

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 955

By: Scott

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5
6 AS INTRODUCED

7 An Act relating to the practice of radiologic
8 technology; creating the Radiologic Technologist
9 Licensure Act; defining terms; setting forth certain
10 licensure provisions related to the State Board of
11 Medical Licensure and Supervision; providing for
12 licensure and supervision of certain individuals;
13 directing promulgation of rules defining scope of
14 practice; permitting the use of certain guidelines;
15 establishing the State Board of Medical Licensure and
16 supervision as the final authority in certain
17 matters; providing for the issuance of certain
18 permits; stating requirements for licensure;
19 prohibiting certain activities by certain persons;
20 directing promulgation of rules regarding
21 qualifications of radiologic technologists; creating
22 Radiologic Technologist Advisory Committee; providing
23 for membership, function, terms of office, vacancies,
24 removal from office, meetings, quorum and travel
expenses of Committee; setting forth certain
requirements of Board related to licensure and
administrative action; authorizing Board to employ
certain personnel and establish certain fees and
procedures; providing for examination of applicants;
allowing certain individuals to continue to practice
under certain conditions; providing for licensure by
endorsement; providing professional designations;
requiring presentation of license upon request;
setting forth licensure renewal provisions; providing
for collection, deposit and expense of certain
monies; providing for administrative action for
certain offenses; providing for codification; and
providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 542 of Title 59, unless there is
4 created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Radiologic
6 Technologist Licensure Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 542.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 As used in this act:

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

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

19 3. "Ionizing radiation" means radiation that may consist of
20 alpha particles, beta particles, gamma rays, X-rays, neutrons, high-
21 speed electrons, high-speed protons or other particles capable of
22 producing ions. Ionizing radiation shall not include radiation such
23 as radio frequency or microwaves, visible infrared or ultraviolet
24 light or ultrasound;

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

7 5. "Limited X-ray machine operator" means a person licensed by
8 the State Board of Medical Licensure and Supervision to perform
9 diagnostic radiography or bone densitometry procedures using
10 equipment that emits external ionizing radiation resulting in
11 diagnostic radiographic images of selected specific parts of human
12 anatomy or bone density measurements;

13 6. "Nuclear medicine technology" means the performance of a
14 variety of:

15 a. nuclear medicine and molecular imaging procedures
16 using sealed and unsealed radiation sources, ionizing
17 radiation and adjunctive medicine including contrast
18 media, and

19 b. therapeutic procedures using unsealed radioactive
20 sources;

21 7. "Radiologic technologist" means any person, other than a
22 licensed practitioner, who performs radiologic technology procedures
23 to humans for medical diagnostic or therapeutic purposes and
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1 includes nuclear medicine technologists, radiation therapists and
2 radiographers;

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

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

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

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 542.2 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. After January 1, 2021, any individual who is not a licensed
18 practitioner as defined in Section 2 of this act who performs
19 fluoroscopy, nuclear medicine technology, radiation therapy or
20 radiography or other radiologic technology or radiation therapy
21 procedures for medical diagnostic or therapeutic purposes as
22 determined by the State Board of Medical Licensure and Supervision,
23 shall be licensed by the Board.

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1 B. A physician licensed by the State Board of Medical Licensure
2 and Supervision or the State Board of Osteopathic Examiners shall
3 supervise the services of a limited X-ray machine operator, nuclear
4 medicine technologist, radiation therapist or radiographer.

5 C. The State Board of Medical Licensure and Supervision shall
6 promulgate rules defining the scope of practice of a limited X-ray
7 machine operator, nuclear medicine technologist, radiation therapist
8 and radiographer and the qualifications necessary to practice as a
9 limited X-ray machine operator, nuclear medicine technologist,
10 radiation therapist and radiographer for licensure.

11 D. The State Board of Medical Licensure and Supervision may use
12 guidelines adopted by the American Society of Radiologic
13 Technologists in promulgating rules for limited X-ray machine
14 operators, radiographers or radiation therapists, and may use
15 guidelines adopted by the American Society of Radiologic
16 Technologists or Society of Nuclear Medicine and Molecular Imaging
17 in promulgating rules for nuclear medicine technologists.

18 E. The State Board of Medical Licensure and Supervision shall
19 be the final authority in all matters pertaining to licensure,
20 continuing education requirements and scope of practice of limited
21 X-ray machine operators, nuclear medicine technologists, radiation
22 therapists or radiographers and shall not exceed the guidelines in
23 this section.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 542.3 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A limited X-ray machine operator license shall be limited in
5 scope through the issuance of permits to perform diagnostic X-rays
6 on specific anatomical areas of the human body. The following
7 permits may be issued:

8 1. Chest radiography permit, which authorizes radiography of
9 the thorax, heart and lungs;

10 2. Extremity radiography permit, which authorizes radiography
11 of the upper and lower extremities, including the pectoral girdle;

12 3. Spine radiography permit, which authorizes radiography of
13 the vertebral column;

14 4. Skull-sinus radiography permit, which authorizes radiography
15 of the skull and facial structures;

16 5. Podiatric permit, which authorizes radiography of the foot,
17 ankle and lower leg below the knee; and

18 6. Bone densitometry permit; a person who is certified by the
19 International Society for Clinical Densitometry or the American
20 Registry of Radiologic Technologists in bone densitometry shall be
21 granted a permit to perform bone densitometry testing.

22 B. To be licensed by the State Board of Medical Licensure and
23 Supervision as a limited X-ray machine operator, an applicant shall
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1 submit the application and satisfy all of the following
2 requirements:

3 1. Be at least eighteen (18) years of age at the time of the
4 application;

5 2. Have a high school diploma or have passed an approved
6 equivalency test;

7 3. Have satisfactorily completed a course of study in limited
8 X-ray machine operation, or its equivalent, as determined by the
9 Board; and

10 4. Pass an examination approved by the Board;

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

15 D. A radiation therapist shall be certified and registered with
16 the American Registry of Radiologic Technologists in radiation
17 therapy.

18 E. A radiographer shall be certified and registered with the
19 American Registry of Radiologic Technologists in radiography.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 542.4 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 A. No limited X-ray machine operator, nuclear medicine
24 technologist, radiation therapist or radiographer shall interpret

1 images, make diagnoses, prescribe medications or therapies or obtain
2 informed consent.

3 B. A limited X-ray machine operator shall not perform
4 radiologic technology procedures involving the administration or
5 utilization of contrast media, perform fluoroscopy or perform
6 computed tomography, magnetic resonance imaging, mammography,
7 nuclear medicine technology or radiation therapy.

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

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 542.5 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created a Radiologic Technologist Advisory
16 Committee within the State Board of Medical Licensure and
17 Supervision to assist in administering the provisions of this act.

18 B. The Committee shall consist of five (5) members as follows:

19 1. One member shall be a physician appointed by the State Board
20 of Medical Licensure and Supervision or the State Board of
21 Osteopathic Examiners;

22 2. One member shall be a radiologist appointed by the State
23 Board of Medical Licensure and Supervision;

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1 3. One member shall be a nuclear medicine technologist
2 appointed by the State Board of Medical Licensure and Supervision
3 from a list of nuclear medicine technologists submitted by a
4 professional organization representing radiologic technologists in
5 the State of Oklahoma or national professional organizations
6 representing nuclear medicine technologists;

7 4. One member shall be a radiation therapist appointed by the
8 State Board of Medical Licensure and Supervision from a list of
9 radiation therapists submitted by a professional organization
10 representing radiologic technologists in the State of Oklahoma or
11 national professional organizations representing radiation
12 therapists; and

13 5. One member shall be a radiographer appointed by the State
14 Board of Medical Licensure and Supervision from a list of
15 radiographers submitted by a professional organization representing
16 radiologic technologists in the State of Oklahoma or national
17 professional organizations representing radiographers.

18 C. All members of the Committee shall be residents of the State
19 of Oklahoma.

20 D. The radiologic technologist nonphysician members shall have
21 engaged in performing radiologic technology services within their
22 respective scope of practice to the public, teaching or research for
23 at least two (2) years immediately preceding their appointments.

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1 E. Radiologic technologist nonphysician members shall, at all
2 times, be holders of valid licenses as radiologic technologists in
3 this state, except for the members first appointed to the Committee.

4 F. Initial members of the Committee shall be appointed by
5 September 1, 2020.

6 G. The terms of office shall be four (4) years; provided, the
7 terms of the members first appointed shall begin within a reasonable
8 time frame after the effective date of this act and shall continue
9 for the following periods:

10 1. Physician and radiographer for a period of three (3) years;
11 and

12 2. Radiologist, radiation therapist and nuclear medicine
13 technologist for a period of four (4) years.

14 H. Upon the expiration of a member's term of office, the
15 appointing authority for that member shall appoint a successor.
16 Vacancies on the Committee shall be filled in like manner for the
17 balance of an unexpired term. No member shall serve more than three
18 (3) consecutive terms. Each member shall serve until a successor is
19 appointed and qualified. Upon expiration or vacancy of the term of
20 a member, the respective nominating authority may, as appropriate,
21 submit to the appointing authority a list of three persons qualified
22 to serve on the Committee to fill the expired term of their
23 respective member. Appointments may be made from these lists by the
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1 appointing authority, and additional lists may be provided by the
2 respective organizations if requested by the Board.

3 I. The Board may remove any member from the Committee for
4 neglect of any duty required by law, for incompetency or for
5 unethical or dishonorable conduct.

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

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

15 L. The Committee shall advise the Board in developing policy
16 and rules pertaining to this act.

17 M. Members of the Board and members of the Radiologic
18 Technologist Advisory Committee shall be reimbursed for all actual
19 and necessary expenses incurred while engaged in the discharge of
20 official duties pursuant to this act in accordance with the State
21 Travel Reimbursement Act.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 542.6 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

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

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

3 2. Maintain an up-to-date list of every person licensed to

4 practice as a radiologic technologist or limited X-ray machine

5 operator pursuant to this act. The list shall display the

6 licensee's:

7 a. last-known place of employment,

8 b. last-known place of residence,

9 c. disciplines in which the licensee is licensed, and

10 d. the number and issue date of the license;

11 3. Cause the prosecution of all persons in violation of this

12 act and incur necessary expenses therefor;

13 4. Keep a record of all proceedings of the Board and make the

14 record available to the public for inspection during reasonable

15 business hours;

16 5. Conduct hearings upon charges calling for discipline of a

17 licensee, or denial, revocation or suspension of a license; and

18 6. Share information on a case-by-case basis of any person

19 whose license has been suspended, revoked or denied. This

20 information shall include the name, type and cause of action, date

21 and penalty incurred and length of the penalty. This information

22 shall be available for public inspection during reasonable business

23 hours and shall be supplied to similar boards in other states upon

24 request.

1 B. The Board may:

2 1. Promulgate rules consistent with the laws of this state and
3 in accordance with the Administrative Procedures Act as may be
4 necessary to enforce the provisions of this act;

5 2. Employ such personnel as necessary to assist the Board in
6 performing its functions pursuant to this act;

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

9 4. Set fees for licensure and renewal not to exceed One Hundred
10 Fifty Dollars (\$150.00) per license or renewal.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 542.7 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The applicant, except as otherwise provided in this section,
15 shall be required to pass an examination, whereupon the State Board
16 of Medical Licensure and Supervision may issue to the applicant a
17 license to practice as a radiologic technologist or limited X-ray
18 machine operator.

19 B. An individual who has been engaged in the practice of
20 radiologic technology or limited X-ray machine operation, who is not
21 certified and registered by a certification organization recognized
22 by the Board, based on technical advice and recommendations from the
23 Radiologic Technologist Advisory Committee, may continue to practice
24 in the area of radiologic technology or limited X-ray machine

1 operation in which the individual is currently employed, provided
2 the individual:

- 3 1. Registers with the Board on or before July 1, 2020;
- 4 2. Does not change the scope or area of his or her current
5 practice;
- 6 3. Completes all continuing education requirements for his or
7 her area of practice biennially as prescribed by the Board;
- 8 4. Practices only under the supervision of a licensed
9 practitioner; and
- 10 5. Obtains a license to practice in the area of his or her
11 practice from the Board by July 1, 2025.

12 C. The Board may issue a license to practice as a limited X-ray
13 machine operator by endorsement to an applicant who:

- 14 1. Is currently licensed to practice as a limited X-ray machine
15 operator under the laws of another state, territory or country if
16 the qualifications of the applicant are deemed by the Board to be
17 equivalent to those required in this state; and
- 18 2. Is applying pursuant to this section and certifies under
19 oath that his or her license has not been suspended or revoked.

20 D. The Board may issue a license to practice as a nuclear
21 medicine technologist by endorsement to an applicant who:

- 22 1. Is currently licensed to practice as a nuclear medicine
23 technologist under the laws of another state, territory, or country

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1 if the qualifications of the applicant are deemed by the Board to be
2 equivalent to those required in this state; or

3 2. Is certified and registered with the American Registry of
4 Radiologic Technologists or Nuclear Medicine Technology
5 Certification Board as a nuclear medicine technologist; and

6 3. Is applying pursuant to this section and certifies under
7 oath that his or her license has not been suspended or revoked.

8 E. The Board may issue a license to practice as a radiation
9 therapist by endorsement to an applicant who:

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

14 2. Is certified and registered with the American Registry of
15 Radiologic Technologists as a radiation therapist; and

16 3. Is applying pursuant to this section and certifies under
17 oath that his or her license has not been suspended or revoked.

18 F. The Board may issue a license to practice as a radiographer
19 by endorsement to an applicant who:

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

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1 2. Is certified and registered with the American Registry of
2 Radiologic Technologists as a radiographer; and

3 3. Is applying pursuant to this section and certifies under
4 oath that his or her license has not been suspended or revoked.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 542.8 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A person holding a license to practice as a limited X-ray
9 machine operator may use the title "limited X-ray machine operator"
10 and the abbreviation "LXMO". A person holding a license to practice
11 as a nuclear medicine technologist may use the title "radiologic
12 technologist-nuclear medicine" and the abbreviation "RT(N)". A
13 person holding a license to practice as a radiation therapist may
14 use the title "radiologic technologist-therapy" and the abbreviation
15 "RT(T)". A person holding a license to practice as a radiographer
16 may use the title "radiologic technologist-radiography" and the
17 abbreviation "RT(R)".

18 B. A licensee shall present this license when requested.

19 SECTION 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 542.9 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Except as otherwise provided in this act, a license shall be
23 renewed biennially.

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1 B. The State Board of Medical Licensure and Supervision shall
2 mail notices at least sixty (60) calendar days prior to expiration
3 for renewal of licenses to every person to whom a license was issued
4 or renewed during the preceding renewal period.

5 C. The licensee shall complete the notice of renewal and return
6 it to the Board with the renewal fee determined by the Board before
7 the date of expiration.

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

12 E. A licensee who allows the license to lapse by failing to
13 renew it may be reinstated by the Board upon payment of the renewal
14 fee and reinstatement fee of One Hundred Dollars (\$100.00);
15 provided, such request for reinstatement shall be received within
16 thirty (30) calendar days of the end of the renewal period.

17 F. A licensed radiologic technologist or limited X-ray machine
18 operator who does not intend to engage in the performance of
19 radiologic technology or limited X-ray machine operation shall send
20 a written notice to that effect to the Board and is not required to
21 submit a notice of renewal and pay the renewal fee as long as the
22 radiologic technologist or limited X-ray machine operator remains
23 inactive. Upon desiring to resume performing radiologic technology
24 or limited X-ray machine operation, the licensee shall notify the

1 Board in writing of this intent and shall satisfy the current
2 requirements of the Board in addition to submitting a notice of
3 renewal and remitting the renewal fee for the current renewal period
4 and the reinstatement fee.

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

7 H. The Board is authorized to establish, by rule, fees for
8 replacement and duplicate licenses not to exceed One Hundred Dollars
9 (\$100.00) per license.

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

13 SECTION 11. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 542.10 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 Fees received by the State Board of Medical Licensure and
17 Supervision and any other monies collected pursuant to this act
18 shall be deposited with the State Treasurer who shall place the
19 monies in the regular depository fund of the Board. The deposit,
20 less the ten percent (10%) gross fees paid into the General Revenue
21 Fund pursuant to Section 211 of Title 62 of the Oklahoma Statutes,
22 is hereby appropriated and shall be used to pay expenses incurred
23 pursuant to this act.

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1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 542.11 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 The State Board of Medical Licensure and Supervision may revoke,
5 suspend or refuse to renew any license, place on probation or
6 otherwise reprimand a licensee or deny a license to an applicant if
7 it finds that the person:

8 1. Is guilty of fraud or deceit in procuring or attempting to
9 procure a license or renewal of a license to practice as a
10 radiologic technologist or limited X-ray machine operator;

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

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

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

16 5. Is guilty of dishonest or unethical conduct;

17 6. Has practiced as a radiologic technologist or limited X-ray
18 machine operator after the license has expired or has been
19 suspended;

20 7. Has practiced as a radiologic technologist or limited X-ray
21 machine operator under cover of any license illegally or
22 fraudulently obtained or issued;

23 8. Has violated or aided or abetted others in violation of any
24 provision of this act;

1 9. Has been guilty of unprofessional conduct as defined by the
2 rules established by the Board, or of violating the code of ethics
3 adopted and published by the Board; or

4 10. Is guilty of the unauthorized practice of medicine,
5 radiologic technology or limited X-ray machine operation.

6 SECTION 13. This act shall become effective November 1, 2019.

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