

## HOUSE BILL No. 2274

By Committee on Health and Human Services

2-11

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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 14 and amendments thereto shall be known and may be cited as the radiologic technologists practice act.

Sec. 2. As used in this act:

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

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry, chiropractic or osteopathic medicine and surgery in this state.

(e) "Nuclear medicine technologist" means a person who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes.

(f) "Nuclear medicine technology" means the use of radionuclides on human beings for diagnostic or therapeutic purposes.

(g) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(h) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

(i) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(j) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(k) "Radiologic technologist" means any person who is a radiogra-

1 pher, radiation therapist or nuclear medicine technologist.

2 (l) "Radiologic technology" means the use of radioactive substance  
3 or equipment emitting or detecting ionizing radiation on humans for di-  
4 agnostic or therapeutic purposes upon prescription of a licensed practi-  
5 tioner. The term includes the practice of radiography, nuclear medicine  
6 technology and radiation therapy, but does not include echocardiography,  
7 diagnostic sonography and magnetic resonance imaging.

8 Sec. 3. (a) No person, other than a licensed practitioner or licensed  
9 radiologic technologist shall perform radiologic technology procedures on  
10 humans for diagnostic or therapeutic purposes unless the person pos-  
11 sesses a valid license issued under this act within that specific category.

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

17 (c) Only persons licensed under this act shall be entitled to use the  
18 title or designated letters of this act. No person shall depict one's self  
19 orally or in writing, expressly or by implication, as holder of a license who  
20 does not hold a current license under this act.

21 (d) No person shall employ a person to engage in the practice of  
22 radiologic technology unless the person possesses a valid license issued  
23 under the provisions of this act within that specific category.

24 (e) Nothing in the provisions of this act relating to radiologic tech-  
25 nology procedures shall limit, enlarge or affect the practice of a licensed  
26 practitioner.

27 Sec. 4. (a) On and after January 1, 2004, it shall be unlawful for any  
28 person who is not licensed under this act or whose license has been sus-  
29 pended or revoked to hold one's self out to the public as a licensed ra-  
30 diologic technologist, or use the words radiologic technologist, radiogra-  
31 pher, nuclear medicine technologist or radiation therapist or any other  
32 words, letters, abbreviations or insignia indicating or implying that such  
33 person is a radiologic technologist to practice the art and science of ra-  
34 diologic technology.

35 (b) Any violation of this section shall constitute a class B  
36 misdemeanor.

37 Sec. 5. The following shall be exempt from the provisions of this act  
38 and the requirement of a license pursuant to this act:

39 (a) a licensed practitioner;

40 (b) a resident physician or a student enrolled in and attending a  
41 school while under the direct supervision of a licensed practitioner, ra-  
42 diographer, radiation therapist or nuclear medicine technologist; and

43 (c) health care providers in the United States armed forces, public

1 health services, federal facilities and other military service when acting in  
2 the line of duty in this state;

3 (d) dentists, dental hygienists and dental assistants practicing their  
4 professions, when licensed and practicing in accordance with the provi-  
5 sions of law.

6 Sec. 6. (a) There is established the radiologic technology council to  
7 assist the state board of healing arts in carrying out the provisions of this  
8 act. The council shall consist of nine members, all citizens and residents  
9 of the state of Kansas appointed as follows: The board shall appoint two  
10 members; at least one of whom shall be a physician. The governor shall  
11 appoint: Two members who shall be radiographers; one member who  
12 shall be a nuclear medicine technologist; one member who shall be a  
13 radiation therapist; one member who shall be a hospital administrator  
14 currently employed by a hospital; and two members who shall be physi-  
15 cians specializing in radiology.

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

18 (c) The terms of office shall be four years, except that of the members  
19 first appointed, three shall be appointed for a term of one year, three for  
20 a term of two years, and three for a term of three years, with successor  
21 members appointed for four years. If a vacancy occurs on the council,  
22 the appointing authority of the position which has become vacant shall  
23 appoint a person of like qualifications to fill the vacant position for the  
24 unexpired term.

25 (d) Radiologic technologists initially appointed to the council must be  
26 eligible for licensure under section 9 and amendments thereto. On and  
27 after, January 1, 2004, new appointees must be licensed under the pro-  
28 visions of this act.

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

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

36 (g) Members of the council attending meetings of the council, or a  
37 subcommittee of the council, shall be paid amounts provided in subsec-  
38 tion (e) of K.S.A. 75-3223, and amendments thereto, from the healing  
39 arts fee fund.

40 Sec. 7. The radiologic technology council shall advise the board  
41 regarding:

42 (a) Examination and licensing fees;

43 (b) rules and regulations to be adopted to carry out the provisions of

1 this act;

2 (c) subject areas to be covered during schooling and on the licensure  
3 examination;

4 (d) the number of yearly continuing education hours required to  
5 maintain active licensure;

6 (e) changes and new requirements taking place in the area of radiol-  
7 ogic technology; and

8 (f) such other duties and responsibilities as the board may assign.

9 Sec. 8. (a) The board, with the advice and assistance of the radiologic  
10 technology council, shall pass upon the qualifications of all applicants for  
11 examination and licensing, contract for examinations, determine the ap-  
12 plicants who successfully pass the examination, duly license such appli-  
13 cants, adopt rules and regulations as may be necessary to administer the  
14 provisions of this act, and amendments thereto, and prescribe forms  
15 which shall be issued in the administration of this act.

16 (b) The board shall establish, with the advice and assistance of the  
17 examining council, by rules and regulations, standards for approval of an  
18 educational course of study and clinical experience, continuing education  
19 criteria, practice protocols, criteria for registration procedures for the  
20 examination of applicants and standards for professional conduct and  
21 discipline.

22 (c) The board shall keep a record of all proceedings under this act,  
23 and amendments thereto, and a roster of all individuals licensed under  
24 this act.

25 (d) The board, after obtaining the advice and assistance of the ra-  
26 diologic technology council, shall establish by rules and regulations, the  
27 effective period for a license under this act and for its expiration at the  
28 end of that time unless renewed in a manner prescribed by the board  
29 upon payment of the license renewal fee established under section 11,  
30 and amendments thereto. The board may establish additional require-  
31 ments for license renewal which provide for completing the required  
32 number of continuing education courses and any other evidence of con-  
33 tinued competency the board may require. The board may provide for  
34 the late renewal of a license upon the payment of a late fee established  
35 under section 11, and amendments thereto, but no such late renewal of  
36 a license may be granted more than five years after its expiration.

37 (e) After obtaining the advice and assistance of the radiologic tech-  
38 nology council, the board shall establish by rules and regulations, proce-  
39 dures for reinstatement of expired and revoked licenses.

40 (f) A person whose license is suspended shall not engage in any con-  
41 duct or activity in violation of the order by which the license was sus-  
42 pended. If a license revoked on disciplinary ground is reinstated, the  
43 licensee, as a condition of reinstatement, shall pay the license renewal fee

1 and any other late fee that may be applicable.

2 Sec. 9. (a) An applicant applying for licensure as a radiologic tech-  
3 nologist shall file a written application on forms provided by the board,  
4 showing to the satisfaction of the board that the applicant meets the  
5 following requirements: (1) At the time of the application is at least 18  
6 years of age, and (2) has successfully completed a four-year course of  
7 study in a secondary school approved by the state board of education,  
8 passed an approved equivalency test or has graduated from a secondary  
9 school outside Kansas having comparable approval by the state board of  
10 education.

11 (b) In addition to the requirements of subsection (a), any person  
12 seeking to obtain a license shall specify a specific area of radiologic tech-  
13 nology and shall comply with the following requirements:

14 (1) (A) Each applicant for a license as a radiographer shall have satis-  
15 factorily completed a course of study in radiography which is approved  
16 by the board; (B) each applicant for a license as a radiation therapist shall  
17 have satisfactorily completed a course of study in radiation therapy which  
18 is approved by the board; and (C) each applicant for a license as a nuclear  
19 medicine technologist shall have satisfactorily completed a course of study  
20 in nuclear medicine technology, which is approved by the board.

21 (2) Except as provided in section 10, and amendments thereto, has  
22 successfully passed a license examination approved by the board.

23 (3) has paid all fees required for licensure prescribed in this act.

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

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

33 (e) The board may waive the examination, education or experience  
34 requirements and grant licensure to any applicant who presents proof of  
35 current licensure as radiologic technologist in another state, the District  
36 of Columbia or territory of the United States which requires standards  
37 for licensure determined by the board to be equivalent to the require-  
38 ments under this act.

39 (f) The board may issue a temporary license to an applicant for li-  
40 censure who applies for temporary licensure on a form provided by the  
41 board, who meets the requirements for licensure or who meets all the  
42 requirements for licensure except examination and who pays to the board  
43 the temporary license fee as required under section 11, and amendments

1 thereto. Such temporary license shall expire 180 days from the date of  
2 issue or on the date that the board approves the application for licensure,  
3 whichever occurs first. No more than one such temporary license shall  
4 be permitted to any one person.

5 (g) A person whose license has been revoked may make written ap-  
6 plication to the board requesting reinstatement of the license in a manner  
7 prescribed by the board, which application shall be accompanied by the  
8 fee provided for in section 11, and amendments thereto.

9 (h) A licensee holding a license under this act whose license has  
10 lapsed and who has ceased activities permitted in this act, may apply for  
11 relicensure upon making a request for renewal upon a form provided by  
12 the board and payment of a fee set by the board and satisfactorily meeting  
13 the requirements established by rules and regulations of the board.

14 (i) At least 30 days before the expiration of a license issued under this  
15 act, the board shall notify the licensee of the expiration date by mail  
16 addressed to the licensee’s last mailing address as noted upon office  
17 records.

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

20 Sec. 10. The board shall waive the education and examination  
21 requirements for applicants who, on the effective date of this act:

22 (a) have been engaged in the practice of radiologic technology in the  
23 specialty or specialties for which application is made for a period of at  
24 least two years of the three years immediately preceding the effective  
25 date of this act; are 18 years of age or older; and have successfully com-  
26 pleted secondary schooling or its equivalency; or

27 (b) have engaged in the practice of radiologic technology in the spe-  
28 cialty or specialties for which application is made prior to the effective  
29 date of this act; submit an affidavit from a hospital administrator, an af-  
30 fidavit from a radiologist, and an affidavit from a licensed practitioner  
31 other than the radiologist attesting to the applicant’s competency in the  
32 practice of radiologic technology; are 18 years of age or older; and have  
33 successfully completed secondary schooling or its equivalency.

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

37 Application for examination .....	\$200
38 Application for license.....	50
39 Temporary licensing fee .....	50
40 License renewal .....	50
41 Late license renewal .....	60
42 License reinstatement fee.....	50
43 Certified copy of license.....	20

1 Verified copy ..... 10

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

6 Sec. 12. (a) The license of a licensee may be limited, suspended or  
 7 revoked, or the individual may be censured, reprimanded, find, pursuant  
 8 to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by  
 9 the board in accordance with the provisions and procedures of this act or  
 10 an application for a license may be denied if it is found that the individual:

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

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

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

20 (4) the licensee is found to be mentally or physically incapacitated to  
 21 such a degree that in the opinion of the board, continued practice by the  
 22 licensee would constitute imminent danger to the public's health and  
 23 safety;

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

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

29 (7) has engaged in the practice of radiologic technology under a false  
 30 or assumed name or the impersonation of another licensee;

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

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

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

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

40 Sec. 13. When it appears that any person is violating any provision  
 41 of this act, the board may bring an action in the name of the state in a  
 42 court of competent jurisdiction for an injunction against such violation  
 43 without regard as to whether proceedings have been or may be instituted

1 before the board or whether criminal proceedings have been or may be  
2 instituted.

3 Sec. 14. The board shall remit all moneys received by or for the  
4 board from fees, charges or penalties to the state treasurer in accordance  
5 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
6 receipt of each such remittance, the state treasurer shall deposit the entire  
7 amount in the state treasury. Twenty percent of such amount shall be  
8 credited to the state general fund and the balance shall be credited to the  
9 healing arts fee fund. All expenditures from the healing arts fee fund shall  
10 be made in accordance with appropriation acts upon warrants of the di-  
11 rector of accounts and reports issued pursuant to vouchers approved by  
12 the president of the board or by a person or persons designated by the  
13 president.

14 Sec. 15. This act shall take effect and be in force from and after its  
15 publication in the statute book.

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