

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2041 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Lewis Moore

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2041

By: Davis

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the practice of radiologic technology; creating the Radiologic Technologist Licensure Act; defining terms; setting forth certain licensure provisions related to the State Board of Medical Licensure and Supervision; providing for licensure and supervision of certain individuals; directing promulgation of rules defining scope of practice; permitting the use of certain guidelines; establishing the State Board of Medical Licensure and Supervision as the final authority in certain matters; providing for the issuance of certain permits; stating requirements for licensure; prohibiting certain activities by certain persons; directing promulgation of rules regarding qualifications of radiologic technologists; creating Radiologic Technologist Advisory Committee; providing for membership, function, terms of office, vacancies, removal from office, meetings, quorum and travel expenses of Committee; setting forth certain requirements of Board related to licensure and administrative action; authorizing Board to employ certain personnel and establish certain fees and procedures; providing for examination of applicants; allowing certain individuals to continue to practice under certain conditions; providing for licensure by endorsement; providing professional designations; requiring presentation of license upon request; setting forth licensure renewal provisions; providing for collection, deposit and expense of certain monies; providing for administrative action for

1 certain offenses; providing for codification; and  
2 providing an effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

13 As used in this act:

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

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

22 3. "Ionizing radiation" means radiation that may consist of  
23 alpha particles, beta particles, gamma rays, X-rays, neutrons, high-  
24 speed electrons, high-speed protons or other particles capable of

1 producing ions. Ionizing radiation shall not include radiation such  
2 as radio frequency or microwaves, visible infrared or ultraviolet  
3 light or ultrasound;

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

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

16 6. "Nuclear medicine technology" means the performance of a  
17 variety of:

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

1        7. "Radiologic technologist" means any person, other than a  
2 licensed practitioner, who performs radiologic technology procedures  
3 to humans for medical diagnostic or therapeutic purposes and  
4 includes nuclear medicine technologists, radiation therapists and  
5 radiographers;

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

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

12        10. "Radiologist" means a physician certified by or board-  
13 eligible to be certified for the American Board of Radiology, the  
14 American Osteopathic Board of Radiology, the British Royal College  
15 of Radiology or the Canadian College of Physicians and Surgeons in  
16 the medical specialty of radiology.

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

20        A. After January 1, 2021, any individual who is not a licensed  
21 practitioner as defined in Section 2 of this act who performs  
22 fluoroscopy, nuclear medicine technology, radiation therapy or  
23 radiography or other radiologic technology or radiation therapy  
24 procedures for medical diagnostic or therapeutic purposes as

1 determined by the State Board of Medical Licensure and Supervision,  
2 shall be licensed by the Board.

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

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

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

20 E. The State Board of Medical Licensure and Supervision shall  
21 be the final authority in all matters pertaining to licensure,  
22 continuing education requirements and scope of practice of limited  
23 X-ray machine operators, nuclear medicine technologists, radiation  
24

1 therapists or radiographers and shall not exceed the guidelines in  
2 this section.

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

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

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

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

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

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

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

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

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

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

7 2. Have a high school diploma or have passed an approved  
8 equivalency test;

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

12 4. Pass an examination approved by the Board.

13 C. A nuclear medicine technologist shall be certified and  
14 registered with the American Registry of Radiologic Technologists or  
15 the Nuclear Medicine Technology Certification Board in nuclear  
16 medicine technology.

17 D. A radiation therapist shall be certified and registered with  
18 the American Registry of Radiologic Technologists in radiation  
19 therapy.

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

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

1       A. No limited X-ray machine operator, nuclear medicine  
2 technologist, radiation therapist or radiographer shall interpret  
3 images, make diagnoses, prescribe medications or therapies or obtain  
4 informed consent.

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

10       C. The State Board of Medical Licensure and Supervision shall  
11 promulgate rules regarding the qualifications of radiologic  
12 technologists performing nuclear medicine technology, radiation  
13 therapy or radiography on combined or hybrid imaging equipment.

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

17       A. There is hereby created a Radiologic Technologist Advisory  
18 Committee within the State Board of Medical Licensure and  
19 Supervision to assist in administering the provisions of this act.

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

21       1. One member shall be a physician appointed by the State Board  
22 of Medical Licensure and Supervision or the State Board of  
23 Osteopathic Examiners;

1       2. One member shall be a radiologist appointed by the State  
2 Board of Medical Licensure and Supervision;

3       3. One member shall be a nuclear medicine technologist  
4 appointed by the State Board of Medical Licensure and Supervision  
5 from a list of nuclear medicine technologists submitted by a  
6 professional organization representing radiologic technologists in  
7 the State of Oklahoma or national professional organizations  
8 representing nuclear medicine technologists;

9       4. One member shall be a radiation therapist appointed by the  
10 State Board of Medical Licensure and Supervision from a list of  
11 radiation therapists submitted by a professional organization  
12 representing radiologic technologists in the State of Oklahoma or  
13 national professional organizations representing radiation  
14 therapists; and

15       5. One member shall be a radiographer appointed by the State  
16 Board of Medical Licensure and Supervision from a list of  
17 radiographers submitted by a professional organization representing  
18 radiologic technologists in the State of Oklahoma or national  
19 professional organizations representing radiographers.

20       C. All members of the Committee shall be residents of the State  
21 of Oklahoma.

22       D. The radiologic technologist nonphysician members shall have  
23 engaged in performing radiologic technology services within their  
24

1 respective scope of practice to the public, teaching or research for  
2 at least two (2) years immediately preceding their appointments.

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

6 F. Initial members of the Committee shall be appointed by  
7 September 1, 2020.

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

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

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

16 H. Upon the expiration of a member's term of office, the  
17 appointing authority for that member shall appoint a successor.  
18 Vacancies on the Committee shall be filled in like manner for the  
19 balance of an unexpired term. No member shall serve more than three  
20 (3) consecutive terms. Each member shall serve until a successor is  
21 appointed and qualified. Upon expiration or vacancy of the term of  
22 a member, the respective nominating authority may, as appropriate,  
23 submit to the appointing authority a list of three persons qualified  
24 to serve on the Committee to fill the expired term of their

1 respective member. Appointments may be made from these lists by the  
2 appointing authority, and additional lists may be provided by the  
3 respective organizations if requested by the Board.

4 I. The Board may remove any member from the Committee for  
5 neglect of any duty required by law, for incompetency or for  
6 unethicial or dishonorable conduct.

7 J. 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 K. 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 L. The Committee shall advise the Board in developing policy  
17 and rules pertaining to this act.

18 M. Members of the Board and members of the Radiologic  
19 Technologist Advisory Committee shall be reimbursed for all actual  
20 and necessary expenses incurred while engaged in the discharge of  
21 official duties pursuant to this act in accordance with the State  
22 Travel Reimbursement Act.

1       SECTION 7.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 542.6 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 radiologic technologist or limited X-ray machine  
8 operator pursuant to this act. The list shall display the  
9 licensee's:

10       a.   last-known place of employment,

11       b.   last-known place of residence,

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

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

14       3.   Cause the prosecution of all persons in violation of this  
15 act and incur necessary expenses 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 length of the 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 Board may:

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

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

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

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

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

17 A. The applicant, except as otherwise provided in this section,  
18 shall be required to pass an examination, whereupon the State Board  
19 of Medical Licensure and Supervision may issue to the applicant a  
20 license to practice as a radiologic technologist or limited X-ray  
21 machine operator.

22 B. An individual who has been engaged in the practice of  
23 radiologic technology or limited X-ray machine operation, who is not  
24 certified and registered by a certification organization recognized

1 by the Board, based on technical advice and recommendations from the  
2 Radiologic Technologist Advisory Committee, may continue to practice  
3 in the area of radiologic technology or limited X-ray machine  
4 operation in which the individual is currently employed, provided  
5 the individual:

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

7 2. Does not change the scope or area of his or her current  
8 practice;

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

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

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

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

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

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

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

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

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

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

10       E. The Board may issue a license to practice as a radiation  
11       therapist by endorsement to an applicant who:

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

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

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

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

22       1. Is currently licensed to practice as a radiographer under  
23       the laws of another state, territory or country if the  
24

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

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

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

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

10 A. A person holding a license to practice as a limited X-ray  
11 machine operator may use the title "limited X-ray machine operator"  
12 and the abbreviation "LXMO". A person holding a license to practice  
13 as a nuclear medicine technologist may use the title "radiologic  
14 technologist-nuclear medicine" and the abbreviation "RT(N)". A  
15 person holding a license to practice as a radiation therapist may  
16 use the title "radiologic technologist-therapy" and the abbreviation  
17 "RT(T)". A person holding a license to practice as a radiographer  
18 may use the title "radiologic technologist-radiography" and the  
19 abbreviation "RT(R)".

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

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

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

3       B. The State Board of Medical Licensure and Supervision shall  
4 mail notices at least sixty (60) calendar days prior to expiration  
5 for renewal of licenses to every person to whom a license was issued  
6 or renewed during the preceding renewal period.

7       C. The licensee shall complete the notice of renewal and return  
8 it to the Board with the renewal fee determined by the Board before  
9 the date of expiration.

10       D. Upon receipt of the notice of renewal and the fee, the Board  
11 shall verify its contents and shall issue the licensee a license for  
12 the current renewal period, which shall be valid for the period  
13 stated thereon.

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

19       F. A licensed radiologic technologist or limited X-ray machine  
20 operator who does not intend to engage in the performance of  
21 radiologic technology or limited X-ray machine operation shall send  
22 a written notice to that effect to the Board and is not required to  
23 submit a notice of renewal and pay the renewal fee as long as the  
24 radiologic technologist or limited X-ray machine operator remains

1 inactive. Upon desiring to resume performing radiologic technology  
2 or limited X-ray machine operation, the licensee shall notify the  
3 Board in writing of this intent and shall satisfy the current  
4 requirements of the Board in addition to submitting a notice of  
5 renewal and remitting the renewal fee for the current renewal period  
6 and the reinstatement fee.

7 G. Rules of the Board shall provide for a specific period of  
8 time of continuous inactivity after which retesting is required.

9 H. The Board is authorized to establish, by rule, fees for  
10 replacement and duplicate licenses not to exceed One Hundred Dollars  
11 (\$100.00) per license.

12 I. The Board shall by rule prescribe continuing education  
13 requirements as a condition for renewal of license. The program  
14 criteria with respect thereto shall be approved by the Board.

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

18 Fees received by the State Board of Medical Licensure and  
19 Supervision and any other monies collected pursuant to this act  
20 shall be deposited with the State Treasurer who shall place the  
21 monies in the regular depository fund of the Board. The deposit,  
22 less the ten percent (10%) gross fees paid into the General Revenue  
23 Fund pursuant to Section 211 of Title 62 of the Oklahoma Statutes,  
24

1 is hereby appropriated and shall be used to pay expenses incurred  
2 pursuant to this act.

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

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

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

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

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

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

18 5. Is guilty of dishonest or unethical conduct;

19 6. Has practiced as a radiologic technologist or limited X-ray  
20 machine operator after the license has expired or has been  
21 suspended;

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

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

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

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

8        SECTION 13. This act shall become effective November 1, 2019.

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10       57-1-8258        SH        02/26/19  
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