

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2041

By: Davis

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
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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
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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
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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,
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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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