

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1647

6 By: Peterson (Pam)

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 creating the Radiologist Assistant Licensure Act;
10 allowing the use of radiologist assistants under
11 certain circumstances; providing for the promulgation
12 of rules by the State Board of Medical Licensure and
13 Supervision; requiring certification and registration
14 of radiologist assistants; prohibiting certain acts
15 by radiologist assistants; creating the Radiologist
16 Assistant Advisory Committee; providing for
17 membership of committee; specifying qualifications;
18 providing terms of office; providing for vacancies;
19 authorizing removal under certain circumstances;
20 specifying meeting procedures; providing for a
21 quorum; specifying duties; providing for
22 reimbursement; providing for the duties and powers of
23 the State Board of Medical Licensure and Supervision;
24 providing for licensure and renewal fees; requiring
examination for applicant; providing for licensure by
endorsement; authorizing use of title; establishing
procedures for renewal of license; providing for
reinstatement; providing for reinstatement fee;
providing procedure for inactive radiologist
assistants; providing for replacement and duplicate
license fees; providing for continuing education;
providing for the disposition of fees; specifying
disbursement of funds; providing for circumstances
authorizing revocation, suspension, or nonrenewal of
a license, or a reprimand; exempting certain persons
from scope of the Radiologist Assistant Licensure
Act; providing for codification; and declaring an
emergency.

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 541 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 "Radiologist
6 Assistant Licensure Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 541.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A radiologist may use the services of a radiologist
11 assistant, licensed by the State Board of Medical Licensure and
12 Supervision, to practice radiology assistance under the direct
13 supervision of a physician licensed by the State Board of Medical
14 Licensure and Supervision or the State Board of Osteopathic
15 Examiners and certified by the American Board of Radiology or the
16 American Osteopathic Board of Radiology.

17 B. The State Board of Medical Licensure and Supervision shall
18 promulgate rules defining the scope of practice of a radiologist
19 assistant and the educational qualifications necessary to practice
20 as a radiologist assistant. The Board may use guidelines adopted by
21 the American College of Radiology, the American Society of
22 Radiologic Technologists, and the American Registry of Radiologic
23 Technologists in promulgating rules. The Board shall be the final
24 authority in all matters pertaining to licensure, continuing

1 education requirements and scope of practice of radiologist
2 assistants and shall not exceed the guidelines in this subsection.

3 C. A radiologist assistant shall be certified and registered
4 with the American Registry of Radiologic Technologists and
5 credentialed to provide radiology services and have completed a
6 radiologist assistant program accredited by the American Registry of
7 Radiologic Technologists and passed the American Registry of
8 Radiologic Technologists certification examinations.

9 D. A radiologist assistant shall not interpret images, make
10 diagnoses, or prescribe medications or therapies or obtain informed
11 consent.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 541.2 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

13 6. Two members shall be radiologist assistants appointed by the
14 State Board of Medical Licensure and Supervision from a list of
15 radiologist assistants submitted by the Oklahoma State Radiological
16 Society.

17 The radiologist assistant practitioner members shall have
18 engaged in rendering radiologist assistant services to the public,
19 teaching, or research for at least two (2) years immediately
20 preceding their appointments. These members shall at all times be
21 holders of valid licenses as radiologist assistants in this state,
22 except for the members first appointed to the Committee.

23 B. Initial members of the Committee shall be appointed by
24 September 1, 2008. Members of the Committee shall be appointed for

1 terms of four (4) years. Provided, the terms of office of the
2 members first appointed shall begin within a reasonable timeframe
3 after the effective date of this act and shall continue for the
4 following periods:

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

7 2. Three physicians and one radiologist assistant for a period
8 of four (4) years.

9 Upon the expiration of a member's term of office, the appointing
10 authority for that member shall appoint a successor. Vacancies on
11 the Committee shall be filled in like manner for the balance of an
12 unexpired term. No member shall serve more than three consecutive
13 terms. Each member shall serve until a successor is appointed and
14 qualified.

15 C. Upon expiration or vacancy of the term of a member, the
16 respective nominating authority may, as appropriate, submit to the
17 appointing Board a list of three persons qualified to serve on the
18 Committee to fill the expired term of their respective member.
19 Appointments may be made from these lists by the appointing Board,
20 and additionally lists may be provided by the respective
21 organizations if requested by the State Board of Medical Licensure
22 and Supervision.

23 D. The State Board of Medical Licensure and Supervision may
24 remove any member from the Committee for neglect of any duty

1 required by law, for incompetency, or for unethical or dishonorable
2 conduct.

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

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

12 G. The Committee shall advise the Board in developing policy
13 and rules pertaining to the Radiologist Assistant Licensure Act.

14 H. Members of the State Board of Medical Licensure and
15 Supervision and members of the Radiologist Assistant Advisory
16 Committee shall be reimbursed for all actual and necessary expenses
17 incurred while engaged in the discharge of official duties pursuant
18 to this act in accordance with the State Travel Reimbursement Act.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 541.3 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

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

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

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1 2. Maintain an up-to-date list of every person licensed to
2 practice as a radiologist assistant pursuant to the Radiologist
3 Assistant Licensure Act. The list shall show the licensee's:

- 4 a. last-known place of employment,
- 5 b. last-known place of residence, and
- 6 c. the date and number of the license;

7 3. Cause the prosecution of all persons violating the
8 Radiologist Assistant Licensure Act and incur necessary expenses
9 therefor;

10 4. Keep a record of all proceedings of the Board and make the
11 record available to the public for inspection during reasonable
12 business hours;

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

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

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

23 1. Promulgate rules consistent with the laws of this state and
24 in accordance with Article I of the Administrative Procedures Act as

1 may be necessary to enforce the provisions of the Radiologist
2 Assistant Licensure Act;

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

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

7 4. Set fees for licensure and renewal not to exceed Three
8 Hundred Dollars (\$300.00) per license or renewal.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 541.4 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

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

17 B. The Board may issue a license to practice as a radiologist
18 assistant by endorsement to:

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

23 2. Applicants holding credentials who are certified and
24 registered with the American Registry of Radiologic Technologists

1 and have completed a radiologist assistant program accredited by the
2 American Registry of Radiologic Technologists and passed the
3 American Registry of Radiologic Technologists certification
4 examinations, provided such credentials have not been suspended or
5 revoked; and

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

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 541.5 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A person holding a license to practice as a radiologist
13 assistant in this state may use the title "radiologist assistant"
14 and the abbreviation "RA".

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

16 SECTION 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 541.6 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Except as otherwise provided in the Radiologist Assistant
20 Licensure Act, a license shall be renewed biennially. The State
21 Board of Medical Licensure and Supervision shall mail notices at
22 least thirty (30) days prior to expiration for renewal of licenses
23 to every person to whom a license was issued or renewed during the
24 preceding renewal period. The licensee shall complete the notice of

1 renewal and return it to the Board with the renewal fee determined
2 by the Board before the date of expiration.

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

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

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

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

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1 E. The Board is authorized to establish by rule fees for
2 replacement and duplicate licenses not to exceed One Hundred Dollars
3 (\$100.00) per license.

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

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 541.7 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 Fees received by the State Board of Medical Licensure and
11 Supervision and any other monies collected pursuant to the
12 Radiologist Assistant Licensure Act shall be deposited with the
13 State Treasurer who shall place the monies in the regular depository
14 fund of the Board. The deposit, less the ten-percent gross fees
15 paid into the General Revenue Fund pursuant to Section 211 of Title
16 62 of the Oklahoma Statutes, is hereby appropriated and shall be
17 used to pay expenses incurred pursuant to the Radiologist Assistant
18 Licensure Act.

19 SECTION 9. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 541.8 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

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

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

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

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

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

11 5. Is guilty of dishonest or unethical conduct;

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

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

16 8. Has violated or aided or abetted others in violation of any
17 provision of the Radiologist Assistant Licensure Act;

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

21 10. Is guilty of the unauthorized practice of medicine.

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

1 The provisions of the Radiologist Assistant Licensure Act shall
2 not require the licensure or certification of radiology
3 technologists or technicians.

4 SECTION 11. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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