereto seven new sections relating to health care, 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 seven new sections, to be known as sections 334.1100, 334.1105, 334.1110, 334.1115, 334.1120, 334.1125, and 334.1130, to read as follows:

**334.1100. As used in sections 334.1100 to 334.1130, the following terms shall 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, 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 nonionizing 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 medical or dental use of radiation who is deemed competent to independently perform or**

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 supervise radiologic imaging or radiation therapy procedures by their respective state  
18 licensure board;

19 (6) "Limited x-ray machine operator", a person who is licensed to perform only  
20 x-ray or bone densitometry procedures not involving the administration or utilization of  
21 contrast media on selected specific parts of human anatomy under the supervision of a  
22 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  
40 board-eligible to be certified by, the American Board of Radiology, the American  
41 Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian  
42 College of 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.

334.1105. 1. Except as provided in this section, after January 1, 2020, only a person  
2 licensed under the provisions of sections 334.1100 to 334.1130 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 334.1100 to 334.1130 to**  
11 **perform radiologic imaging or radiation therapy procedures for more than one hundred**  
12 **eighty days.**

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

15           **5. The provisions of section 334.1100 to 334.1130 shall not apply to the following:**

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

17           **(2) A resident physician enrolled in and attending a school or college of medicine,**  
18 **chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs**  
19 **radiologic imaging or radiation therapy procedures on humans;**

20           **(3) A student enrolled in and attending a school or college of medicine, chiropractic,**  
21 **podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic**  
22 **imaging or radiation therapy procedures on humans while under the supervision of a**  
23 **licensed practitioner or a person holding a nuclear medicine technologist, radiation**  
24 **therapist, radiographer, or radiologist assistant license;**

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

27           **(5) A person performing radiologic imaging procedures on nonhuman subjects or**  
28 **cadavers; or**

29           **(6) A certified registered nurse anesthetist, as defined in section 335.016, while**  
30 **practicing within the scope of practice of chapter 335.**

**334.1110. 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 licensed**  
6 **practitioners, individuals certified or registered by a certification organization, or**  
7 **individuals licensed under sections 334.1100 to 334.1130.**

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

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

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

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

15           **(4) Establish minimum requirements for continuing education;**

16           **(5) Determine fees and requirements for the issuance of new licenses and renewal**  
17 **of licenses;**

18           **(6) Contract to use a competency-based examination that shall provide for a**  
19 **virtually administered option for the determination of limited x-ray machine operator**  
20 **qualifications for licensure;**

21           **(7) Promulgate rules for acceptance of certification and registration by a**  
22 **certification organization recognized by the board as qualification for licensure;**

23           **(8) Promulgate rules for issuance of licenses to retired military personnel and**  
24 **spouses of active-duty military personnel;**

25           **(9) Establish ethical, moral, and practice standards; and**

26           **(10) Promulgate rules and procedures for the denial or refusal to renew a license,**  
27 **and the suspension, revocation, or other discipline of active licensees.**

28           **3. The board shall create alternative licensure requirements for individuals**  
29 **working in rural health clinics as defined in Pub.L. 95-210 and for areas of this state that**  
30 **the board deems too remote to contain a sufficient number of qualified persons licensed**  
31 **under sections 334.1100 to 334.1130 to perform radiologic imaging or radiation therapy**  
32 **procedures.**

33           **4. All fees payable pursuant to the provisions of sections 334.1100 to 334.1130 shall**  
34 **be collected by the division of professional registration, which shall transmit such funds**  
35 **to the department of revenue for deposit in the state treasury to the credit of the board of**  
36 **registration for the healing arts fund. The division of professional registration and the**  
37 **board of registration for the healing arts may use these funds as necessary for the**  
38 **administration of sections 334.1100 to 334.1130.**

39           **5. The fee charged for a limited x-ray machine operator examination shall not**  
40 **exceed the actual cost to administer the examination.**

**334.1115. 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 a qualification for licensure.**

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

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

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

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

12           **(4) Skull/sinus radiography: radiography of the skull and facial structures;**

13           **(5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the**  
14 **knee;**

15           **(6) Bone densitometry: performance and analysis of bone density scans; or**

16           **(7) Other areas the board deems necessary to ensure necessary services throughout**  
17 **the state.**

18           **4. The board may require a limited x-ray machine operator to verify training in**  
19 **x-ray procedures at their place of employment, including a minimum of one hundred hours**  
20 **of supervised experience performing x-ray procedures. The hours shall be sufficient for**  
21 **individuals to be licensed in any limited machine operator area for which they pass an**  
22 **examination. The hours shall be documented by the licensee and verified by the licensee's**  
23 **supervisor.**

24           **5. Individuals shall be licensed in any limited machine operator area for which they**  
25 **successfully pass an examination as defined by the board.**

26           **6. The board shall not require, but may recommend, any advance class work, either**  
27 **remote or in person, prior to a limited x-ray machine operator candidate taking such**  
28 **examination.**

29           **7. No additional testing requirements or other stipulations shall be imposed after**  
30 **the initial examination for limited x-ray machine operator licensure, provided that the**  
31 **licensee maintain required continuing education and is not disciplined under rules**  
32 **promulgated under subdivision (10) of subsection 2 of section 334.1110.**

33           **8. The board shall require limited x-ray machine operators to complete a minimum**  
34 **of twelve hours biannually of continuing education that may be fulfilled by approved**  
35 **continuing education activities at the licensee's place of employment.**

36           **9. The board may accept certification from the American Chiropractic Registry of**  
37 **Radiologic Technologists for persons applying for a limited x-ray machine operator license**  
38 **in spine radiography.**

39           **10. The board may accept certification from the American Society of Podiatric**  
40 **Medical Assistants for persons applying for a limited x-ray machine operator license in**  
41 **podiatric radiography.**

42           **11. The board may accept certification from the International Society of Clinical**  
43 **Densitometry for persons applying for a limited x-ray machine operator license in bone**  
44 **densitometry.**

**334.1120. 1. A licensee who violates any provision of sections 334.1100 to 334.1130**  
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 334.1100 to 334.1130 or any rules adopted by the board. The**  
6 **clear proceeds of any civil penalty assessed under this section shall be remitted to the credit**  
7 **of the public school fund of the state.**

**334.1125. A person who has been 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 January 1, 2020;**

7           **(2) Does not change the scope of their 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 334.1100 to 334.1130 and the rules**  
13 **adopted by the board and obtains a license from the board on or before October 1, 2023.**

**334.1130. 1. The board may promulgate rules to implement the provisions of**  
2 **sections 334.1100 to 334.1130. Any rule or portion of a rule, as that term is defined in**  
3 **section 536.010, that is created under the authority delegated in this section shall become**  
4 **effective only if it complies with and is subject to all of the provisions of chapter 536, and**  
5 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
6 **of 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, 2019, shall be invalid and void.**

10           **2. Any authority to promulgate rules to implement the provisions of sections**  
11 **334.1100 to 334.1130, to issue interpretation of those provisions, or to establish the scope**  
12 **of practice for licenses issued under sections 334.1100 to 334.1130 shall not include the**

13 **authority to define, regulate, or interpret the scope of practice of certified registered nurse**

14 **anesthetists as defined in section 335.016.**

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