

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1329, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Scott

Scott-DC-FS-Req#3481
3/12/2018 2:01 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1329

By: Scott of the Senate

and

6 Teague of the House

7
8
9 FLOOR SUBSTITUTE

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

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 "Radiologic
5 Technologist 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 As used in this act:

10 1. "Medical Board" means the State Board of Medical Licensure
11 and Supervision;

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

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

20 4. "Ionizing radiation" means radiation that may consist of
21 alpha particles, beta particles, gamma rays, X-rays, neutrons, high-
22 speed electrons, high-speed protons or other particles capable of
23 producing ions. Ionizing radiation shall not include radiation such
24

1 as radio frequency or microwaves, visible infrared or ultraviolet
2 light or ultrasound;

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

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

14 7. "Nuclear medicine technology" means the performance of a
15 variety of:

- 16 a. nuclear medicine and molecular imaging procedures
17 using sealed and unsealed radiation sources, ionizing
18 radiation and adjunctive medicine including contrast
19 media, and
20 b. therapeutic procedures using unsealed radioactive
21 sources;

22 8. "Radiologic technologist" means any person, other than a
23 licensed practitioner, who performs radiologic technology procedures
24 to humans for medical diagnostic or therapeutic purposes and

1 includes nuclear medicine technologists, radiation therapists and
2 radiographers;

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

5 10. "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 11. "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 Medical Board, shall be licensed by the Medical
23 Board.
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 2. Have a high school diploma or have passed an approved
4 equivalency test;

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

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

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

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

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

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

21 A. No limited X-ray machine operator, nuclear medicine
22 technologist, radiation therapist or radiographer shall interpret
23 images, make diagnoses, prescribe medications or therapies or obtain
24 informed consent.

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

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

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

13 A. There is hereby created a Radiologic Technologist Advisory
14 Committee within the Medical Board to assist in administering the
15 provisions of this act.

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

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

19 2. One member shall be a radiologist appointed by the Medical
20 Board;

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

1 professional organizations representing nuclear medicine
2 technologists;

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

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

13 C. All members of the Committee shall be residents of the State
14 of Oklahoma.

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

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

22 F. Initial members of the Committee shall be appointed by
23 September 1, 2019.

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

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

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

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

21 I. The Medical Board may remove any member from the Committee
22 for neglect of any duty required by law, for incompetency or for
23 unethical or dishonorable conduct.
24

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

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

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

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

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

20 A. The Medical Board shall:

- 21 1. License and renew the licenses of duly qualified applicants;
22 2. Maintain an up-to-date list of every person licensed to
23 practice as a radiologic technologist or limited X-ray machine
24

operator pursuant to this act. The list shall display the licensee's:

- a. last-known place of employment,
- b. last-known place of residence,
- c. disciplines in which the licensee is licensed, and
- d. the number and issue date of the license;

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

4. Keep a record of all proceedings of the Medical 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 length of the 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 Medical Board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 2. Is certified and registered with the American Registry of
22 Radiologic Technologists or Nuclear Medicine Technology
23 Certification Board as a nuclear medicine technologist; and
24

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

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

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

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

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

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

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

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

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

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

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

15 SECTION 10. NEW LAW A new section of law to be codified

16 in the Oklahoma Statutes as Section 542.9 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

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

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

1 C. The licensee shall complete the notice of renewal and return
2 it to the Medical Board with the renewal fee determined by the
3 Medical Board before the date of expiration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 5. Is guilty of dishonest or unethical conduct;

13 6. Has practiced as a radiologic technologist or limited X-ray
14 machine operator after the license has expired or has been
15 suspended;

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

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

21 9. Has been guilty of unprofessional conduct as defined by the
22 rules established by the Medical Board, or of violating the code of
23 ethics adopted and published by the Medical Board; or
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1 10. Is guilty of the unauthorized practice of medicine,
2 radiologic technology or limited X-ray machine operation.

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

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