

1 ENGROSSED SENATE
2 BILL NO. 1329

By: Scott of the Senate

3 and

4 Teague of the House

5
6 An Act relating to the practice of radiologic
7 technology; creating the Radiologic Technologist
8 Licensure Act; defining terms; setting forth certain
9 licensure provisions related to the State Board of
10 Medical Licensure and Supervision; providing for
11 licensure of limited X-ray machine operator, nuclear
12 medicine technologist, radiation therapist and
13 radiographer; limiting scope of practice; creating
14 Radiologic Technologist Advisory Committee; providing
15 for membership, function, terms of office, vacancies,
16 removal from office, meetings, quorum and travel
17 expenses of Committee; setting forth certain
18 requirements of Medical Board related to licensure
19 and administrative action; authorizing Medical Board
20 to employ certain personnel and establish certain
21 fees and procedures; providing for examination;
22 allowing certain individuals to continue to practice
23 under certain conditions; providing for licensure by
24 endorsement of limited X-ray machine operator,
nuclear medicine technologist, radiation therapist
and radiographer; providing professional
designations; 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.

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

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

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

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

6 As used in this act:

7 1. "Medical Board" means the State Board of Medical Licensure
8 and Supervision;

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

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

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

23 5. "Licensed practitioner" means an allopathic or osteopathic
24 physician, chiropractor, podiatrist or dentist with education and

1 specialist training in the medical or dental use of radiation who is
2 deemed competent to independently perform or supervise medical
3 imaging or radiation therapy procedures and who is licensed in this
4 state;

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

10 7. "Nuclear medicine technology" means the performance of a
11 variety of:

12 a. nuclear medicine and molecular imaging procedures
13 using sealed and unsealed radiation sources, ionizing
14 radiation and adjunctive medicine including contrast
15 media, and

16 b. therapeutic procedures using unsealed radioactive
17 sources;

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

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

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

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

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

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

20 B. A physician licensed by the Medical Board or the State Board
21 of Osteopathic Examiners shall supervise the services of a limited
22 X-ray machine operator, nuclear medicine technologist, radiation
23 therapist or radiographer.

1 C. The Medical Board shall promulgate rules defining the scope
2 of practice of a limited X-ray machine operator, nuclear medicine
3 technologist, radiation therapist and radiographer and the
4 qualifications necessary to practice as a limited X-ray machine
5 operator, nuclear medicine technologist, radiation therapist and
6 radiographer for licensure.

7 D. The Medical Board may use guidelines adopted by the American
8 Society of Radiologic Technologists in promulgating rules for
9 limited X-ray machine operators, radiographers or radiation
10 therapists, and may use guidelines adopted by the American Society
11 of Radiologic Technologists or Society of Nuclear Medicine and
12 Molecular Imaging in promulgating rules for nuclear medicine
13 technologists.

14 E. The Medical Board shall be the final authority in all
15 matters pertaining to licensure, continuing education requirements
16 and scope of practice of limited X-ray machine operators, nuclear
17 medicine technologists, radiation therapists or radiographers and
18 shall not exceed the guidelines in this section.

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

22 A. A limited X-ray machine operator license shall be limited in
23 scope through the issuance of permits to perform diagnostic X-rays
24

1 on specific anatomical areas of the human body. The following
2 permits may be issued:

3 1. Chest radiography permit, which authorizes radiography of
4 the thorax, heart and lungs;

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

7 3. Spine radiography permit, which authorizes radiography of
8 the vertebral column;

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

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

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

17 B. To be licensed by the Medical Board as a limited X-ray
18 machine operator, an applicant shall submit the application and
19 satisfy all of the following requirements:

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

22 2. Have a high school diploma or have passed an approved
23 equivalency test;

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

4 4. Pass an examination approved by the Medical Board;

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

9 D. A radiation therapist shall be certified and registered with
10 the American Registry of Radiologic Technologists in radiation
11 therapy.

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

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

17 A. No limited X-ray machine operator, nuclear medicine
18 technologist, radiation therapist or radiographer shall interpret
19 images, make diagnoses, prescribe medications or therapies or obtain
20 informed consent.

21 B. A limited X-ray machine operator shall not perform
22 radiologic technology procedures involving the administration or
23 utilization of contrast media, perform fluoroscopy or perform
24

1 computed tomography, magnetic resonance imaging, mammography,
2 nuclear medicine technology or radiation therapy.

3 C. The Medical Board shall promulgate rules regarding the
4 qualifications of radiologic technologists performing nuclear
5 medicine technology, radiation therapy or radiography on combined or
6 hybrid imaging equipment.

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

10 A. There is hereby created a Radiologic Technologist Advisory
11 Committee within the Medical Board to assist in administering the
12 provisions of this act.

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

14 1. One member shall be a physician appointed by the Medical
15 Board or the State Board of Osteopathic Examiners;

16 2. One member shall be a radiologist appointed by the Medical
17 Board;

18 3. One member shall be a nuclear medicine technologist
19 appointed by the Medical Board from a list of nuclear medicine
20 technologists submitted by a professional organization representing
21 radiologic technologists in the State of Oklahoma or national
22 professional organizations representing nuclear medicine
23 technologists;

24

1 4. One member shall be a radiation therapist appointed by the
2 Medical Board from a list of radiation therapists submitted by a
3 professional organization representing radiologic technologists in
4 the State of Oklahoma or national professional organizations
5 representing radiation therapists; and

6 5. One member shall be a radiographer appointed by the Medical
7 Board from a list of radiographers submitted by a professional
8 organization representing radiologic technologists in the State of
9 Oklahoma or national professional organizations representing
10 radiographers.

11 C. All members of the Committee shall be residents of the State
12 of Oklahoma.

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

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

20 F. Initial members of the Committee shall be appointed by
21 September 1, 2019.

22 G. The terms of office shall be four (4) years; provided, the
23 terms of the members first appointed shall begin within a reasonable
24

1 time frame after the effective date of this act and shall continue
2 for the following periods:

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

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

7 H. Upon the expiration of a member's term of office, the
8 appointing authority for that member shall appoint a successor.

9 Vacancies on the Committee shall be filled in like manner for the
10 balance of an unexpired term. No member shall serve more than three
11 (3) consecutive terms. Each member shall serve until a successor is
12 appointed and qualified. Upon expiration or vacancy of the term of
13 a member, the respective nominating authority may, as appropriate,
14 submit to the appointing authority a list of three persons qualified
15 to serve on the Committee to fill the expired term of their
16 respective member. Appointments may be made from these lists by the
17 appointing authority, and additional lists may be provided by the
18 respective organizations if requested by Medical Board.

19 I. The Medical Board may remove any member from the Committee
20 for neglect of any duty required by law, for incompetency or for
21 unethical or dishonorable conduct.

22 J. The Committee shall meet at least twice each year and shall
23 elect biennially during odd-numbered years a chair and vice-chair
24 from among its members. The Committee may convene at the request of

1 the chair, or as the Committee may determine for such other meetings
2 as may be deemed necessary.

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

7 L. The Committee shall advise the Medical Board in developing
8 policy and rules pertaining to this act.

9 M. Members of the Medical Board and members of the Radiologic
10 Technologist Advisory Committee shall be reimbursed for all actual
11 and necessary expenses incurred while engaged in the discharge of
12 official duties pursuant to this act in accordance with the State
13 Travel Reimbursement Act.

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

17 A. The Medical Board shall:

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

19 2. Maintain an up-to-date list of every person licensed to
20 practice as a radiologic technologist or limited X-ray machine
21 operator pursuant to this act. The list shall display the
22 licensee's:

23 a. last-known place of employment,

24 b. last-known place of residence,

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

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

3 3. Cause the prosecution of all persons in violation of this
4 act and incur necessary expenses therefor;

5 4. Keep a record of all proceedings of the Medical Board and
6 make the record available to the public for inspection during
7 reasonable business hours;

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

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

17 B. The Medical Board may:

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

21 2. Employ such personnel as necessary to assist the Medical
22 Board in performing its functions pursuant to this act;

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

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

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

6 A. The applicant, except as otherwise provided in this section,
7 shall be required to pass an examination, whereupon the Medical
8 Board may issue to the applicant a license to practice as a
9 radiologic technologist or limited X-ray machine operator.

10 B. An individual who has been engaged in the practice of
11 radiologic technology or limited X-ray machine operation, who is not
12 certified and registered by a certification organization recognized
13 by the Medical Board, based on technical advice and recommendations
14 from the Radiologic Technologist Advisory Committee, may continue to
15 practice in the area of radiologic technology or limited X-ray
16 machine operation in which the individual is currently employed,
17 provided the individual:

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

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

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

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

1 5. Obtains a license to practice in the area of his or her
2 practice from the Medical Board by July 1, 2025.

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

5 1. Is currently licensed to practice as a limited X-ray machine
6 operator under the laws of another state, territory or country if
7 the qualifications of the applicant are deemed by the Medical Board
8 to be equivalent to those required in this state; and

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

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

13 1. Is currently licensed to practice as a nuclear medicine
14 technologist under the laws of another state, territory, or country
15 if the qualifications of the applicant are deemed by the Medical
16 Board to be equivalent to those required in this state; or

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

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

22 E. The Medical Board may issue a license to practice as a
23 radiation therapist by endorsement to an applicant who:

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

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

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

9 F. The Medical Board may issue a license to practice as a
10 radiographer by endorsement to an applicant who:

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

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

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

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

22 A. A person holding a license to practice as a limited X-ray
23 machine operator may use the title "limited X-ray machine operator"
24 and the abbreviation "LXMO". A person holding a license to practice

1 as a nuclear medicine technologist may use the title "radiologic
2 technologist-nuclear medicine" and the abbreviation "RT(N)". A
3 person holding a license to practice as a radiation therapist may
4 use the title "radiologic technologist-therapy" and the abbreviation
5 "RT(T)". A person holding a license to practice as a radiographer
6 may use the title "radiologic technologist-radiography" and the
7 abbreviation "RT(R)".

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

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

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

14 B. The Medical Board shall mail notices at least sixty (60)
15 calendar days prior to expiration for renewal of licenses to every
16 person to whom a license was issued or renewed during the preceding
17 renewal period.

18 C. The licensee shall complete the notice of renewal and return
19 it to the Medical Board with the renewal fee determined by the
20 Medical Board before the date of expiration.

21 D. Upon receipt of the notice of renewal and the fee, the
22 Medical Board shall verify its contents and shall issue the licensee
23 a license for the current renewal period, which shall be valid for
24 the period stated thereon.

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

6 F. A licensed radiologic technologist or limited X-ray machine
7 operator who does not intend to engage in the performance of
8 radiologic technology or limited X-ray machine operation shall send
9 a written notice to that effect to the Medical Board and is not
10 required to submit a notice of renewal and pay the renewal fee as
11 long as the radiologic technologist or limited X-ray machine
12 operator remains inactive. Upon desiring to resume performing
13 radiologic technology or limited X-ray machine operation, the
14 licensee shall notify the Medical Board in writing of this intent
15 and shall satisfy the current requirements of the Medical Board in
16 addition to submitting a notice of renewal and remitting the renewal
17 fee for the current renewal period and the reinstatement fee.

18 G. Rules of the Medical Board shall provide for a specific
19 period of time of continuous inactivity after which retesting is
20 required.

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

1 I. The Medical Board shall by rule prescribe continuing
2 education requirements as a condition for renewal of license. The
3 program criteria with respect thereto shall be approved by the
4 Medical Board.

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

8 Fees received by the Medical Board and any other monies
9 collected pursuant to this act shall be deposited with the State
10 Treasurer who shall place the monies in the regular depository fund
11 of the Medical Board. The deposit, less the ten percent (10%) gross
12 fees paid into the General Revenue Fund pursuant to Section 211 of
13 Title 62 of the Oklahoma Statutes, is hereby appropriated and shall
14 be used to pay expenses incurred pursuant to this act.

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

18 The Medical Board may revoke, suspend or refuse to renew any
19 license, place on probation or otherwise reprimand a licensee or
20 deny a license to an applicant if it finds that the person:

21 1. Is guilty of fraud or deceit in procuring or attempting to
22 procure a license or renewal of a license to practice as a
23 radiologic technologist or limited X-ray machine operator;
24

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

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

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

6 5. Is guilty of dishonest or unethical conduct;

7 6. Has practiced as a radiologic technologist or limited X-ray
8 machine operator after the license has expired or has been
9 suspended;

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

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

15 9. Has been guilty of unprofessional conduct as defined by the
16 rules established by the Medical Board, or of violating the code of
17 ethics adopted and published by the Medical Board; or

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

20 SECTION 13. This act shall become effective November 1, 2018.

1 Passed the Senate the 13th day of March, 2018.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

7
8 _____
9 Presiding Officer of the House
10 of Representatives