

HOUSE BILL No. 2964

By Committee on Health and Human Services

2-15

AN ACT providing for the regulation and licensing of radiologic technologists; granting powers and duties of the state board of healing arts; establishing a radiologic technology council and providing for the functions thereof; declaring unlawful acts and penalties.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 12 and amendments thereto shall be known and may be cited as the radiologic technologists practice act.

Sec. 2. The legislature hereby finds and declares that the citizens of the state of Kansas are entitled to the maximum protection practicable from the harmful effects of improperly performed medical imaging and radiation therapy procedures; that the protection can be increased by requiring appropriate education and credentialing of persons operating medical equipment used for medical imaging and radiation therapy procedures; and it is therefore necessary to establish standards of education and credentialing for these operators to provide for appropriate examination and licensure.

Sec. 3. As used in this act:

(a) "Board" means the state board of healing arts.

(b) "Dental assistant" means a person, other than a dental hygienist, working under the direct supervision of a licensed dentist for the purpose of assisting such dentist in the performance of the dental assistant's clinical and clinical-related duties and who has been trained by the dental assistant's employing dentist or as defined by the Kansas dental board, on the proper use of dental radiographic equipment for the purpose of providing medical imaging of the maxilla and mandible for diagnostic purposes.

(c) "Direct supervision" means the process by which the licensed practitioner, licensed dentist or licensed radiologic technologist supervising the student or dental assistant performing a radiologic procedure be present during the radiologic procedures for purposes of consulting with and directing the student or dental assistant to assure that all such activities are performed accurately, safely and without risks or harm to patients.

(d) "Ionizing radiation" means x-rays, gamma rays, alpha and beta

1 particles, high speed electrons, protons, neutrons and other nuclear par-
2 ticles capable of producing ions directly or indirectly in its passage
3 through matter.

4 (e) “License” means a certificate issued by the board authorizing the
5 licensee to perform radiologic technology procedures on humans for di-
6 agnostic or therapeutic purposes.

7 (f) “Licensed practitioner” means a person licensed to practice med-
8 icine, dentistry, podiatry, chiropractic or osteopathy in this state.

9 (g) “Medical imaging” means any procedure or article intended for
10 use in the diagnosis of disease or other medical conditions including, but
11 not limited to, diagnostic x-rays, nuclear medicine and other procedures
12 and excluding echocardiography, diagnostic sonography and magnetic
13 resonance imaging.

14 (h) “Nuclear medicine technologist” means a person, other than a
15 licensed practitioner, who uses radiopharmaceutical agents on humans
16 for diagnostic or therapeutic purposes.

17 (i) “Nuclear medicine technology” means the use of radionuclides on
18 human beings for diagnostic or therapeutic purposes.

19 (j) “Persons who administer medical imaging or radiation therapy
20 procedures” means any person, other than a licensed practitioner, who
21 intentionally administers medical imaging or radiation therapy procedures
22 to other persons for medical purposes, and includes radiographers, ra-
23 diation therapists and nuclear medicine technologists licensed under this
24 act, but not diagnostic medical sonographers.

25 (k) “Radiation therapist” means a person, other than a licensed prac-
26 titioner, who applies radiation to humans for therapeutic purposes.

27 (l) “Radiation therapy” means the use of any radiation procedure or
28 article intended for the cure, mitigation or prevention of disease in
29 humans.

30 (m) “Radiographer” means a person, other than a licensed practi-
31 tioner, who applies radiation to humans for diagnostic purposes.

32 (n) “Radiography” means the use of ionizing radiation on human be-
33 ings for diagnostic purposes.

34 (o) “Radiologic technologist” means any person who is a licensed ra-
35 diographer, radiation therapist or nuclear medicine technologist.

36 (p) “Radiologic technology” means the use of radioactive substance
37 or equipment emitting or detecting ionizing radiation on humans for di-
38 agnostic or therapeutic purposes upon prescription of a licensed practi-
39 tioner. The term includes the practice of radiography, nuclear medicine
40 technology and radiation therapy technology.

41 (q) “Radiologist” means a physician certified by the American board
42 of radiology or the American osteopathic board of radiology, the British
43 royal college of radiology or the Canadian college of physicians and

1 surgeons.

2 (r) "Student" means an individual enrolled in a course of study for
3 medicine, osteopathy, chiropractic, radiologic technology, podiatry, den-
4 tistry, dental hygiene and dental assistant training.

5 Sec. 4. (a) No person, other than a licensed practitioner or radiologic
6 technologist shall perform radiologic technology procedures on humans
7 for diagnostic or therapeutic purposes.

8 (b) A person holding a license under this act shall use radioactive
9 substances or equipment for radiologic technology procedures on humans
10 only for diagnostic or therapeutic purposes by prescription of a licensed
11 practitioner, and only if the application of a substance or the use of equip-
12 ment is limited in a manner herein specified.

13 (c) The board shall establish licensure standards for the radiographer,
14 radiation therapist, nuclear medicine technologist and temporary and
15 conditional license holder. Only persons licensed under this act shall be
16 entitled to use the titles or designated letters of this act. No person shall
17 depict one's self orally or in writing, expressly or by implication, as holder
18 of a license who does not hold a current license under this act.

19 (d) No person shall knowingly or negligently employ a person to apply
20 ionizing radiation or administer radiopharmaceuticals to a human being
21 or otherwise engage in the practice of radiologic technology unless the
22 person possesses a valid license issued under the provisions of this act
23 within that specific category.

24 (e) A person shall not apply ionizing radiation or administer radi-
25 opharmaceuticals to a human being or otherwise engage in the practice
26 of radiologic technology unless the person possesses a valid license or a
27 temporary or conditional license issued under this act.

28 (f) Nothing in the provisions of this act relating to radiologic tech-
29 nology procedures shall limit, enlarge or affect the practice of a licensed
30 practitioner.

31 (g) The requirement of a license shall not apply to a resident physi-
32 cian or a student enrolled in and attending a school of medicine, oste-
33 opathy, chiropractic, podiatry, dentistry, dental hygiene, dental assistant
34 training or radiologic technology while under the direct supervision of a
35 licensed practitioner, radiographer, radiation therapist or nuclear medi-
36 cine technologist.

37 (h) The requirement of a license shall not apply to a dental assistant
38 as defined in this act.

39 (i) On and after July 1, 2001, it shall be unlawful for any person who
40 is not licensed under this act or whose license has been suspended or
41 revoked to hold one's self out to the public as a licensed radiologic tech-
42 nologist, or use the words radiologic technologist, radiographer, nuclear
43 medicine technologist or radiation therapist or any other words, letters,

1 abbreviations or insignia indicating or implying that such person is a ra-
2 diologic technologist to practice the art and science of radiologic
3 technology.

4 (j) The radiologic technologists practice act recognizes the existence
5 of overlapping functions between health care providers. Therefore, noth-
6 ing in this act is intended to limit, preclude or otherwise interfere with
7 the practice of other health providers formerly trained and licensed or
8 credentialed by appropriate agencies of the state of Kansas.

9 (k) Any violation of this section shall constitute a class B
10 misdemeanor.

11 Sec. 5. (a) There is established the radiologic technology council to
12 assist the state board of healing arts in carrying out the provisions of this
13 act. The council shall consist of nine members, all citizens and residents
14 of the state of Kansas appointed as follows: The board shall appoint two
15 members; one of which shall be a physician, the other one, as designated
16 by the board. The governor shall appoint: Two members who shall be
17 radiographers; one member who shall be a nuclear medicine technologist;
18 one member who shall be a radiation therapist; one member who shall
19 be a hospital administrator currently employed by a hospital; and two
20 members who shall be radiologists certified by the American board of
21 radiology.

22 (b) Council members shall have been actively practicing in their fields
23 for not less than five years.

24 (c) The terms of office shall be four years, except that of the members
25 first appointed, three shall be appointed for a term of one year, three for
26 a term of two years, and three for a term of three years. The members
27 appointed by the state board of healing arts shall serve at the pleasure of
28 the state board of healing arts. Members appointed by the governor shall
29 serve at the pleasure of the governor. If a vacancy occurs on the council,
30 the appointing authority of the position which has become vacant shall
31 appoint a person of like qualifications to fill the vacant position for the
32 unexpired term.

33 (d) Radiologic technologists initially appointed to the council must be
34 eligible for licensure under subsection (a) of section 10 and amendments
35 thereto; thereafter, they must be licensed under the provisions of this act.

36 (e) The council, for administrative purposes, shall meet at least once
37 each year at a time and place of its choosing and at such other times as
38 may be necessary on the chairperson's call. The first meeting of the coun-
39 cil shall be for organization only.

40 (f) A majority of the council constitutes a quorum. No action may be
41 taken by the council except by affirmative vote of the majority of the
42 members present and voting.

43 (g) Members of the council attending meetings of the council, or a

1 subcommittee of the council, shall be paid amounts provided in subsection
2 tion (e) of K.S.A. 75-3223, and amendments thereto, from the healing
3 arts fee fund.

4 Sec. 6. The radiologic technology council shall advise the board re-
5 garding: (a) Examination and licensing fees; (b) rules and regulations to
6 be adopted to carry out the provisions of sections 1 through 12, and
7 amendments thereto; (c) subject areas to be covered during schooling
8 and on the licensure examination; (d) the number of yearly continuing
9 education hours required to maintain active licensure; (e) changes and
10 new requirements taking place in the area of radiologic technology; and
11 (f) such other duties and responsibilities as the board may assign.

12 Sec. 7. (a) The board, with the advice and assistance of the radiologic
13 technology council, shall pass upon the qualifications of all applicants for
14 examination and licensing, provide for examinations, determine the ap-
15 plicants who successfully pass the examination, duly license such appli-
16 cants, adopt rules and regulations as may be necessary to administer the
17 provisions of sections 2 through 12, and amendments thereto, and pre-
18 scribe forms which shall be issued in the administration of this act. The
19 rules and regulations shall establish criteria which a school teaching ra-
20 diologic technologies shall satisfy in meeting the standards for approval
21 of an educational course of study and clinical experience, continuing ed-
22 ucation criteria, practice protocols, criteria for registration procedures for
23 the examination of applicants and for professional conduct and discipline.
24 The board shall keep a record of all proceedings under sections 1 through
25 11, and amendments thereto, and a roster of all individuals licensed under
26 this act. The board shall conduct hearings upon charges calling for dis-
27 cipline of a licensee.

28 (b) The board, after obtaining the advice and assistance of the ra-
29 diologic technology council, shall establish by rules and regulations, the
30 date for expiration of a license under this act providing for the renewal
31 of expired, suspended and revoked licenses on a continuing basis through-
32 out the year. In each case in which a license is renewed for a period of
33 time less than one year, the board may prorate the amount of the fee
34 established under section 11, and amendments thereto. The request for
35 renewal shall be on a form provided by the board and shall be accom-
36 panied by the prescribed fee and satisfactory evidence of having success-
37 fully completed the required number of continuing education courses
38 prescribed by rule and regulation.

39 (c) The board, after obtaining the advice and assistance of the ra-
40 diologic technology council, shall establish by rules and regulations, pro-
41 cedures for reinstatement of expired, suspended and revoked licenses on
42 a continuing basis throughout the year.

43 Sec. 8. (a) An applicant applying for licensure as a radiologic tech-

1 nologist shall file a written application on forms provided by the board,
2 showing to the satisfaction of the board that the applicant meets the
3 following requirements: (1) At the time of the application is at least 18
4 years of age; and (2) has successfully completed a four-year course of
5 study in a secondary school approved by the state board of education,
6 passed an approved equivalency test or has graduated from a secondary
7 school outside Kansas having comparable approval by the state board of
8 education.

9 (b) In addition to the requirements of subsection (a), any person
10 seeking to obtain a license in a specific area of radiologic technology must
11 comply with the following requirements:

12 (1) Each applicant for a license as a radiographer, radiation therapist
13 or nuclear medicine technologist shall have satisfactorily completed a
14 course of study in radiography, radiation therapy or nuclear medicine
15 technology, respectively, which is approved by the board.

16 (2) The curriculum for each course of study shall be no less stringent
17 than the standards of existing national organizations which approve ra-
18 diologic technology programs, provided the standards are not in conflict
19 with board policy.

20 Sec. 9. (a) Each applicant for licensure shall pass a license exami-
21 nation approved by the board.

22 (b) For a period not to exceed three years from the effective date of
23 this act, the board shall admit to examination for licensure a person who
24 has practiced for a minimum of two of the three years immediately pre-
25 ceding the effective date of this act, as a radiographer, radiation therapist
26 or nuclear medicine technologist.

27 (c) An applicant for renewal shall submit proof of having successfully
28 completed continuing education courses as prescribed by rules and
29 regulations.

30 (d) The board may accept, in lieu of its own licensure examination, a
31 current certificate by the American registry of radiologic technologists,
32 nuclear medicine technologist certification board or other recognized na-
33 tional voluntary credentialing bodies, which the board finds was issued
34 on the basis of an examination which meets standards at least as stringent
35 as those established by the board.

36 (e) The board may accept, in lieu of its own examination, a current
37 certificate, registration or license of an applicant which was issued by
38 another state, whose standards the board finds are at least as stringent as
39 those established by the board.

40 Sec. 10. (a) The board may issue a license to each applicant who
41 successfully meets the requirements for licensure under sections 8 and
42 9, and amendments thereto, and has paid the prescribed fees.

43 (b) The board may issue a temporary license to any person whose

1 licensure or relicensure may be pending and when issuance may be jus-
 2 tified by special circumstances. A temporary license shall be issued only
 3 if the board finds that it will not violate the purpose of this act or endanger
 4 the public health and safety. Such temporary licensure shall expire when
 5 determination is made either to issue or deny the applicant a regular
 6 license and in no event shall a temporary license be issued for a period
 7 longer than 180 days. No more than one such temporary license shall be
 8 permitted to any one person, without the majority approval of the mem-
 9 bers of the council and board.

10 (c) The board shall waive the education and examination require-
 11 ments for applicants who (1) have been engaged in the practice of radiologic
 12 technology in the specialty or specialties for which application is
 13 made for a period of at least two of the three years immediately preceding
 14 the effective date of this act; (2) are 18 years of age or older; (3) have
 15 successfully completed secondary schooling or its equivalency; and (4) are
 16 of good moral character.

17 (d) A person whose license has been suspended or revoked may make
 18 written application to the board requesting reinstatement of the license
 19 upon termination of the period of suspension or revocation in a manner
 20 prescribed by the board, which application shall be accompanied by the
 21 fee provided for in section 11, and amendments thereto.

22 (e) A licensee holding a license under this act whose license has
 23 lapsed and who has ceased activities permitted in this act, may apply for
 24 relicensure upon making a request for renewal upon a form provided by
 25 the board and payment of a fee set by the board and satisfactorily meeting
 26 the requirements established by rules and regulations of the board.

27 (f) At least 30 days before the expiration of a license issued under
 28 this act, the board shall notify the licensee of the expiration date by mail
 29 addressed to the licensee's last mailing address as noted upon office
 30 records.

31 (g) A licensee holding a license under this act shall notify the board
 32 in writing within 30 days of any name or address change.

33 Sec. 11. (a) The board shall charge and collect in advance fees pro-
 34 vided for in this act as fixed by the board by rules and regulations, but
 35 not exceeding:

36 Application for examination	\$100
37 Application for license	50
38 Temporary or conditional licensing fee	50
39 License renewal	50
40 Late license renewal	60
41 License reinstatement fee	50
42 Certified copy of license.....	20
43 Verified copy	10

1 (b) If the examination is not administered by the board, the board
2 may require that fees paid for any examination under the radiologic tech-
3 nologists practice act be paid directly to the examination service by the
4 person taking the examination.

5 Sec. 12. (a) The license of a licensee may be limited, suspended or
6 revoked, or the individual may be censured, reprimanded or otherwise
7 sanctioned by the board in accordance with the provisions and procedures
8 of this act or an application for a license may be denied if, after due
9 process, it is found that the individual:

10 (1) Is guilty of fraud or deceit in the procurement or holding of the
11 license;

12 (2) has been convicted of a felony in a court of competent jurisdiction,
13 either within or outside of this state, unless the conviction has been re-
14 versed and the holder of the license discharged or acquitted or if the
15 holder has been pardoned with full restoration of civil rights in which
16 case the license shall be restored;

17 (3) is addicted to or has distributed intoxicating liquors or drugs for
18 other than lawful purposes;

19 (4) is or has been afflicted with any medical problem, disability or
20 addiction which, in the opinion of the board, would impair professional
21 competence;

22 (5) has aided and abetted a person who is not a licensee under this
23 act or is not otherwise authorized to perform the duties of a license holder
24 under this act;

25 (6) has undertaken or engaged in any practice beyond the scope of
26 duties permitted a licensee under this act;

27 (7) has engaged in the practice of radiologic technology under a false
28 or assumed name or the impersonation of another licensee. The provi-
29 sions of this subsection relating to an assumed name shall not apply to
30 licensees practicing under a professional corporation or other legal entity
31 authorized to provide such professional services in Kansas;

32 (8) has been found guilty of unprofessional conduct which the board
33 may establish by rules and regulations;

34 (9) has interpreted a diagnostic image for a fee; or

35 (10) is, or has been found guilty of incompetence or negligence while
36 performing as a license holder.

37 (b) The denial, refusal to renew, suspension or revocation of a license
38 may be ordered by the board after notice and hearing on the matter in
39 accordance with the provisions of the Kansas administrative procedure
40 act.

41 Sec. 13. This act shall take effect and be in force from and after its
42 publication in the statute book.

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