

FIRST REGULAR SESSION

HOUSE BILL NO. 1426

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

2701H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 192, RSMo, by adding thereto eight new sections relating to the licensure of radiologic imaging and radiation therapy personnel.

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

Section A. Chapter 192, RSMo, is amended by adding thereto eight new sections, to be known as sections 192.3020, 192.3025, 192.3030, 192.3035, 192.3040, 192.3045, 192.3050, and 192.3055, to read as follows:

192.3020. As used in sections 192.3020 to 192.3055, the following terms shall mean:

(1) "Advisory committee", the Missouri radiologic imaging and radiation therapy advisory committee established in section 192.3030;

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

(3) "Department", the department of health and senior services;

(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. The term "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

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 his or her respective state
19 licensure board;

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

24 (7) "Nuclear medicine advanced associate", a person who is licensed to perform the
25 duties of a nuclear medicine and molecular imaging physician extender working under the
26 supervision of a licensed physician and who is an authorized user of radioactive materials
27 to perform a variety of expanded activities and enhance patient care in the diagnostic
28 imaging and radiotherapy environments;

29 (8) "Nuclear medicine technologist", a person who is licensed to perform a variety
30 of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation
31 sources, ionizing radiation, adjunctive medicine and pharmaceuticals associated with
32 nuclear medicine procedures, and therapeutic procedures using sealed and unsealed
33 radioactive sources;

34 (9) "Radiation therapist", a person who is licensed to administer ionizing radiation
35 to humans for therapeutic purposes;

36 (10) "Radiation therapy", the use of ionizing radiation for the purpose of treating
37 disease;

38 (11) "Radiographer", a person who is licensed to perform a comprehensive set of
39 diagnostic radiographic procedures using external ionizing radiation to produce
40 radiographic, fluoroscopic, or digital images;

41 (12) "Radiologic imaging", any procedure or article intended for use in the
42 diagnosis or visualization of disease or other medical conditions in humans including, but
43 not limited to, computed tomography, fluoroscopy, nuclear medicine, radiography, and
44 other procedures using ionizing radiation;

45 (13) "Radiologist", a physician licensed in this state and certified by, or board
46 eligible to be certified by, the American Board of Radiology, the American Osteopathic
47 Board of Radiology, the British Royal College of Radiologists, or the Royal College of
48 Physicians and Surgeons of Canada in that medical specialty;

49 (14) "Radiologist assistant", a person who is licensed to perform a variety of
50 activities under the supervision of a radiologist in the areas of patient care, patient
51 management, radiologic imaging, or interventional procedures guided by radiologic

52 imaging and who does not interpret images, render diagnoses, or prescribe medications or
53 therapies.

192.3025. 1. Except as provided in this section, after January 1, 2022, only a person
2 licensed under the provisions of sections 192.3020 to 192.3055 or a licensed practitioner
3 shall perform radiologic imaging or radiation therapy procedures on humans for
4 diagnostic or therapeutic purposes.

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

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 192.3020 to 192.3055 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 sections 192.3020 to 192.3055 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; or

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

192.3030. 1. There is hereby created the "Missouri Radiologic Imaging and
2 Radiation Therapy Advisory Committee". The department shall provide administrative
3 support to the advisory committee. The advisory committee shall guide, advise, and make
4 recommendations to the department. The advisory committee shall consist of a minimum
5 of eleven members and shall be composed of at least the following members:

(1) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;

(2) A physician appointed by the Missouri State Medical Association;

(3) A pain management physician appointed by the Missouri Society of Anesthesiologists;

(4) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;

(5) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;

(6) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgery Center Association;

(7) A physician appointed by the Missouri Academy of Family Physicians;

(8) A physician appointed by the Missouri Radiological Society;

(9) The director of the state board of registration for the healing arts, or his or her designee;

(10) The director of the state board of nursing, or his or her designee; and

(11) The director of the department of health and senior services, or his or her designee.

2. The department, based on recommendations, guidance, and advice from the advisory committee, shall:

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

(2) Promulgate rules for issuance of licenses;

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

(4) Establish minimum requirements for continuing education, including continuing education on radiation safety;

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

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

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

41 (8) Promulgate rules for issuance of licenses to retired military personnel and
42 spouses of active-duty military personnel;

43 (9) Establish ethical, moral, and practice standards; and

44 (10) Promulgate rules and procedures for the denial or refusal to renew a license
45 and the suspension of, revocation of, or other discipline against the licenses of active
46 licensees.

47 3. The department shall create alternative licensure requirements for individuals
48 working in rural health clinics as defined in 42 U.S.C. Section 1395x and for areas of this
49 state that the department deems too remote to contain a sufficient number of qualified
50 persons licensed under sections 192.3020 to 192.3055 to perform radiologic imaging or
51 radiation therapy procedures.

52 4. All fees payable under the provisions of sections 192.3020 to 192.3055 shall be
53 collected by the department, which shall transmit such funds to the department of revenue
54 for deposit in the state treasury to the credit of the Missouri radiologic imaging and
55 radiation therapy fund established under section 192.3035. The department may use these
56 funds as necessary for the administration of sections 192.3020 to 192.3055.

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

 192.3035. There is hereby created in the state treasury the "Missouri Radiologic
2 Imaging and Radiation Therapy Fund", which shall consist of moneys collected under
3 sections 192.3020 to 192.3055. The state treasurer shall be custodian of the fund. In
4 accordance with sections 30.170 and 30.180, the state treasurer may approve
5 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in
6 the fund shall be used solely for the administration of sections 192.3020 to 192.3055.
7 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
8 in the fund at the end of the biennium shall not revert to the credit of the general revenue
9 fund. The state treasurer shall invest moneys in the fund in the same manner as other
10 funds are invested. Any interest and moneys earned on such investments shall be credited
11 to the fund.

 192.3040. 1. To be eligible for licensure by the department, at the time of
2 application, an applicant shall be at least eighteen years of age.

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

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

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

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

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

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

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

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

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

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

25 **5. Individuals shall be licensed in any limited x-ray machine operator area for**
26 **which they successfully pass an examination as defined by the department.**

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

30 **7. No additional testing requirements or other stipulations shall be imposed after**
31 **the initial examination for limited x-ray machine operator licensure, provided that the**
32 **licensee completes required continuing education and is not disciplined under rules**
33 **promulgated under subdivision (10) of subsection 2 of section 192.3030.**

34 **8. The department shall require limited x-ray machine operators to complete**
35 **annual radiation safety training and a minimum of twelve hours biennially of continuing**
36 **education that may be fulfilled by approved continuing education activities at the licensee's**
37 **place of employment.**

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

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

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

192.3045. The department, in consultation with the advisory committee, shall
2 **establish guidelines for disciplinary action for violations of sections 192.3020 to 192.3055.**

192.3050. 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, and who does not hold a current certification and registration by a certification**
4 **organization recognized by the department may continue to practice in the radiologic**
5 **imaging or radiation therapy modality in which he or she is currently employed, provided**
6 **that such person:**

7 **(1) Registers with the department on or before January 1, 2022;**

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

10 **(3) Completes all continuing education requirements for his or her modality**
11 **biennially as prescribed by the department;**

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

13 **(5) Meets all licensure requirements of sections 192.3020 to 192.3055 and the rules**
14 **adopted by the department and obtains a license from the department on or before**
15 **October 1, 2024.**

192.3055. The department may promulgate rules to implement the provisions of
2 **sections 192.3020 to 192.3055. 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, 2021, shall be invalid and void.**

✓