STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1329

By: Scott

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 541, 541.1, 541.2, 541.3, 541.4, 541.5, 541.6, 541.7 and 541.8, which relate to the Radiologist Assistant Licensure Act; changing the name of the act to the Radiologist Assistant and Radiologic Technologist Licensure Act; expanding the scope of the act; requiring certain individuals to be licensed by the State Board of Medical Licensure and Supervision; modifying supervisory requirements; requiring the promulgation of certain rules; authorizing the Board to use certain guidelines; providing requirements to be licensed; changing name and modifying composition of advisory committee; providing for initial appointments to the advisory committee by a certain date; modifying duties of the State Board of Medical Licensure and Supervision; modifying fees for licensure and renewal of license; authorizing certain individuals to continue to practice in areas in which they are currently employed subject to certain conditions; modifying and expanding licensure by endorsement; authorizing the use of certain titles and abbreviations; modifying notice of renewal of license requirements; expanding power of the State Board of Medical Licensure and Supervision to take certain actions regarding licensure; defining terms; repealing 59 O.S. 2011, Section 541.9, which relates to licensing exemptions; providing for codification; and providing an effective date.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 541, is amended to read as follows:

Section 541. This act shall be known and may be cited as the "Radiologist Assistant and Radiologic Technologist Licensure Act".

SECTION 2. AMENDATORY 59 O.S. 2011, Section 541.1, is amended to read as follows:

Section 541.1. A. After January 1, 2021, any individual who is not a licensed practitioner as defined in Section 541.9 of this title who performs fluoroscopy, nuclear medicine technology, radiation therapy or radiography or other medical imaging or radiation therapy procedures for medical diagnostic or therapeutic purposes as determined by the State Board of Medical Licensure and Supervision, shall be licensed by the Board.

B. 1. A radiologist may use the services of a radiologist assistant, licensed by the State Board of Medical Licensure and Supervision, to practice radiology assistance under the direct supervision of a shall supervise the services of a radiologist assistant.

2. A physician licensed by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners and certified by the American Board of Radiology or the American Osteopathic Board of Radiology shall supervise the services of a nuclear medicine technologist, radiation therapist or radiographer.
B. The State Board of Medical Licensure and Supervision shall promulgate rules defining the scope of practice of a nuclear medicine technologist, radiation therapist, radiographer or radiologist assistant and the educational qualifications necessary to practice as a radiologist assistant for licensure.

D. The Board may use guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists in promulgating rules for radiologist assistants. The Board may use guidelines adopted by the American Society of Radiologic Technologists in promulgating rules for radiographers or radiation therapists and the American Society of Radiologic Technologists or Society of Nuclear Medicine and Molecular Imaging in promulgating rules for nuclear medicine technologists. The Board shall be the final authority in all matters pertaining to licensure, continuing education requirements and scope of practice of radiologist assistants, radiographers, radiation therapists and nuclear medicine technologists and shall not exceed the guidelines in this subsection.

E. A radiologist assistant shall be certified and registered with the American Registry of Radiologic Technologists or Certification Board of Radiology Practitioner Assistants as a radiologist assistant or radiology practitioner assistant and
credentialed to provide radiology services and have completed a radiologist assistant program accredited by.

F. A radiographer shall be certified and registered with the American Registry of Radiologic Technologists and passed in radiography.

G. A radiation therapist shall be certified and registered with the American Registry of Radiologic Technologists certification examinations in radiation therapy.

H. A nuclear medicine technologist shall be certified and registered with the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board in nuclear medicine technology.

I. A radiologist assistant, radiographer, radiation therapist or nuclear medicine technologist shall not interpret images, make diagnoses, or prescribe medications or therapies or obtain informed consent.

J. The State Board of Medical Licensure and Supervision shall promulgate rules regarding the qualifications of radiologic technologists performing radiography, radiation therapy or nuclear medicine technology on combined or hybrid imaging equipment.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 541.2, is amended to read as follows:

Section 541.2. A. There is hereby created a Radiologist Assistant and Radiologic Technologist Advisory Committee within the
State Board of Medical Licensure and Supervision to assist in
administering the provisions of the Radiologist Assistant and
Radiologic Technologist Licensure Act. The Committee shall consist
of seven (7) members as follows:

1. One member shall be a physician appointed by the State Board
of Medical Licensure and Supervision or State Board of Osteopathic
Examiners from its membership;

2. One member shall be a radiologist appointed by the State
Board of Medical Licensure and Supervision from a list of qualified
individuals submitted by the Oklahoma State Medical Association or
Oklahoma Osteopathic Association and who is not a member of the
Board;

3. One member shall be a physician appointed by the State Board
of Osteopathic Examiners from its membership;

4. One member shall be a physician appointed by the State Board
of Osteopathic Examiners from a list of qualified individuals
submitted by the Oklahoma Osteopathic Association and who is not a
member of the State Board of Osteopathic Examiners;

5. One member shall be a radiologist appointed by the State
Board of Medical Licensure and Supervision from a list of qualified
individuals submitted by the Oklahoma State Radiological Society and
who is not a member of the Board; and

6. Two members 4. One member shall be a radiologist assistant
appointed by the State Board of Medical Licensure and
Supervision from a list of radiologist assistants submitted by the Oklahoma State Radiological Society or Oklahoma Society of Radiologic Technologists;

5. One member shall be a radiographer appointed by the State Board of Medical Licensure and Supervision from a list of radiographers submitted by the Oklahoma Society of Radiologic Technologists or national professional organizations representing radiographers;

6. One member shall be a radiation therapist appointed by the State Board of Medical Licensure and Supervision from a list of radiation therapists submitted by the Oklahoma Society of Radiologic Technologists or national professional organizations representing radiation therapists; and

7. One member shall be a nuclear medicine technologist appointed by the State Board of Medical Licensure and Supervision from a list of nuclear medicine technologists submitted by the Oklahoma Society of Radiologic Technologists or national professional organizations representing nuclear medicine technologists.

B. All members of the Committee shall be residents of the State of Oklahoma.

C. The radiologist assistant practitioner nonphysician members shall have engaged in rendering radiologist assistant services or radiologic technology services within their respective scope of
practice to the public, teaching, or research for at least two (2) years immediately preceding their appointments. These members shall at all times be holders of valid licenses as radiologist assistants or radiologic technologists in this state, except for the members first appointed to the Committee.

B. Initial members of the Committee shall be appointed by September 1, 2008 2019.

Members of the Committee shall be appointed for terms. The terms of office shall be four (4) years. Provided, the terms of office, except that of the members first appointed shall begin within a reasonable time frame after the effective date of this act and shall continue for the following periods:

1. Two physicians and one radiologist assistant for a period of three (3) years; and

2. Three physicians and one radiologist assistant for a period of four (4) years. Two members shall be appointed for a term of one (1) year, two members for a term of two (2) years and three members for a term of three (3) years. Upon the expiration of a member's term of office, the appointing authority for that member shall appoint a successor. Vacancies on the Committee shall be filled in like manner for the balance of an unexpired term. No member shall serve more than three consecutive terms. Each member shall serve until a successor is appointed and qualified.
C. Upon expiration or vacancy of the term of a member, the respective nominating authority may, as appropriate, submit to the appointing Board a list of three persons qualified to serve on the Committee to fill the expired term of their respective member. Appointments may be made from these lists by the appointing Board, and additionally additional lists may be provided by the respective organizations if requested by the State Board of Medical Licensure and Supervision.

D. The State Board of Medical Licensure and Supervision may remove any member from the Committee for neglect of any duty required by law, for incompetency, or for unethical or dishonorable conduct.

E. The Committee shall meet at least twice each year and shall elect biennially during odd-numbered years a chair and vice-chair from among its members. The Committee may convene at the request of the chair, or as the Committee may determine for such other meetings as may be deemed necessary.

F. A majority of the members of the Committee, including the chair and vice-chair, shall constitute a quorum at any meeting, and a majority of the required quorum shall be sufficient for the Committee to take action by vote.

G. The Committee shall advise the Board in developing policy and rules pertaining to the Radiologist Assistant and Radiologic Technologist Licensure Act.
Members of the State Board of Medical Licensure and Supervision and members of the Radiologist Assistant and Radiologic Technologist Advisory Committee shall be reimbursed for all actual and necessary expenses incurred while engaged in the discharge of official duties pursuant to this act the Radiologist Assistant and Radiologic Technologist Licensure Act in accordance with the State Travel Reimbursement Act.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 541.3, is amended to read as follows:

Section 541.3. A. The State Board of Medical Licensure and Supervision shall:

1. License and renew the licenses of duly qualified applicants;

2. Maintain an up-to-date list of every person licensed to practice as a radiologist assistant or radiologic technologist pursuant to the Radiologist Assistant and Radiologic Technologist Licensure Act. The list shall show the licensee's:

   a. last-known place of employment,

   b. last-known place of residence, and

   c. disciplines in which the licensee is licensed, and

   d. the date and number of the license;

3. Cause the prosecution of all persons violating the Radiologist Assistant and Radiologic Technologist Licensure Act and incur necessary expenses therefor;
4. Keep a record of all proceedings of the Board and make the record available to the public for inspection during reasonable business hours;

5. Conduct hearings upon charges calling for discipline of a licensee, or denial, revocation, or suspension of a license; and

6. Share information on a case-by-case basis of any person whose license has been suspended, revoked, or denied. This information shall include the name, type and cause of action, date and penalty incurred, and the length of penalty. This information shall be available for public inspection during reasonable business hours and shall be supplied to similar boards in other states upon request.

B. The State Board of Medical Licensure and Supervision may:

1. Promulgate rules consistent with the laws of this state and in accordance with Article I of the Administrative Procedures Act as may be necessary to enforce the provisions of the Radiologist Assistant and Radiologic Technologist Licensure Act;

2. Employ such personnel as necessary to assist the Board in performing its function;

3. Establish license renewal requirements and procedures as deemed appropriate; and

4. Set fees for licensure and renewal not to exceed Three Hundred Dollars ($300.00) One Hundred Fifty Dollars ($150.00) per license or renewal.
SECTION 5. AMENDATORY 59 O.S. 2011, Section 541.4, is amended to read as follows:

Section 541.4. A. The applicant, except where otherwise defined in the Radiologist Assistant and Radiologic Technologist Licensure Act, shall be required to pass an examination, whereupon the State Board of Medical Licensure and Supervision may issue to the applicant a license to practice as a radiologist assistant.

B. An individual who has been engaged in the practice of radiologic imaging or radiation therapy, other than a radiologist assistant, who is not certified and registered by a certification organization recognized by the Board, based on technical advice and recommendations from the Radiologist Assistant and Radiologic Technologist Advisory Committee, may continue to practice in the area of radiologic imaging or radiation therapy in which the individual is currently employed provided the individual:

1. Registers with the Board on or before July 1, 2020;

2. Does not change the scope or area of his or her current practice;

3. Completes all continuing education requirements for his or her area of practice biennially as prescribed by the Board;

4. Practices only under the supervision of a licensed practitioner; and

5. Obtains a license to practice in the area of his or her practice from the Board by July 1, 2025.
C. The Board may issue a license to practice as a radiologist assistant by endorsement to:

1. An applicant who is currently licensed to practice as a radiologist assistant under the laws of another state, territory, or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state; or

2. Applicants holding credentials The applicant who are is certified and registered with the American Registry of Radiologic Technologists and have completed the Certification Board of Radiology Practitioner Assistants as a radiologist assistant program accredited by the American Registry of Radiologic Technologists and passed the American Registry of Radiologic Technologists certification examinations or a radiology practitioner assistant, provided such the credentials of the applicant have not been suspended or revoked; and

3. Applicants applying under the conditions of this section who certify under oath that their credentials have not been suspended or revoked.

D. The Board may issue a license to practice as a nuclear medicine technologist by endorsement to:

1. An applicant who is currently licensed to practice as a nuclear medicine technologist under the laws of another state, territory, or country if the qualifications of the applicant are
deemed by the Board to be equivalent to those required in this state; or

2. The applicant is certified and registered with the American Registry of Radiologic Technologists or Nuclear Medicine Technology Certification Board as a nuclear medicine technologist; and

3. Applicants applying under the conditions of this section who certify under oath that their credentials have not been suspended or revoked.

E. The Board may issue a license to practice as a radiation therapist by endorsement to:

1. An applicant who is currently licensed to practice as a radiation therapist under the laws of another state, territory or country if the qualifications of the applicant are deemed by the Board to be equivalent to those required in this state; or

2. The applicant is certified and registered with the American Registry of Radiologic Technologists as a radiation therapist; and

3. Applicants applying under the conditions of this section who certify under oath that their credentials have not been suspended or revoked.

F. The Board may issue a license to practice as a radiographer assistant by endorsement to:

1. An applicant who is currently licensed to practice as a radiographer under the laws of another state, territory or country
if the qualifications of the applicant are deemed by the Board to be
equivalent to those required in this state; or

2. The applicant is certified and registered with the American
Registry of Radiologic Technologists as a radiographer; and

3. Applicants applying under the conditions of this section who
certify under oath that their credentials have not been suspended or
revoked.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 541.5, is
amended to read as follows:

Section 541.5. A. A person holding a license to practice as a
radiologist assistant in this state may use the title "radiologist
assistant" and the abbreviation "RA". A person holding a license to
practice as a radiographer may use the title "radiologic
technologist - radiography" and the abbreviation "RT(R)". A person
holding a license to practice as a radiation therapist may use the
title "radiologic technologist - therapy" and the abbreviation
"RT(T)". A person holding a license to practice as a nuclear
medicine technologist may use the title "radiologic technologist -
nuclear medicine" and the abbreviation "RT(N)".

B. A licensee shall present this license when requested.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 541.6, is
amended to read as follows:

Section 541.6. A. Except as otherwise provided in the
Radiologist Assistant and Radiologic Technologist Licensure Act, a
license shall be renewed biennially. The State Board of Medical
Licensure and Supervision shall mail notices at least thirty (30)
sixty (60) calendar days prior to expiration for renewal of licenses
to every person to whom a license was issued or renewed during the
preceding renewal period. The licensee shall complete the notice of
renewal and return it to the Board with the renewal fee determined
by the Board before the date of expiration.

B. Upon receipt of the notice of renewal and the fee, the Board
shall verify its contents and shall issue the licensee a license for
the current renewal period, which shall be valid for the period
stated thereon.

C. A licensee who allows the license to lapse by failing to
renew it may be reinstated by the Board upon payment of the renewal
fee and reinstatement fee of One Hundred Dollars ($100.00); provided,
that such request for reinstatement must be received
within thirty (30) days of the end of the renewal period.

D. 1. A licensed radiologist assistant or radiologic
technologist who does not intend to engage in the practice shall
send a written notice to that effect to the Board and is not
required to submit a notice of renewal and pay the renewal fee as
long as the practitioner remains inactive. Upon desiring to resume
practicing as a radiologist assistant or radiologic technologist,
the practitioner shall notify the Board in writing of this intent
and shall satisfy the current requirements of the Board in addition
to submitting a notice of renewal and remitting the renewal fee for
the current renewal period and the reinstatement fee.

2. Rules of the Board shall provide for a specific period of
time of continuous inactivity after which retesting is required.

E. The Board is authorized to establish by rule fees for
replacement and duplicate licenses not to exceed One Hundred Dollars
($100.00) per license.

F. The Board shall by rule prescribe continuing education
requirements as a condition for renewal of license. The program
criteria with respect thereto shall be approved by the Board.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 541.7, is
amended to read as follows:

Section 541.7. Fees received by the State Board of Medical
Licensure and Supervision and any other monies collected pursuant to
the Radiologist Assistant and Radiologic Technologist Licensure Act
shall be deposited with the State Treasurer who shall place the
monies in the regular depository fund of the Board. The deposit,
less the ten-percent gross fees paid into the General Revenue Fund
pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is
hereby appropriated and shall be used to pay expenses incurred
pursuant to the Radiologist Assistant and Radiologic Technologist
Licensure Act.

SECTION 9. AMENDATORY 59 O.S. 2011, Section 541.8, is
amended to read as follows:
Section 541.8. The State Board of Medical Licensure and Supervision may revoke, suspend, or refuse to renew any license, or place on probation, or otherwise reprimand a licensee or deny a license to an applicant if it finds that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice as a radiologist assistant or radiologic technologist;

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency;

3. Is habitually intemperate in the use of alcoholic beverages;

4. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics;

5. Is guilty of dishonest or unethical conduct;

6. Has practiced as a radiologist assistant or radiologic technologist after the license has expired or has been suspended;

7. Has practiced as a radiologist assistant or radiologic technologist under cover of any license illegally or fraudulently obtained or issued;

8. Has violated or aided or abetted others in violation of any provision of the Radiologist Assistant and Radiologic Technologist Licensure Act;

9. Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board; or
10. Is guilty of the unauthorized practice of medicine.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 541.9A of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Radiologist Assistant and Radiologic Technologist Licensure Act:

1. "Fluoroscopy" means the exposure of a patient to external ionizing radiation in a fluoroscopy mode, including positioning the patient and fluoroscopy equipment and the selection for exposure factors;

2. "Hybrid imaging equipment" means equipment that combines more than one medical imaging modality or radiation therapy into a single device including, but not limited to, image-guided radiation therapy or positron emission tomography/computed tomography;

3. "Ionizing radiation" means 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 radiation such as radio frequency or microwaves, visible infrared or ultraviolet light, or ultrasound;

4. "Licensed practitioner" means a medical or osteopathic physician, chiropractor, podiatrist or dentist with education and specialist training in the medical or dental use of radiation who is deemed competent to independently perform or supervise medical
imaging or radiation therapy procedures and who is licensed in this state;

5. "Nuclear medicine technology" means the performance of a variety of:
   a. nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing radiation and adjunctive medicine including contrast media, and
   b. therapeutic procedures using unsealed radioactive sources;

6. "Radiologic technologist" means any person, other than a licensed practitioner, who administers radiologic technology or radiation therapy procedures to humans for medical diagnostic or therapeutic purposes and includes nuclear medicine technologists, radiation therapists and radiographers;

7. "Radiation therapy" means the planning and administration of external ionizing radiation for therapeutic or curative purposes;

8. "Radiography" means the performance of a comprehensive set of diagnostic radiographic procedures using external ionizing radiation, including the administration of contrast media, to produce radiographic, fluoroscopic or digital images;

9. "Radiologist" means a physician certified by or board-eligible to be certified for the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College
of Radiology or the Canadian College of Physicians and Surgeons in that medical specialty; and

10. "Radiologist assistant" means a radiographer who has met additional qualifications to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiographic imaging or interventional procedures guided by fluoroscopy.

SECTION 11. REPEALER 59 O.S. 2011, Section 541.9, is hereby repealed.

SECTION 12. This act shall become effective November 1, 2018.