

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1329

By: Scott

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 541, 541.1, 541.2, 541.3, 541.4, 541.5, 541.6, 541.7 and 541.8, which relate to the Radiologist Assistant Licensure Act; changing the name of the act to the Radiologist Assistant and Radiologic Technologist Licensure Act; expanding the scope of the act; requiring certain individuals to be licensed by the State Board of Medical Licensure and Supervision; modifying supervisory requirements; requiring the promulgation of certain rules; authorizing the Board to use certain guidelines; providing requirements to be licensed; changing name and modifying composition of advisory committee; providing for initial appointments to the advisory committee by a certain date; modifying duties of the State Board of Medical Licensure and Supervision; modifying fees for licensure and renewal of license; authorizing certain individuals to continue to practice in areas in which they are currently employed subject to certain conditions; modifying and expanding licensure by endorsement; authorizing the use of certain titles and abbreviations; modifying notice of renewal of license requirements; expanding power of the State Board of Medical Licensure and Supervision to take certain actions regarding licensure; defining terms; repealing 59 O.S. 2011, Section 541.9, which relates to licensing exemptions; providing for codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 541, is
3 amended to read as follows:

4 Section 541. This act shall be known and may be cited as the
5 "Radiologist Assistant and Radiologic Technologist Licensure Act".

6 SECTION 2. AMENDATORY 59 O.S. 2011, Section 541.1, is
7 amended to read as follows:

8 Section 541.1. A. After January 1, 2021, any individual who is
9 not a licensed practitioner as defined in Section 541.9 of this
10 title who performs fluoroscopy, nuclear medicine technology,
11 radiation therapy or radiography or other medical imaging or
12 radiation therapy procedures for medical diagnostic or therapeutic
13 purposes as determined by the State Board of Medical Licensure and
14 Supervision, shall be licensed by the Board.

15 B. 1. A radiologist ~~may use the services of a radiologist~~
16 ~~assistant,~~ licensed by the State Board of Medical Licensure and
17 ~~Supervision, to practice radiology assistance under the direct~~
18 ~~supervision of a~~ shall supervise the services of a radiologist
19 assistant.

20 2. A physician licensed by the State Board of Medical Licensure
21 and Supervision or the State Board of Osteopathic Examiners ~~and~~
22 ~~certified by the American Board of Radiology or the American~~
23 ~~Osteopathic Board of Radiology~~ shall supervise the services of a
24 nuclear medicine technologist, radiation therapist or radiographer.

1 ~~B.~~ C. The State Board of Medical Licensure and Supervision
2 shall promulgate rules defining the scope of practice of a nuclear
3 medicine technologist, radiation therapist, radiographer or
4 radiologist assistant and the educational qualifications necessary
5 ~~to practice as a radiologist assistant~~ for licensure.

6 D. The Board may use guidelines adopted by the American College
7 of Radiology, the American Society of Radiologic Technologists, and
8 the American Registry of Radiologic Technologists in promulgating
9 rules for radiologist assistants. The Board may use guidelines
10 adopted by the American Society of Radiologic Technologists in
11 promulgating rules for radiographers or radiation therapists and the
12 American Society of Radiologic Technologists or Society of Nuclear
13 Medicine and Molecular Imaging in promulgating rules for nuclear
14 medicine technologists. The Board shall be the final authority in
15 all matters pertaining to licensure, continuing education
16 requirements and scope of practice of radiologist assistants,
17 radiographers, radiation therapists and nuclear medicine
18 technologists and shall not exceed the guidelines in this
19 subsection.

20 ~~C.~~ E. A radiologist assistant shall be certified and registered
21 with the American Registry of Radiologic Technologists or
22 Certification Board of Radiology Practitioner Assistants as a
23 radiologist assistant or radiology practitioner assistant and
24

1 credentialed to provide radiology services ~~and have completed a~~
2 ~~radiologist assistant program accredited by.~~

3 F. A radiographer shall be certified and registered with the
4 American Registry of Radiologic Technologists and passed in
5 radiography.

6 G. A radiation therapist shall be certified and registered with
7 the American Registry of Radiologic Technologists ~~certification~~
8 ~~examinations~~ in radiation therapy.

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

13 I. A radiologist assistant, radiographer, radiation therapist
14 or nuclear medicine technologist shall not interpret images, make
15 diagnoses, or prescribe medications ~~or therapies or obtain informed~~
16 ~~consent.~~

17 J. The State Board of Medical Licensure and Supervision shall
18 promulgate rules regarding the qualifications of radiologic
19 technologists performing radiography, radiation therapy or nuclear
20 medicine technology on combined or hybrid imaging equipment.

21 SECTION 3. AMENDATORY 59 O.S. 2011, Section 541.2, is
22 amended to read as follows:

23 Section 541.2. A. There is hereby created a Radiologist
24 Assistant and Radiologic Technologist Advisory Committee within the

1 State Board of Medical Licensure and Supervision to assist in
2 administering the provisions of the Radiologist Assistant and
3 Radiologic Technologist Licensure Act. The Committee shall consist
4 of seven (7) members as follows:

5 1. One member shall be a physician appointed by the State Board
6 of Medical Licensure and Supervision or State Board of Osteopathic
7 Examiners from its membership;

8 2. One member shall be a radiologist appointed by the State
9 Board of Medical Licensure and Supervision from a list of qualified
10 individuals submitted by the Oklahoma State Medical Association or
11 Oklahoma Osteopathic Association and who is not a member of the
12 Board;

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

15 ~~4. One member shall be a physician appointed by the State Board~~
16 ~~of Osteopathic Examiners from a list of qualified individuals~~
17 ~~submitted by the Oklahoma Osteopathic Association and who is not a~~
18 ~~member of the State Board of Osteopathic Examiners;~~

19 ~~5.~~ One member shall be a radiologist appointed by the State
20 Board of Medical Licensure and Supervision from a list of qualified
21 individuals submitted by the Oklahoma State Radiological Society and
22 who is not a member of the Board; ~~and~~

23 ~~6. Two members~~ 4. One member shall be a radiologist ~~assistants~~
24 assistant appointed by the State Board of Medical Licensure and

Supervision from a list of radiologist assistants submitted by the
Oklahoma State Radiological Society or Oklahoma Society of
Radiologic Technologists;

5. One member shall be a radiographer appointed by the State
Board of Medical Licensure and Supervision from a list of
radiographers submitted by the Oklahoma Society of Radiologic
Technologists or national professional organizations representing
radiographers;

6. One member shall be a radiation therapist appointed by the
State Board of Medical Licensure and Supervision from a list of
radiation therapists submitted by the Oklahoma Society of Radiologic
Technologists or national professional organizations representing
radiation therapists; and

7. One member shall be a nuclear medicine technologist
appointed by the State Board of Medical Licensure and Supervision
from a list of nuclear medicine technologists submitted by the
Oklahoma Society of Radiologic Technologists or national
professional organizations representing nuclear medicine
technologists.

B. All members of the Committee shall be residents of the State
of Oklahoma.

C. The ~~radiologist assistant practitioner~~ nonphysician members
shall have engaged in rendering radiologist assistant services or
radiologic technology services within their respective scope of

1 practice to the public, teaching, or research for at least two (2)
2 years immediately preceding their appointments. These members shall
3 at all times be holders of valid licenses as radiologist assistants
4 or radiologic technologists in this state, except for the members
5 first appointed to the Committee.

6 ~~B.~~ D. Initial members of the Committee shall be appointed by
7 September 1, ~~2008~~ 2019.

8 ~~Members of the Committee shall be appointed for terms~~ E. ~~The~~
9 ~~terms of office shall be~~ four (4) years. ~~Provided, the terms of~~
10 ~~office, except that~~ of the members first appointed shall begin
11 ~~within a reasonable time frame after the effective date of this act~~
12 ~~and shall continue for the following periods:~~

13 ~~1. Two physicians and one radiologist assistant for a period of~~
14 ~~three (3) years; and~~

15 ~~2. Three physicians and one radiologist assistant for a period~~
16 ~~of four (4) years.~~ Two members shall be appointed for a term of one
17 (1) year, two members for a term of two (2) years and three members
18 for a term of three (3) years. Upon the expiration of a member's
19 term of office, the appointing authority for that member shall
20 appoint a successor. Vacancies on the Committee shall be filled in
21 like manner for the balance of an unexpired term. No member shall
22 serve more than three consecutive terms. Each member shall serve
23 until a successor is appointed and qualified.

1 ~~E.~~ F. Upon expiration or vacancy of the term of a member, the
2 respective nominating authority may, as appropriate, submit to the
3 appointing Board a list of three persons qualified to serve on the
4 Committee to fill the expired term of their respective member.
5 Appointments may be made from these lists by the appointing Board,
6 and ~~additionally~~ additional lists may be provided by the respective
7 organizations ~~if requested by the State Board of Medical Licensure~~
8 ~~and Supervision.~~

9 ~~D.~~ G. The State Board of Medical Licensure and Supervision may
10 remove any member from the Committee for neglect of any duty
11 required by law, for incompetency, or for unethical or dishonorable
12 conduct.

13 ~~E.~~ H. The Committee shall meet at least twice each year and
14 shall elect biennially during odd-numbered years a chair and vice-
15 chair from among its members. The Committee may convene at the
16 request of the chair, or as the Committee may determine for such
17 other meetings as may be deemed necessary.

18 ~~F.~~ I. A majority of the members of the Committee, including the
19 chair and vice-chair, shall constitute a quorum at any meeting, and
20 a majority of the required quorum shall be sufficient for the
21 Committee to take action by vote.

22 ~~G.~~ J. The Committee shall advise the Board in developing policy
23 and rules pertaining to the Radiologist Assistant and Radiologic
24 Technologist Licensure Act.

1 ~~H.~~ K. Members of the State Board of Medical Licensure and
2 Supervision and members of the Radiologist Assistant and Radiologic
3 Technologist Advisory Committee shall be reimbursed for all actual
4 and necessary expenses incurred while engaged in the discharge of
5 official duties pursuant to ~~this act~~ the Radiologist Assistant and
6 Radiologic Technologist Licensure Act in accordance with the State
7 Travel Reimbursement Act.

8 SECTION 4. AMENDATORY 59 O.S. 2011, Section 541.3, is
9 amended to read as follows:

10 Section 541.3. A. The State Board of Medical Licensure and
11 Supervision shall:

- 12 1. License and renew the licenses of duly qualified applicants;
- 13 2. Maintain an up-to-date list of every person licensed to
14 practice as a radiologist assistant or radiologic technologist
15 pursuant to the Radiologist Assistant and Radiologic Technologist
16 Licensure Act. The list shall show the licensee's:
 - 17 a. last-known place of employment,
 - 18 b. last-known place of residence, ~~and~~
 - 19 c. disciplines in which the licensee is licensed, and
 - 20 d. the date and number of the license;
- 21 3. Cause the prosecution of all persons violating the
22 Radiologist Assistant and Radiologic Technologist Licensure Act and
23 incur necessary expenses therefor;

1 4. Keep a record of all proceedings of the Board and make the
2 record available to the public for inspection during reasonable
3 business hours;

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

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

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

14 1. Promulgate rules consistent with the laws of this state and
15 in accordance with Article I of the Administrative Procedures Act as
16 may be necessary to enforce the provisions of the Radiologist
17 Assistant and Radiologic Technologist Licensure Act;

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

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

22 4. Set fees for licensure and renewal not to exceed ~~Three~~
23 ~~Hundred Dollars (\$300.00)~~ One Hundred Fifty Dollars (\$150.00) per
24 license or renewal.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 541.4, is
2 amended to read as follows:

3 Section 541.4. A. The applicant, except where otherwise
4 defined in the Radiologist Assistant and Radiologic Technologist
5 Licensure Act, shall be required to pass an examination, whereupon
6 the State Board of Medical Licensure and Supervision may issue to
7 the applicant a license ~~to practice as a radiologist assistant~~.

8 B. An individual who has been engaged in the practice of
9 radiologic imaging or radiation therapy, other than a radiologist
10 assistant, who is not certified and registered by a certification
11 organization recognized by the Board, based on technical advice and
12 recommendations from the Radiologist Assistant and Radiologic
13 Technologist Advisory Committee, may continue to practice in the
14 area of radiologic imaging or radiation therapy in which the
15 individual is currently employed provided the individual:

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

17 2. Does not change the scope or area of his or her current
18 practice;

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

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

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

1 C. The Board may issue a license to practice as a radiologist
2 assistant by endorsement to:

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

7 2. ~~Applicants holding credentials~~ The applicant who are is
8 certified and registered with the American Registry of Radiologic
9 Technologists ~~and have completed~~ or the Certification Board of
10 Radiology Practitioner Assistants as a radiologist assistant program
11 ~~accredited by the American Registry of Radiologic Technologists and~~
12 ~~passed the American Registry of Radiologic Technologists~~
13 ~~certification examinations~~ or a radiology practitioner assistant,
14 provided ~~such~~ the credentials of the applicant have not been
15 suspended or revoked; and

16 3. Applicants applying under the conditions of this section who
17 certify under oath that their credentials have not been suspended or
18 revoked.

19 D. The Board may issue a license to practice as a nuclear
20 medicine technologist by endorsement to:

21 1. An applicant who is currently licensed to practice as a
22 nuclear medicine technologist under the laws of another state,
23 territory, or country if the qualifications of the applicant are
24

1 deemed by the Board to be equivalent to those required in this
2 state; or

3 2. The applicant is certified and registered with the American
4 Registry of Radiologic Technologists or Nuclear Medicine Technology
5 Certification Board as a nuclear medicine technologist; 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 E. The Board may issue a license to practice as a radiation
10 therapist by endorsement to:

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

15 2. The applicant is certified and registered with the American
16 Registry of Radiologic Technologists as a radiation therapist; and

17 3. Applicants applying under the conditions of this section who
18 certify under oath that their credentials have not been suspended or
19 revoked.

20 F. The Board may issue a license to practice as a radiographer
21 assistant by endorsement to:

22 1. An applicant who is currently licensed to practice as a
23 radiographer under the laws of another state, territory or country
24

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. The applicant is certified and registered with the American
4 Registry of Radiologic Technologists as a radiographer; and

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

8 SECTION 6. AMENDATORY 59 O.S. 2011, Section 541.5, is
9 amended to read as follows:

10 Section 541.5. A. A person holding a license to practice as a
11 radiologist assistant in this state may use the title "radiologist
12 assistant" and the abbreviation "RA". A person holding a license to
13 practice as a radiographer may use the title "radiologic
14 technologist - radiography" and the abbreviation "RT(R)". A person
15 holding a license to practice as a radiation therapist may use the
16 title "radiologic technologist - therapy" and the abbreviation
17 "RT(T)". A person holding a license to practice as a nuclear
18 medicine technologist may use the title "radiologic technologist -
19 nuclear medicine" and the abbreviation "RT(N)".

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

21 SECTION 7. AMENDATORY 59 O.S. 2011, Section 541.6, is
22 amended to read as follows:

23 Section 541.6. A. Except as otherwise provided in the
24 Radiologist Assistant and Radiologic Technologist Licensure Act, a

1 license shall be renewed biennially. The State Board of Medical
2 Licensure and Supervision shall mail notices at least ~~thirty (30)~~
3 sixty (60) calendar days prior to expiration for renewal of licenses
4 to every person to whom a license was issued or renewed during the
5 preceding renewal period. The licensee shall complete the notice of
6 renewal and return it to the Board with the renewal fee determined
7 by the Board before the date of expiration.

8 B. 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 C. 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, that such request for reinstatement must be received
16 within thirty (30) days of the end of the renewal period.

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

1 to submitting a notice of renewal and remitting the renewal fee for
2 the current renewal period and the 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. AMENDATORY 59 O.S. 2011, Section 541.7, is
12 amended to read as follows:

13 Section 541.7. Fees received by the State Board of Medical
14 Licensure and Supervision and any other monies collected pursuant to
15 the Radiologist Assistant and Radiologic Technologist Licensure Act
16 shall be deposited with the State Treasurer who shall place the
17 monies in the regular depository fund of the Board. The deposit,
18 less the ten-percent gross fees paid into the General Revenue Fund
19 pursuant to Section 211 of Title 62 of the Oklahoma Statutes, is
20 hereby appropriated and shall be used to pay expenses incurred
21 pursuant to the Radiologist Assistant and Radiologic Technologist
22 Licensure Act.

23 SECTION 9. AMENDATORY 59 O.S. 2011, Section 541.8, is
24 amended to read as follows:

1 Section 541.8. The State Board of Medical Licensure and
2 Supervision may revoke, suspend, or refuse to renew any license, or
3 place on probation, or otherwise reprimand a licensee or deny a
4 license to an applicant if it finds that the person:

5 1. Is guilty of fraud or deceit in procuring or attempting to
6 procure a license or renewal of a license to practice as a
7 radiologist assistant or radiologic technologist;

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

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

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

13 5. Is guilty of dishonest or unethical conduct;

14 6. Has practiced as a radiologist assistant or radiologic
15 technologist after the license has expired or has been suspended;

16 7. Has practiced as a radiologist assistant or radiologic
17 technologist under cover of any license illegally or fraudulently
18 obtained or issued;

19 8. Has violated or aided or abetted others in violation of any
20 provision of the Radiologist Assistant and Radiologic Technologist
21 Licensure Act;

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

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

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

5 As used in the Radiologist Assistant and Radiologic Technologist
6 Licensure Act:

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

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

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

21 4. "Licensed practitioner" means a medical or osteopathic
22 physician, chiropractor, podiatrist or dentist with education and
23 specialist training in the medical or dental use of radiation who is
24 deemed competent to independently perform or supervise medical

1 imaging or radiation therapy procedures and who is licensed in this
2 state;

3 5. "Nuclear medicine technology" means the performance of a
4 variety of:

5 a. nuclear medicine and molecular imaging procedures
6 using sealed and unsealed radiation sources, ionizing
7 radiation and adjunctive medicine including contrast
8 media, and

9 b. therapeutic procedures using unsealed radioactive
10 sources;

11 6. "Radiologic technologist" means any person, other than a
12 licensed practitioner, who administers radiologic technology or
13 radiation therapy procedures to humans for medical diagnostic or
14 therapeutic purposes and includes nuclear medicine technologists,
15 radiation therapists and radiographers;

16 7. "Radiation therapy" means the planning and administration of
17 external ionizing radiation for therapeutic or curative purposes;

18 8. "Radiography" means the performance of a comprehensive set
19 of diagnostic radiographic procedures using external ionizing
20 radiation, including the administration of contrast media, to
21 produce radiographic, fluoroscopic or digital images;

22 9. "Radiologist" means a physician certified by or board-
23 eligible to be certified for the American Board of Radiology, the
24 American Osteopathic Board of Radiology, the British Royal College

1 of Radiology or the Canadian College of Physicians and Surgeons in
2 that medical specialty; and

3 10. "Radiologist assistant" means a radiographer who has met
4 additional qualifications to perform a variety of activities under
5 the supervision of a radiologist in the areas of patient care,
6 patient management, radiographic imaging or interventional
7 procedures guided by fluoroscopy.

8 SECTION 11. REPEALER 59 O.S. 2011, Section 541.9, is
9 hereby repealed.

10 SECTION 12. This act shall become effective November 1, 2018.

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