

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1045

By: Sparks

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 creating the Radiology Practitioner Assistant
9 Licensure Act; allowing the use of radiology
10 practitioner assistants under certain circumstances;
11 providing for the promulgation of rules by the State
12 Board of Medical Licensure and Supervision; requiring
13 certification and registration of radiology
14 practitioner assistants; prohibiting certain acts by
15 radiology practitioner assistants; creating the
16 Radiology Practitioner Assistant Advisory Committee;
17 providing for membership of committee; specifying
18 qualifications; providing terms of office; providing
19 for vacancies; authorizing removal under certain
20 circumstances; specifying meeting procedures;
21 providing for a quorum; specifying duties; providing
22 for reimbursement; providing for the duties and
23 powers of the State Board of Medical Licensure and
24 Supervision; 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
radiology practitioner 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 Radiology
Practitioner Assistant Licensure Act; providing for
codification; and declaring an emergency.

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

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

4 This act shall be known and may be cited as the "Radiology
5 Practitioner Assistant Licensure Act".

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

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

16 B. The State Board of Medical Licensure and Supervision shall
17 promulgate rules defining the scope of practice of a radiology
18 practitioner assistant and the educational qualifications necessary
19 to practice as a radiology practitioner assistant. The Board shall
20 use and conform to guidelines adopted by the Certification Board for
21 Radiology Practitioner Assistants in promulgating rules. The Board
22 shall be the final authority in all matters pertaining to licensure,
23 continuing education requirements and scope of practice of radiology

24

1 practitioner assistants and shall not exceed the guidelines in this
2 subsection.

3 C. A radiology practitioner assistant shall be certified and
4 registered with the Certification Board for Radiology Practitioner
5 Assistants and credentialed to provide radiology services and have
6 completed a radiology practitioner assistant program accredited by
7 the Certification Board for Radiology Practitioner Assistants and
8 passed the Certification Board for Radiology Practitioner Assistants
9 certification examination.

10 D. A radiology practitioner assistant shall not make final
11 interpretations of images, make diagnoses, or prescribe medications
12 or therapies.

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

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

21 1. The Committee shall have no members serving concurrently on
22 the Radiologist Assistant Advisory Committee created under Section
23 541.2 of this title;

24

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

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

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

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

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

17 7. Two members shall be radiology practitioner assistants
18 appointed by the State Board of Medical Licensure and Supervision
19 from a list of radiology practitioner assistants submitted by the
20 Oklahoma State Radiological Society.

21 The radiology practitioner assistant members shall have engaged
22 in rendering radiology practitioner assistant services to the
23 public, teaching, or research for at least two (2) years immediately
24 preceding their appointments. These members shall at all times be

1 holders of valid licenses as radiology practitioner assistants in
2 this state, except for the members first appointed to the Committee.

3 B. Initial members of the Committee shall be appointed by
4 September 1, 2009. Members of the Committee shall be appointed for
5 terms of four (4) years. Provided, the terms of office of the
6 members first appointed shall begin within a reasonable time frame
7 after the effective date of this act and shall continue for the
8 following periods:

9 1. Two physicians and one radiology practitioner assistant for
10 a period of three (3) years; and

11 2. Three physicians and one radiology practitioner assistant
12 for a period of four (4) years.

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

19 C. Upon expiration or vacancy of the term of a member, the
20 respective nominating authority may, as appropriate, submit to the
21 appointing Board a list of three persons qualified to serve on the
22 Committee to fill the expired term of their respective member.
23 Appointments may be made from these lists by the appointing Board,
24 and additionally lists may be provided by the respective

1 organizations if requested by the State Board of Medical Licensure
2 and Supervision.

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

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

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

16 G. The Committee shall advise the Board in developing policy
17 and rules pertaining to the Radiology Practitioner Assistant
18 Licensure Act.

19 H. Members of the State Board of Medical Licensure and
20 Supervision and members of the Radiology Practitioner Assistant
21 Advisory Committee shall be reimbursed for all actual and necessary
22 expenses incurred while engaged in the discharge of official duties
23 pursuant to this act in accordance with the State Travel
24 Reimbursement Act.

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. The State Board of Medical Licensure and Supervision shall:

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

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

7 practice as a radiology practitioner assistant pursuant to the

8 Radiology Practitioner Assistant Licensure Act. The list shall show

9 the licensee's:

10 a. last-known place of employment,

11 b. last-known place of residence, and

12 c. the date and number of the license;

13 3. Cause the prosecution of all persons violating the Radiology

14 Practitioner Assistant Licensure Act and incur necessary expenses

15 therefor;

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

17 record available to the public for inspection during reasonable

18 business hours;

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

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

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

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

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

24 and penalty incurred, and the length of penalty. This information

1 shall be available for public inspection during reasonable business
2 hours and shall be supplied to similar boards in other states upon
3 request.

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

5 1. Promulgate rules consistent with the laws of this state and
6 in accordance with Article I of the Administrative Procedures Act as
7 may be necessary to enforce the provisions of the Radiology
8 Practitioner Assistant Licensure Act;

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

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

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

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

18 A. The applicant, except where otherwise defined in the
19 Radiology Practitioner Assistant Licensure Act, shall be required to
20 pass an examination, whereupon the State Board of Medical Licensure
21 and Supervision may issue to the applicant a license to practice as
22 a radiology practitioner assistant.

23 B. The Board may issue a license to practice as a radiology
24 practitioner assistant by endorsement to:

1 1. An applicant who currently holds a license to practice as a
2 radiology practitioner assistant under the laws of another state,
3 territory, or country, and certifies under oath that such license is
4 not subject to revocation or suspension, if the qualifications of
5 the applicant are deemed by the Board to be equivalent to those
6 required in this state; or

7 2. Applicants holding credentials who are certified and
8 registered with the Certification Board for Radiology Practitioner
9 Assistants and have completed a radiology practitioner assistant
10 program accredited by the Certification Board for Radiology
11 Practitioner Assistants, provided such credentials have not been
12 suspended or revoked and applicants so certify under oath.

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

16 A. A person holding a license to practice as a radiology
17 practitioner assistant in this state may use the title "Radiology
18 Practitioner Assistant" and the abbreviation "RPA".

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

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

23 A. Except as otherwise provided in the Radiology Practitioner
24 Assistant Licensure Act, a license shall be renewed biennially. The

1 State Board of Medical Licensure and Supervision shall mail notices
2 at least thirty (30) days prior to expiration for renewal of
3 licenses to every person to whom a license was issued or renewed
4 during the preceding renewal period. The licensee shall complete
5 the notice of renewal and return it to the Board with the renewal
6 fee determined by the Board before the date of expiration.

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

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

16 D. 1. A licensed radiology practitioner assistant who does not
17 intend to engage in the practice shall send a written notice to that
18 effect to the Board and is not required to submit a notice of
19 renewal and pay the renewal fee as long as the practitioner remains
20 inactive. Upon desiring to resume practicing as a radiology
21 practitioner assistant, the practitioner shall notify the Board in
22 writing of this intent and shall satisfy the current requirements of
23 the Board in addition to submitting a notice of renewal and
24

1 remitting the renewal fee for the current renewal period and the
2 reinstatement fee.

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

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

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

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

23

24

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 542.8 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, or 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 radiology
10 practitioner assistant;
- 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 radiology practitioner assistant after
18 the license has expired or has been suspended;
- 19 7. Has practiced as a radiology practitioner assistant under
20 cover of any license illegally or fraudulently obtained or issued;
- 21 8. Has violated or aided or abetted others in violation of any
22 provision of the Radiology Practitioner Assistant Licensure Act;

23
24

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

8 The provisions of the Radiology Practitioner Assistant Licensure
9 Act shall not require the licensure or certification of radiology
10 technologists or technicians.

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

15
16 52-1-1217 LKS 3/6/2009 1:18:28 AM

17
18
19
20
21
22
23
24