

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

All members were present except:

Representative Jerry Williams- excused
Representative Joe McLeland - excused

Committee staff present:

Dr. William Wolff, Legislative Research Department
Renaë Jefferies, Office of Revisor of Statutes
Gary Deeter, Secretary

Conferees appearing before the committee:

Ron Hein, Kansas Society of Radiologic Technologists

Others attending:

See Attached List.

The Chair announced that the Committee would work four bills before adjourning and began by opening consideration of **HB 2478**, a bill dealing with self-medication by high school students.

A motion was made and seconded to pass out favorably **HB 2478**.

A motion was made and seconded to amend the bill extensively, making it a **substitute for HB 2478**. (Attachment 1) The committee discussed the merits of the substitute bill, some observing that the entire bill was too broad and the matter should be left to local school boards, others saying that more information was needed before an intelligent decision could be made. Some opposed the substitute but supported the original bill. A member was concerned that the substitute bill appeared to cover too many situations with too many variables, or, as another put it, deal with the problem at too high a level.

The question was called, and the motion to amend failed to pass.

Representative Wilson suggested that **HCR 5035** would accomplish the same thing as **HB 2478**. After some discussion, the chair ruled that the Committee needed to continue work on the original bill.

During further discussion, a member noted that passing the bill would validate the practice of schools that presently allow self-medication.

The question was called and failed.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

Based on testimony from the Kansas National Education Association, a motion was made and seconded to amend the bill so that relevant information would be provided to teachers as well as school nurses and the administration. The motion passed.

A member called the question, which passed. The motion to pass **HB 2478** failed.

The Chair opened discussion of **HB 2698**, licensure of radiologic technologists.

A motion was made and seconded to recommend the bill favorable for passage.

Ron Hein, representing the Kansas Society of Radiologic Technologists, was asked to present amendments which represented agreements worked out with the Kansas Medical Society, the Kansas Board of Healing Arts, and other interested parties. He provided Attachment 2, a summary of the changes, and Attachment 3, the balloon amendments.

A member objected to the use of paper to provide the amendments.

Mr. Hein said the first document explained the changes in the bill. Another amendment was passed out by the Revisor, one that included the collaboration of the Board of Healing Arts. (Attachment 4) Mr. Hein said the Revisor's amendments were technical, making the language consistent with other practices regulated by the Board of Healing Arts. He stated that the amendments exempted physician assistants and nurses from the licensure requirements, gave the Board of Healing Arts the ability to adopt rules and regulations for continuing education consistent with each practice, deleted the term "x-ray technician" and eliminated title protection for the term, instead substituting the term "X-ray operator" with no title protection, and deleted the requirement for registration of x-ray technicians, instead creating a registry administered by the Board to assure that x-ray operators participate in continuing education requirements. He noted that the amendments also allow hospitals as well as physicians to supervise x-ray operators and make the effective date parallel other renewal dates used by the Board.

Mr. Hein expressed gratitude to the Kansas Medical Society and the Kansas Podiatry Association for their cooperation on the amendments. Answering questions, he said podiatrists were exempt from the requirements of the bill except those supervised by podiatrists are to be listed in the registry administered by the Board of Healing Arts.

A motion was made, seconded, and passed to merge the two balloon amendments in order to create a substitute bill.

Members also expressed gratitude for the way the bill was crafted to address the concerns of other health-care practitioners.

A motion was made, seconded, and passed unanimously recommending the bill favorable for passage.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

The Chair opened discussion on **HB 2658**, an informal dispute resolution process for adult care homes.

A motion was made and seconded to recommend **HB 2658** favorable for passage.

Representative Bethell presented a balloon amendment, making a motion that the bill be amended. The motion was seconded. (Attachment 5)

Representative Bethell explained that the amendment removed the requirement that the Secretary of the Kansas Department on Aging appoint an independent review panel and inserted language requesting the CMS-designated quality improvement organization for Kansas conduct a hearing, noting that this designated organization also pay the costs for the panel. He said currently the Kansas Foundation for Medical Care is contracted with CMS to provide quality assurance services for care homes, hospitals and physicians, also noting that CMS administers a fund with approximately \$1.5 million that can be made available for the costs of the independent panels, eliminating the fiscal impact on the state and the Department of Aging.

The motion to amend passed.

The Committee continued discussion on the bill. Kathy Greenlee, Kansas Department on Aging, said the primary purpose of the civil monetary penalty fund was to transfer residents if a care home were to close, saying the fund is designed to benefit the residents, not the industry in general, and therefore the fund may not be available to defray costs inherent in the bill. A member commented that presently there exists an informal dispute resolution process, and he did not see enough evidence of a need for change.

The motion to recommend **HB 2658** favorable for passage was passed.

The Chair directed the Committee's attention to **HB 2306**, a bill to exclude adult care home inspection reports from judicial proceedings.

A motion was made to recommend **HB 2306** be passed. There was a second to the motion.

Representative Kirk made a motion to amend the bill. (Attachment 6) The motion was supported by a second.

Discussion centered around the effect of the bill to eliminate the discretion of a judge to decide which evidence is relevant. A member pointed out that the amendment allows a judge to include relevant information from an inspection report; it simply prohibits the use of reports beyond the specific focus of the lawsuit. Another member stated that because the inspection form 2567 is phrased to elicit emotional responses, an attorney can use the material in ways unrelated to the specific issue at hand.

The Chair and the Committee agreed to continue the discussion of **HB 2306** on Monday.

CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at 11:30 a.m. on February 20, 2004, in Room 526-S of the Capitol.

A motion to remove **HB 2538** from the table was made, seconded, and passed.

A motion to remove **HB 2562** from the table was seconded, but the motion failed.

The meeting was adjourned at 1:37 p.m. The next meeting is scheduled for Monday, February 23, although the time of the meeting was left indefinite. The regular meeting time is 1:30 p.m.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
GUEST LIST**

DATE: FEBRUARY 20 2004

NAME	REPRESENTING
Ginda Croucher	KSRT
Cindy Luxem	KHCA
Linda Berngt	KHCA
Michelle Peterson	KGC
Chip Wheeler	KAOM
Mike Hein	Hein Law Firm
Ron Hein	Hein Law Firm
W. Arma Probasco	KPMA
Rebecca Pi	KCA
Lane W. H.	KS Dept. on Aging
Kathy Sweeney	Dept on Aging
Daniel Deelskare Johnson	Patrick Hurley & Co.
JERRY SLAUGHTER	KMS
CHRIS COLLINS	KMS
Judy Keller	Am Lung Assn.
Virginia Hammes	Shawnee Mission School Dist
Catherine Barrett	Shawnee Mission School District
Taylor Henning	Blue Valley school District
Mark Stafford	Bd of Healing Arts

PROPOSED Substitute for HOUSE BILL NO. 2478

By Representative Kirk

AN ACT relating to health care; concerning self-medication by students in Kansas schools.

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

Section 1. This act shall be known and cited as the Kansas student self-medication act.

Sec. 2. As used in this act:

"Medication" means a medicine prescribed by (1) a physician licensed to practice medicine, (2) a physician assistant or (3) an advanced registered nurse practitioner who is authorized to prescribe medicine.

Sec. 3. (a) A student who may require medication may possess, carry and self-administer such medications in school, at a school sponsored activity or under the supervision of school personnel upon meeting the requirements of this section.

(b) The student shall provide a written statement from the student's health care practitioner containing at a minimum the following information:

- (1) The name and purpose of the medication;
- (2) the prescribed dosage;
- (3) the time or times the medication is to be regularly administered and under what circumstances the medication is to be administered; and
- (4) the length of time for which the medication is prescribed.

(c) The student shall provide a written authorization stating such student has been instructed on self-administration of the medication and is authorized to do so in school. The statements required in subsections (b) and (c) of this section shall be kept on file in the office of the school nurse or school administrator, or both.

(d) The school district or governing body of each public and nonpublic school shall

Attachment 1
HHS 2-20-04

inform the parent or guardian of the student that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student from the self-administration of such medications. The parent or guardian of the student shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school, its employees and its agents against any claims relating to the self-administration of such medications. Nothing in this subsection shall be construed to relieve liability of the school, its employees or its agents for negligence.

(e) The permission for self-administration of medications shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subsections (b), (c) and (d) of this section.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

1) Amend the Definitions section as follows:

(e) "x-ray technician" means a person who is not able to meet minimum requirements for a license as a radiologic technologist pursuant to this act who is providing limited radiography under the supervision of a ~~supervisor~~ licensed practitioner pursuant to this act, and whose name is entered on the registry created herein.

2) In section 4, add a new subsection (f)

(f) a licensed physician assistant or a licensed nurse, working under the supervision of a licensed practitioner, who has been trained on the proper use of radiographic equipment for the purpose of performing radiography consistent with K.S.A. 65-2001 et seq., or K.S.A. 65-2801 et seq., and amendments thereto. The board may adopt such rules and regulations as are necessary to assure that persons exempted from licensure under this subsection receive continuing education consistent with their practice authorized herein.

3) Delete section 7 and all of Sec. 8, and insert the following:

Sec. 7 (a) The board shall maintain a registry of the names of persons who do not meet the requirements of this act for licensure as a radiologic technologist but who practice limited diagnostic radiography as an x-ray technician under the supervision of a licensed practitioner. It shall be unlawful for any person to function as an x-ray technician unless such person is licensed as a radiologic technologist under this act or unless such person's name has been entered on the registry of x-ray technicians.

(b) The board may adopt rules and regulations establishing the registry created herein and may provide for continuing education requirements consistent with the performance of limited diagnostic radiography by x-ray technicians.

(c) No person's name shall be entered on the registry of x-ray technicians unless such person has presented to the board an application signed by such person's supervising licensed practitioner on a form provided by the board which shall contain such information as required by rules and regulations adopted by the board. Every x-ray technician, within 30 days of obtaining new employment, shall furnish the board notice of the name and address of the new supervising licensed practitioner.

(d) A person whose name appears on the registry shall not hold themselves out as and shall not be entitled to use the titles listed in section 3 of this act, or abbreviations thereof, or words similar thereto, and amendments thereto.

4) Amend Section 3(a) (page 2, line 15) by deleting "January 1" and inserting "July 1" and make any other technical changes to insure that the registry and the licensure become effective after July 1, 2005.

5) Change "x-ray technician" to "x-ray operator" throughout the bill

6) Remove references to registration where appropriate, and, if necessary, reference the registry.

7) Add references to hospitals where appropriate for supervision of nurses, physician assistants, or persons listed on the registry so as to make them applicable to the same requirements set out in these amendments for licensed practitioners.

Attachment 2

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Change "x-ray technician" to "x-ray operator" throughout the bill.

Remove references to registration where appropriate, and, if necessary, reference the registry.

Add references to hospitals where appropriate for supervision of nurses, physician assistants, or persons listed on the registry so as to make them applicable to the same requirements set out in these amendments for licensed practitioners.

1 Session of 2004

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HOUSE BILL No. 2698

By Committee on Health and Human Services

2-4

9 AN ACT providing for the regulation and licensing of radiologic tech-
10 nologists and x-ray technicians; granting powers and duties of the state
11 board of healing arts; establishing a radiologic technology council and
12 providing for the functions thereof; declaring unlawful acts and
13 penalties.

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

15 Section 1. Sections 1 through 14 and amendments thereto shall be
16 known and may be cited as the radiologic technologists practice act.

17 Sec. 2. As used in this act:

- 18 (a) "Board" means the state board of healing arts.
- 19 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta
20 particles, high speed electrons, protons, neutrons and other nuclear par-
21 ticles capable of producing ions directly or indirectly in its passage
22 through matter.
- 23 (c) "License" means a certificate issued by the board authorizing the
24 licensee to perform radiologic technology procedures on humans for di-
25 agnostic or therapeutic purposes.
- 26 (d) "Licensed practitioner" means a person licensed to practice medi-
27 cine and surgery, dentistry, podiatry, chiropractic or osteopathic medi-
28 cine and surgery in this state.
- 29 (e) "X-ray technician" means a person who is not able to meet min-
30 imum requirements for a license as a radiologic technologist pursuant to
31 this act who is providing limited radiography under the supervision of a
32 supervisor pursuant to this act.
- 33 (f) "Nuclear medicine technologist" means a person who uses radio-
34 pharmaceutical agents on humans for diagnostic or therapeutic purposes.
- 35 (g) "Nuclear medicine technology" means the use of radio nuclides
36 on human beings for diagnostic or therapeutic purposes.
- 37 (h) "Radiation therapist" means a person who applies radiation to
38 humans for therapeutic purposes.
- 39 (i) "Radiation therapy" means the use of any radiation procedure or
40 article intended for the cure, mitigation or prevention of disease in
41 humans.
- 42 (j) "Radiographer" means a person who applies radiation to humans

licensed practitioner

and whose name is entered on the registry created herein.

Attachment 3
HHS 2-20-04

1 for diagnostic purposes.

2 (k) "Radiography" means the use of ionizing radiation on human be-
3 ings for diagnostic purposes.

4 (l) "Radiologic technologist" means any person who is a radiographer,
5 radiation therapist or nuclear medicine technologist.

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

12 (n) "Supervisor" means a licensed practitioner or a hospital licensed
13 pursuant to K.S.A. 65-401 *et. seq.* providing supervision for a registered
14 x-ray technician pursuant to this act.

15 Sec. 3. (a) On and after ~~January 1, 2005~~, except as otherwise provided
16 in this act, no person shall perform radiologic technology procedures on
17 humans for diagnostic or therapeutic purposes unless the person pos-
18 sesses a valid license issued under this act.

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

24 (c) No person shall depict one's self orally or in writing, expressly or
25 by implication, as holder of a license who does not hold a current license
26 under this act.

27 (d) (1) Only persons licensed under this act as a radiologic technol-
28 ogist shall be entitled to use the title "radiologic technologist", abbrevi-
29 ations thereof, or words similar thereto or use the designated letters
30 "R.T." or "R.T. (R)".

31 (2) Only persons licensed under this act as a radiologic technologist
32 and who have received additional certification from the American registry
33 of radiologic technologists (ARRT) or the nuclear medicine technology
34 certification board (NMTCB) shall be entitled to use the title "radiation
35 therapist" or "nuclear medicine technologist", abbreviations thereof, or
36 words similar thereto or use the designated letters "R.T. (N)" or "R.T.
37 (T)".

38 (3) This section shall not prohibit a person who is licensed as a res-
39 piratory therapist by this state from using any letter or designation indi-
40 cating that such person is engaged in the practice of respiratory therapy.

41 (e) Except as otherwise provided in this act, no person shall employ
42 a person to engage in the practice of radiologic technology unless the
43 person possesses a valid license issued under the provisions of this act.

July [and make any other technical changes to insure that the registry and the licensure become effective after July 1, 2005.

1 Sec. 4. The following shall be exempt from the provisions of this act
2 and the requirement of a license pursuant to this act:

- 3 (a) A licensed practitioner;
- 4 (b) a resident physician or a student enrolled in and attending a
5 school while under the direct supervision of a licensed practitioner, ra-
6 diographer, radiation therapist or nuclear medicine technologist;
- 7 (c) health care providers in the United States armed forces, public
8 health services, federal facilities and other military service when acting in
9 the line of duty in this state;
- 10 (d) persons rendering assistance in the case of an emergency; and
- 11 (e) a licensed dental hygienist or an unlicensed person working under
12 the supervision of a licensed dentist who has been trained by a licensed
13 dentist on the proper use of dental radiographic equipment for the pur-
14 pose of providing medical imaging for dental diagnostic purposes consis-
15 tent with K.S.A. 65-1422 *et. seq.* and amendments thereto.

16 Sec. 5. (a) An applicant applying for licensure as a radiologic tech-
17 nologist shall file a written application on forms provided by the board,
18 showing to the satisfaction of the board that the applicant meets the
19 following requirements:

- 20 (1) At the time of the application is at least 18 years of age;
- 21 (2) has successfully completed a four-year course of study in a sec-
22 ondary school approved by the state board of education, passed an ap-
23 proved equivalency test or graduated from a secondary school outside
24 Kansas having comparable approval by the state board of education;
- 25 (3) has satisfactorily completed a course of study in radiography
26 which is approved by the board and which contains a curriculum no less
27 stringent than the standards of existing organizations which approve ra-
28 diologic technology programs;
- 29 (4) except as provided in section 6, and amendments thereto, has
30 successfully passed a license examination approved by the board; and
- 31 (5) has paid all fees required for licensure prescribed in this act.
- 32 (b) The board may issue a temporary license to an applicant seeking
33 licensure as a radiologic technologist when such radiologic technologist
34 applies for temporary licensure on a form provided by the board, meets
35 the requirements for licensure or meets all the requirements for licensure
36 except examination and pays to the board the temporary license fee as
37 required under section 12, and amendments thereto. Such temporary
38 license shall expire 180 days from the date of issue or on the date that
39 the board approves the application for licensure, whichever occurs first.
40 No more than one such temporary license shall be permitted to any one
41 person.
- 42 (c) An applicant for renewal of a license shall submit proof of having
43 successfully completed continuing education courses as prescribed by

(f) a licensed physician assistant or a licensed nurse, working under the supervision of a licensed practitioner, who has been trained on the proper use of radiographic equipment for the purpose of performing radiography consistent with K.S.A. 65-2001 et seq., or K.S.A. 65-2801 et seq., and amendments thereto. The board may adopt such rules and regulations as are necessary to assure that persons exempted from licensure under this subsection receive continuing education consistent with their practice authorized herein.

1 rules and regulations.

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

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

14 (f) A person whose license has been revoked may make written ap-
15 plication to the board requesting reinstatement of the license in a manner
16 prescribed by the board, which application shall be accompanied by the
17 fee provided for in section 12, and amendments thereto.

18 (g) A licensee whose license has lapsed and who has ceased activities
19 permitted in this act, may apply for re-licensure upon making a request
20 for renewal upon a form provided by the board and payment of a fee set
21 by the board and satisfactorily meeting the requirements established by
22 rules and regulations of the board.

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

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

29 Sec. 6. The board shall waive the education and examination require-
30 ments for an applicant who, on or before January 1, 2005:

31 (a) (1) Has been engaged in the practice of radiologic technology for
32 a period of at least two years of the three years immediately preceding
33 January 1, 2005; (2) is 18 years of age or older; (3) and has successfully
34 completed secondary schooling or its equivalency; or

35 (b) (1) has been engaged in the practice of radiologic technology prior
36 to January 1, 2005; (2) has, at the time of application, a current valid
37 certificate by the American registry of radiologic technologists, nuclear
38 medicine technologist certification board or other recognized national
39 voluntary credentialing bodies, which the board finds was issued on the
40 basis of an examination which meets standards at least as stringent as
41 those established by the board; (3) is 18 years of age or older; and (4) has
42 successfully completed secondary schooling or its equivalency; or

43 (c) (1) has engaged in the practice of radiologic technology prior to

1 January 1, 2005; (2) submits an affidavit from two of the following: A
2 hospital administrator, a radiologist, or a licensed practitioner other than
3 a radiologist attesting to the applicant's competency in the practice of
4 radiologic technology; (3) is 18 years of age or older; and (4) has suc-
5 cessfully completed secondary schooling or its equivalency.

6 ~~Sec. 7.—An applicant who does not meet the requirements of this act
7 for licensure as a radiologic technologist may apply for registration as an
8 X-ray technician in order to practice limited diagnostic radiography pur-
9 suant to this act. An applicant for registration as a X-ray technician shall
10 on forms provided by the board state, among other requirements by the
11 board, the name of the person responsible for supervising the applicant
12 and the areas of practice such applicant for registration has experience in
13 as follows: (a) Chest radiography: Radiography of the thorax, heart, and
14 lungs; (b) extremities radiography: Radiography of the upper and lower
15 extremities; (c) spine radiography: Radiography of the vertebral column;
16 (d) skull/sinus radiography: Radiography of the skull and sinuses; and (e)
17 podiatric radiography: Radiography of the foot and ankle.~~

18 ~~Sec. 8.—(a) It shall be unlawful for any person to function as an X-ray
19 technician in this state unless such person is licensed as a radiologic tech-
20 nologist under this act or is registered with the board as an X-ray tech-
21 nician pursuant to this act. The board may adopt rules and regulations
22 regarding registration of an X-ray technician, including requiring an ex-
23 amination, educational standards and continuing education. Such rules
24 and regulations may establish the criteria for a required examination and
25 a passing score. Any examination that the board may approve shall be
26 appropriate to the practice area of the registrant. The board may utilize,
27 in lieu of its own examination, a limited scope radiography examination
28 administered by the American registry of radiologic technologists or other
29 organizations providing such examination as approved by the board.~~

30 ~~(b) All applications for registration shall be made on a form to be
31 prescribed and furnished by the board. Each application for registration
32 shall be accompanied by a registration fee fixed by the board by rule and
33 regulation of not to exceed \$50.~~

34 ~~(c) All persons who are employed as an X-ray technician in a Kansas
35 hospital or licensed practitioner's office on the effective date of this act
36 shall be entitled to continue performing the functions of an X-ray tech-
37 nician until January 1, 2005, without registering pursuant to the require-
38 ments of this section. On and after January 1, 2005, to perform the func-
39 tions of an X-ray technician, such person shall be registered by the board
40 as an X-ray technician pursuant to this act.~~

41 ~~(d) Each applicant for renewal of an X-ray technician registration
42 shall be made on a form prescribed and furnished by the board and shall
43 be accompanied by a renewal fee fixed by the board by rule and regulation~~

Sec. 7 (a) The board shall maintain a registry of the names of persons who do not meet the requirements of this act for licensure as a radiologic technologist but who practice limited diagnostic radiography as an x-ray technician under the supervision of a licensed practitioner. It shall be unlawful for any person to function as an x-ray technician unless such person is licensed as a radiologic technologist under this act or unless such person's name has been entered on the registry of x-ray technicians.

(b) The board may adopt rules and regulations establishing the registry created herein and may provide for continuing education requirements consistent with the performance of limited diagnostic radiography by x-ray technicians.

(c) No person's name shall be entered on the registry of x-ray technicians unless such person has presented to the board an application signed by such person's supervising licensed practitioner on a form provided by the board which shall contain such information as required by rules and regulations adopted by the board.

1 of not to exceed \$15. Except as otherwise provided in this subsection, the
 2 application for registration renewal, when accompanied by the renewal
 3 fee and received by the board on or before the date of expiration of the
 4 registration, shall have the effect of temporarily renewing the applicant's
 5 registration until actual issuance or denial of the renewal registration. If
 6 at the time of filing a proceeding is pending before the board which may
 7 result in the suspension, probation, revocation or denial of the applicant's
 8 registration, the board may by emergency order declare that the appli-
 9 cation for renewal shall not have the effect of temporarily renewing such
 10 applicant's registration.

11 (e) The board may deny an application for issuance or renewal of any
 12 registration as an X ray technician on any ground which the board is
 13 authorized to take action against the license of a radiologic technologist
 14 pursuant to this act;

15 (f) Proceedings under this section shall be subject to the Kansas ad-
 16 ministrative procedure act.

17 (g) Every registered X ray technician shall furnish the board notice
 18 of the name and address of the new employer pursuant to rule and reg-
 19 ulation of the board.

20 (h) Each X ray technician supervisor shall at all times maintain a list
 21 of the names of X ray technicians employed by the supervisor.

22 (i) The board may adopt such rules and regulations as are necessary
 23 to ensure that X ray technicians are adequately trained as to the nature
 24 and scope of their lawful duties.

25 (j) Only persons registered under this act as x ray technicians shall
 26 be entitled to use the title "X ray technician", abbreviations thereof, or
 27 words similar thereto.

28 (k) A person registered as an X ray technician shall not hold them-
 29 selves out as and shall not be entitled to use the titles listed in section 3
 30 of this act, or abbreviations thereof, or words similar thereto, and amend-
 31 ments thereto.

32 Sec. 9. (a) There is established the radiologic technology council to
 33 assist the state board of healing arts in carrying out the provisions of this
 34 act. The council shall consist of five members, all citizens and residents
 35 of the state of Kansas appointed as follows: The board shall appoint one
 36 member who is a physician licensed to practice medicine and surgery
 37 who is also certified as a radiologist and one member who is a member
 38 of the state board of healing arts. The governor shall appoint three ra-
 39 diologic technologists who have at least three years' experience in radiol-
 40 ogic technology preceding the appointment and are actively engaged, in
 41 this state, in the practice of radiologic technology or the teaching of ra-
 42 diologic technology. At least two of the Governor's appointments shall be
 43 made from a list of four nominees submitted by the Kansas society of

*Every x-ray technician,
 within 30 days of obtaining
 new employment, shall
 furnish the board notice of
 the name and address of the
 new supervising licensed
 practitioner.*

*(d) A person whose name
 appears on the registry shall
 not hold themselves out as
 and shall not be entitled to
 use the titles listed in the
 registry.*

1 radiologic technologists.

2 (b) The terms of office shall be four years, except that of the members
3 first appointed, one shall be appointed for a term of one year, one for a
4 term of two years, one for a term of three years, and two for a term of
5 four years, with successor members appointed for four years. If a vacancy
6 occurs on the council, the appointing authority of the position which has
7 become vacant shall appoint a person of like qualifications to fill the va-
8 cant position for the unexpired term.

9 (c) Radiologic technologists initially appointed to the council must be
10 eligible for licensure under section 5 and amendments thereto. On and
11 after, January 1, 2005, new appointees shall be licensed under the pro-
12 visions of this act.

13 (d) The council shall meet at least once each year at a time and place
14 of its choosing and at such other times as may be necessary on the chair-
15 person's call or on the request of a majority of the board's members.

16 (e) A majority of the council constitutes a quorum. No action may be
17 taken by the council except by affirmative vote of the majority of the
18 members present and voting.

19 (f) Members of the council attending meetings of the council, or a
20 subcommittee of the council, shall be paid amounts provided in subsec-
21 tion (e) of K.S.A. 75-3223, and amendments thereto, from the healing
22 arts fee fund.

23 Sec. 10. The radiologic technology council shall advise the board
24 regarding:

25 (a) Examination, licensing, registration, and other fees;

26 (b) rules and regulations to be adopted to carry out the provisions of
27 this act;

28 (c) subject areas to be covered during the educational program and
29 on the licensure examination;

30 (d) the number of yearly continuing education hours required to
31 maintain active licensure or registration;

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

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

35 Sec. 11. (a) The board, with the advice and assistance of the radiol-
36 ogic technology council, shall pass upon the qualifications of all applicants
37 for examination and licensing; contract for examinations; determine the
38 applicants who successfully pass the examination; duly license or register
39 such applicants; adopt rules and regulations as may be necessary to ad-
40 minister the provisions of this act, and amendments thereto; and pre-
41 scribe forms which shall be issued in the administration of this act.

42 (b) The board, with the advice and assistance of the radiologic tech-
43 nology council, shall establish, by rules and regulations: standards for

1 approval of an educational course of study and clinical experience, con-
2 tinuing education criteria, criteria for registration, procedures for the ex-
3 amination of applicants and standards for professional conduct and dis-
4 cipline of licensees or, if applicable registrants.

5 (c) The board shall keep a record of all proceedings under this act
6 and a roster of all individuals licensed or registered under this act.

7 (d) The board, after obtaining the advice and assistance of the ra-
8 diologic technology council, shall establish by rules and regulations, the
9 effective period for a license or registration under this act and for its
10 expiration at the end of that time unless renewed in a manner prescribed
11 by the board upon payment of the license or registration renewal fee
12 established under this act. The board may establish additional require-
13 ments for license or registration renewal which provide for completing
14 the required number of continuing education courses and any other ev-
15 idence of continued competency the board may require. The board may
16 provide for the late renewal of a license or registration upon the payment
17 of a late fee established by this act but no such late renewal of a license
18 may be granted more than five years after its expiration.

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

22 (f) A person whose license is suspended shall not engage in any con-
23 duct or activity in violation of the order by which the license was sus-
24 pended. If a license revoked on disciplinary ground is reinstated, the
25 licensee, as a condition of reinstatement, shall pay the license renewal fee
26 and any other late fee that may be applicable.

27 Sec. 12. (a) The board shall charge and collect in advance fees for
28 radiologic technologists as established by the board by rules and regula-
29 tions, not to exceed:

30 Application for examination	\$200
31 Application for license	\$80
32 Temporary licensing fee	\$40
33 License renewal	\$80
34 Late license renewal	\$80
35 License reinstatement fee	\$80
36 Certified copy of license	\$40
37 Verified copy	\$25

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

42 Sec. 13. (a) The license of a licensee may be limited, suspended or
43 revoked, or the licensee may be censured, reprimanded, fined pursuant

1 to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by
2 the board or an application for a license may be denied if it is found that
3 the licensee or applicant:

4 (1) Is guilty of fraud or deceit in the procurement or holding of the
5 license;

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

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

13 (4) is found to be mentally or physically incapacitated to such a degree
14 that in the opinion of the board continued practice by the licensee would
15 constitute a danger to the public's health and safety;

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

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

21 (7) has engaged in the practice of radiologic technology under a false
22 or assumed name or impersonated another licensee;

23 (8) has been found guilty of unprofessional conduct under criteria
24 which the board may establish by rules and regulations;

25 (9) has interpreted a diagnostic image for a fee while unlicensed; or
26

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

29 (b) The denial, refusal to renew, suspension, limitation or revocation
30 of a license

31 may be ordered by the board after notice and hearing on the matter
32 in accordance with the provisions of the Kansas administrative procedure
33 act.

34 Sec. 14. When it appears that any person is violating any provision
35 of this act, the board may bring an action in the name of the state in a
36 court of competent jurisdiction for an injunction against such violation
37 without regard as to whether proceedings have been or may be instituted
38 before the board or whether criminal proceedings have been or may be
39 instituted.

40 Sec. 15. The board shall remit all moneys received by or for the
41 board from fees, charges or penalties to the state treasurer in accordance
42 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
43 receipt of each such remittance, the state treasurer shall deposit the entire

1 amount in the state treasury. Twenty percent of such amount shall be
2 credited to the state general fund and the balance shall be credited to the
3 healing arts fee fund. All expenditures from the healing arts fee fund shall
4 be made in accordance with appropriation acts upon warrants of the di-
5 rector of accounts and reports issued pursuant to vouchers approved by
6 the president of the board or by a person or persons designated by the
7 president.

8 Sec. 16. Any violation of this act shall constitute a class B misde-
9 meanor.

10 Sec. 17. This act shall take effect and be in force from and after its
11 publication in the statute book.

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Attach ment 04
HHS 2-20-04

HOUSE BILL No. 2698

By Committee on Health and Human Services

AN ACT providing for the regulation and licensing of radiologic technologists and x-ray technicians; 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.

17

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.

or

(e) "X-ray technician" means a person who is not able to meet minimum requirements for a license as a radiologic technologist pursuant to this act ~~who is providing limited radiography under the supervision of a supervisor pursuant to this act.~~

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

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

and by relettering the subsections accordingly

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

and

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

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

(j) "Radiographer" means a person who applies radiation to humans

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1 for diagnostic purposes.

2 (k) "Radiography" means the use of ionizing radiation on human be-
3 ings for diagnostic purposes.

4 (l) "Radiologic technologist" means any person who is a radiographer,
5 radiation therapist or nuclear medicine technologist.

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

12 (n) "Supervisor" means a licensed practitioner or a hospital licensed
13 pursuant to K.S.A. [65-401] *et. seq.* providing supervision for a registered
14 x-ray technician pursuant to this act.

an employee designated by
65-425

15 Sec. 3. (a) On and after January 1, 2005, except as otherwise provided
16 in this act, no person shall perform radiologic technology procedures on
17 humans for diagnostic or therapeutic purposes unless the person pos-
18 sesses a valid license issued under this act.

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

24 (c) No person shall depict one's self orally or in writing, expressly or
25 by implication, as holder of a license who does not hold a current license
26 under this act.

27 (d) (1) Only persons licensed under this act as a radiologic technol-
28 ogist shall be entitled to use the title "radiologic technologist", abbrevi-
29 ations thereof, or words similar thereto or use the designated letters
30 "R.T." or "R.T. (R)".

31 (2) Only persons licensed under this act as a radiologic technologist
32 and who have received additional certification from the American registry
33 of radiologic technologists (ARRT) or the nuclear medicine technology
34 certification board (NMTCB) shall be entitled to use the title "radiation
35 therapist" or "nuclear medicine technologist", abbreviations thereof, or
36 words similar thereto or use the designated letters R.T. (N)" or "R.T.
37 (T)".

38 (3) This section shall not prohibit a person who is licensed as a res-
39 piratory therapist by this state from using any letter or designation indi-
40 cating that such person is engaged in the practice of respiratory therapy.

41 (e) Except as otherwise provided in this act, no person shall employ
42 a person to engage in the practice of radiologic technology unless the
43 person possesses a valid license issued under the provisions of this act.

1 Sec. 4. The following shall be exempt from the provisions of this act
2 and the requirement of a license pursuant to this act:

3 (a) A licensed practitioner;

4 (b) a resident physician or a student enrolled in and attending a
5 school while under the direct supervision of a licensed practitioner, radi-
6 ographer, radiation therapist or nuclear medicine technologist;

an educational program approved by the board

7 (c) health care providers in the United States armed forces, public
8 health services, federal facilities and other military service when acting in
9 the line of duty in this state;

10 (d) persons rendering assistance in the case of an emergency; and

11 (e) a licensed dental hygienist or an unlicensed person working under
12 the supervision of a licensed dentist who has been trained by a licensed
13 dentist on the proper use of dental radiographic equipment for the pur-
14 pose of providing medical imaging for dental diagnostic purposes consis-
15 tent with K.S.A. 65-1422 *et. seq.* and amendments thereto.

16 Sec. 5. (a) An applicant applying for licensure as a radiologic tech-
17 nologist shall file a written application on forms provided by the board,
18 showing to the satisfaction of the board that the applicant meets the
19 following requirements:

an

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20 (1) At the time of the application is at least 18 years of age;

21 (2) has successfully completed a four-year course of study in a sec-
22 ondary school approved by the state board of education, passed an ap-
23 proved equivalency test or graduated from a secondary school outside
24 Kansas having comparable approval by the state board of education;

25 (3) has satisfactorily completed a course of study in radiography
26 which is approved by the board and which contains a curriculum no less
27 stringent than the standards of existing organizations which approve ra-
28 diologic technology programs;

29 (4) except as provided in section 6, and amendments thereto, has
30 successfully passed a license examination approved by the board; and

31 (5) has paid all fees required for licensure prescribed in this act.

32 (b) The board may issue a temporary license to an applicant seeking
33 licensure as a radiologic technologist when such radiologic technologist
34 applies for temporary licensure on a form provided by the board, meets
35 the requirements for licensure or meets all the requirements for licensure
36 except examination and pays to the board the temporary license fee as
37 required under section 12, and amendments thereto. Such temporary
38 license shall expire 180 days from the date of issue or on the date that
39 the board approves the application for licensure, whichever occurs first.

40 No more than one such temporary license shall be permitted to any one
41 person.

42 (c) An applicant for renewal of a license shall submit proof of having
43 successfully completed continuing education courses as prescribed by

1 rules and regulations.

2 (d) The board may accept, in lieu of its own licensure examination, a
3 current certificate by the American registry of radiologic technologists,
4 nuclear medicine technologist certification board or other recognized national
5 voluntary credentialing bodies, which the board finds was issued
6 on the basis of an examination which meets standards at least as stringent
7 as those established by the board.

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

14 (f) A person whose license has been revoked may make written
15 application to the board requesting reinstatement of the license in a manner
16 prescribed by the board, which application shall be accompanied by the
17 fee provided for in section 12, and amendments thereto.

18 (g) A licensee whose license has lapsed and who has ceased activities
19 permitted in this act, may apply for re-licensure upon making a request
20 for renewal upon a form provided by the board and payment of a fee set
21 by the board and satisfactorily meeting the requirements established by
22 rules and regulations of the board.

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

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

29 Sec. 6. The board shall waive the education and examination require-
30 ments for an applicant who, on or before January 1, 2005:

31 (a) (1) Has been engaged in the practice of radiologic technology for
32 a period of at least two years of the three years immediately preceding
33 January 1, 2005; (2) is 18 years of age or older; (3) and has successfully
34 completed secondary schooling or its equivalency; or

35 (b) (1) has been engaged in the practice of radiologic technology prior
36 to January 1, 2005; (2) has, at the time of application, a current valid
37 certificate by the American registry of radiologic technologists, nuclear
38 medicine technologist certification board or other recognized national
39 voluntary credentialing bodies, which the board finds was issued on the
40 basis of an examination which meets standards at least as stringent as
41 those established by the board; (3) is 18 years of age or older; and (4) has
42 successfully completed secondary schooling or its equivalency; or

43 (c) (1) has engaged in the practice of radiologic technology prior to

and by relettering the remaining subsections accordingly

and by relettering the remaining subsections accordingly

4-5

1 January 1, 2005; (2) submits an affidavit from two of the following: A
2 hospital administrator, a radiologist, or a licensed practitioner other than
3 a radiologist attesting to the applicant's competency in the practice of
4 radiologic technology; (3) is 18 years of age or older; and (4) has suc-
5 cessfully completed secondary schooling or its equivalency.

A person

6 Sec. 7. ~~An applicant who does not meet the requirements of this act~~
7 ~~for licensure as a radiologic technologist may apply for registration as an~~
8 ~~X-ray technician in order to practice limited diagnostic radiography pur-~~
9 ~~suant to this act. An applicant for registration as a X-ray technician shall~~
10 ~~on forms provided by the board state, among other requirements by the~~
11 ~~board, the name of the person responsible for supervising the applicant~~
12 ~~and the areas of practice such applicant for registration has experience in~~
13 ~~as follows: (a) Chest radiography: Radiography of the thorax, heart, and~~
14 ~~lungs; (b) extremities radiography: Radiography of the upper and lower~~
15 ~~extremities; (c) spine radiography: Radiography of the vertebral column;~~
16 ~~(d) skull/sinus radiography: Radiography of the skull and sinuses; and (e)~~
17 ~~podiatric radiography: Radiography of the foot and ankle.~~

Except as otherwise provided in this act, it

18 Sec. 8. (a) ~~It shall be unlawful for any person to function as an X-ray~~
19 ~~technician in this state unless such person is licensed as a radiologic tech-~~
20 ~~nologist under this act or is registered with the board as an X-ray tech-~~
21 ~~nician pursuant to this act. The board may adopt rules and regulations~~
22 ~~regarding registration of an X-ray technician, including requiring an ex-~~
23 ~~amination, educational standards and continuing education. Such rules~~
24 ~~and regulations may establish the criteria for a required examination and~~
25 ~~a passing score. Any examination that the board may approve shall be~~
26 ~~appropriate to the practice area of the registrant. The board may utilize,~~
27 ~~in lieu of its own examination, a limited scope radiography examination~~
28 ~~administered by the American registry of radiologic technologists or other~~
29 ~~organizations providing such examination as approved by the board.~~

and

30 (b) All applications for registration shall be made on a form to be
31 prescribed and furnished by the board. Each application for registration
32 shall be accompanied by a registration fee fixed by the board by rule and
33 regulation ~~of not to exceed \$50.~~

in section 12, and amendments thereto

34 (c) ~~All persons who are employed as an X-ray technician in a Kansas~~
35 ~~hospital or licensed practitioner's office on the effective date of this act~~
36 ~~shall be entitled to continue performing the functions of an X-ray tech-~~
37 ~~nician until January 1, 2005, without registering pursuant to the require-~~
38 ~~ments of this section. On and after January 1, 2005, to perform the func-~~
39 ~~tions of an X-ray technician, such person shall be registered by the board~~
40 ~~as an X-ray technician pursuant to this act.~~

Persons currently

on the effective date of this act shall be entitled to perform those functions

41 (d) ~~Each applicant for renewal of an X-ray technician registration~~
42 ~~shall be made on a form prescribed and furnished by the board and shall~~
43 ~~be accompanied by a renewal fee fixed by the board by rule and regulation~~

At least 30 days before the expiration of a registration issued under this act,
the board shall notify the registrant of the expiration date by mail addressed
to the registrant's last mailing address as noted upon office records.

1 of not to exceed \$15. Except as otherwise provided in this subsection, the
 2 application for registration renewal, when accompanied by the renewal
 3 fee and received by the board on or before the date of expiration of the
 4 registration, shall have the effect of temporarily renewing the applicant's
 5 registration until actual issuance or denial of the renewal registration. If
 6 at the time of filing a proceeding is pending before the board which may
 7 result in the suspension, probation, revocation or denial of the applicant's
 8 registration, the board may by emergency order declare that the appli-
 9 cation for renewal shall not have the effect of temporarily renewing such
 10 applicant's registration.

in section 12, and amendments thereto. A registrant under this act shall
 notify the board in writing within 30 days of any name or address change.

11 (e) The board may deny an application for issuance or renewal of any
 12 registration as an X-ray technician on any ground which the board is
 13 authorized to take action against the license of a radiologic technologist
 14 pursuant to this act.

or limit, suspend or revoke a

or censure, reprimand, fine (K.S.A. 65-2863a, and amendments thereto) or
 otherwise sanction a registrant

15 (f) Proceedings under this section shall be subject to the Kansas ad-
 16 ministrative procedure act.

section 13, and amendments thereto

17 (g) Every registered X-ray technician shall furnish the board notice
 18 of the name and address of the new employer pursuant to rule and reg-
 19 ulation of the board.

such applicant's supervisor

20 (h) Each X-ray technician supervisor shall at all times maintain a list
 21 of the names of X-ray technicians employed by the supervisor.

supervised

22 (i) The board may adopt such rules and regulations as are necessary
 23 to ensure that X-ray technicians are adequately trained as to the nature
 24 and scope of their lawful duties.

25 (j) Only persons registered under this act as x-ray technicians shall
 26 be entitled to use the title "X-ray technician", abbreviations thereof, or
 27 words similar thereto.

, and amendments thereto,

28 (k) A person registered as an X-ray technician shall not hold them-
 29 selves out as and shall not be entitled to use the titles listed in section 3
 30 of this act or abbreviations thereof or words similar thereto, and amend-
 31 ments thereto.

32 Sec. 9. (a) There is established the radiologic technology council to
 33 assist the state board of healing arts in carrying out the provisions of this
 34 act. The council shall consist of five members, all citizens and residents
 35 of the state of Kansas appointed as follows: The board shall appoint one
 36 member who is a physician licensed to practice medicine and surgery
 37 who is also certified as a radiologist and one member who is a member
 38 of the state board of healing arts. The governor shall appoint three ra-
 39 diologic technologists who have at least three years' experience in radiol-
 40 ogic technology preceding the appointment and are actively engaged, in
 41 this state, in the practice of radiologic technology or the teaching of ra-
 42 diologic technology. At least two of the Governor's appointments shall be
 43 made from a list of four nominees submitted by the Kansas society of

Members appointed by the board shall serve at the pleasure of the board.

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1 radiologic technologists.

2 (b) The terms of office shall be four years, except that of the members
3 first appointed, one shall be appointed for a term of one year, one for a
4 term of two years, one for a term of three years, and two for a term of
5 four years, with successor members appointed for four years. If a vacancy
6 occurs on the council, the appointing authority of the position which has
7 become vacant shall appoint a person of like qualifications to fill the va-
8 cant position for the unexpired term.

9 (c) Radiologic technologists initially appointed to the council must be
10 eligible for licensure under section 5 and amendments thereto. On and
11 after, January 1, 2005, new appointees shall be licensed under the pro-
12 visions of this act.

13 (d) The council shall meet at least once each year at a time and place
14 of its choosing and at such other times as may be necessary on the chair-
15 person's call or on the request of a majority of the board's members.

16 (e) A majority of the council constitutes a quorum. No action may be
17 taken by the council except by affirmative vote of the majority of the
18 members present and voting.

19 (f) Members of the council attending meetings of the council, or a
20 subcommittee of the council, shall be paid amounts provided in subsec-
21 tion (e) of K.S.A. 75-3223, and amendments thereto, from the healing
22 arts fee fund.

23 Sec. 10. The radiologic technology council shall advise the board
24 regarding:

- 25 (a) Examination, licensing, registration, and other fees;
- 26 (b) rules and regulations to be adopted to carry out the provisions of
27 this act;
- 28 (c) subject areas to be covered during the educational program and
29 on the licensure examination;
- 30 (d) the number of yearly continuing education hours required to
31 maintain active licensure or registration;
- 32 (e) changes and new requirements taking place in the area of radiol-
33 ogic technology; and
- 34 (f) such other duties and responsibilities as the board may assign.

35 Sec. 11. (a) The board, with the advice and assistance of the radiol-
36 ogic technology council, shall pass upon the qualifications of all applicants
37 for examination and licensing; contract for examinations; determine the
38 applicants who successfully pass the examination; duly license or register
39 such applicants; adopt rules and regulations as may be necessary to ad-
40 minister the provisions of this act, and amendments thereto; and pre-
41 scribe forms which shall be issued in the administration of this act.

42 (b) The board, with the advice and assistance of the radiologic tech-
43 nology council, shall establish, by rules and regulations: standards for

Members appointed by the governor shall serve at the pleasure of the governor.

of the initial council members shall be as follows: Two shall be appointed for a term of two years,

and to serve until a successor member is appointed

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1 approval of an educational course of study and clinical experience, con-
2 tinuing education [criteria, criteria for registration], procedures for the ex-
3 amination of applicants and standards for professional conduct and dis-
4 cipline of licensees [or, if applicable] registrants.

criteria for
and

5 (c) The board shall keep a record of all proceedings under this act
6 and a roster of all individuals licensed or registered under this act.

7 (d) The board, after obtaining the advice and assistance of the ra-
8 diologic technology council, shall establish by rules and regulations, the
9 effective period for a license or registration under this act and for its
10 expiration at the end of that time unless renewed in a manner prescribed
11 by the board upon payment of the license or registration renewal fee
12 established under this act. The board may establish additional require-
13 ments for license or registration renewal which provide for completing
14 the required number of continuing education courses and any other evi-
15 dence of continued competency the board may require. The board may
16 provide for the late renewal of a license or registration upon the payment
17 of a late fee established by this act [but no such late renewal of a license
18 may be granted more than five years after its expiration].

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

and registrations

22 (f) A person whose license is suspended shall not engage in any con-
23 duct or activity in violation of the order by which the license was sus-
24 pended. If a license revoked on disciplinary ground is reinstated, the
25 licensee, as a condition of reinstatement, shall pay the license renewal fee
26 and any other late fee that may be applicable.

and X-ray technicians

27 Sec. 12. (a) The board shall charge and collect in advance fees for
28 radiologic technologists [as established by the board by rules and regula-
29 tions, not to exceed:

radiologic technologist

30	Application for examination	\$200
31	Application for license	\$80
32	Temporary licensing fee	\$40
33	License renewal	\$80
34	Late license renewal	\$80
35	License reinstatement fee	\$80
36	Certified copy of license	\$40
37	Verified copy	\$25

Application for registration.....	\$50
Application for registration renewal	\$15
Late registration renewal.....	\$30
Registration reinstatement fee.....	\$50

or registration

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

radiologic technologist or X-ray technician

42 Sec. 13. (a) The license of a [licensee] may be limited, suspended or
43 revoked, or the licensee may be censured, reprimanded, fined pursuant

1 to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by
2 the board or an application for a license may be denied if it is found that
3 the licensee or applicant:

licensure

4 (1) Is guilty of fraud or deceit in the procurement or holding of the
5 license;

registrant

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

a

or registration

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

13 (4) is found to be mentally or physically incapacitated to such a degree
14 that in the opinion of the board continued practice by the licensee would
15 constitute a danger to the public's health and safety;

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

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

21 (7) has engaged in the practice of radiologic technology under a false
22 or assumed name or impersonated another licensee;

23 (8) has been found guilty of unprofessional conduct under criteria
24 which the board may establish by rules and regulations;

25 (9) has interpreted a diagnostic image for a fee while unlicensed; or
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27 (10) is, or has been found guilty of incompetence or negligence while
28 performing as a license holder.

29 (b) The denial, refusal to renew, suspension, limitation or revocation
30 of a license

or other sanction

31 may be ordered by the board after notice and hearing on the matter
32 in accordance with the provisions of the Kansas administrative procedure
33 act

34 Sec. 14. When it appears that any person is violating any provision
35 of this act, the board may bring an action in the name of the state in a
36 court of competent jurisdiction for an injunction against such violation
37 without regard as to whether proceedings have been or may be instituted
38 before the board or whether criminal proceedings have been or may be
39 instituted.

and shall be reviewable in accordance with the act for judicial review and
civil enforcement of agency actions

40 Sec. 15. The board shall remit all moneys received by or for the
41 board from fees, charges or penalties to the state treasurer in accordance
42 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
43 receipt of each such remittance, the state treasurer shall deposit the entire

4-10

1 amount in the state treasury. Twenty percent of such amount shall be
 2 credited to the state general fund and the balance shall be credited to the
 3 healing arts fee fund. All expenditures from the healing arts fee fund shall
 4 be made in accordance with appropriation acts upon warrants of the di-
 5 rector of accounts and reports issued pursuant to vouchers approved by
 6 the president of the board or by a person or persons designated by the
 7 president.

8 Sec. 16. Any violation of this act shall constitute a class B misde-
 9 meanor.

10 Sec. 17. This act shall take effect and be in force from and after its
 11 publication in the statute book.

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HOUSE BILL No. 2658

By Committee on Health and Human Services

1-30

AN ACT concerning adult care homes; relating to informal dispute resolution; providing for an independent review panel.

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

Section 1. (a) Upon receipt of a statement of deficiencies, an adult care home administrator may within 10 calendar days after receipt of a statement make a written request to the secretary of aging for informal dispute resolution by an independent review panel. The administrator may make one request for informal dispute resolution per inspection to dispute any deficiencies with which such administrator disagrees. The informal dispute resolution may be based upon the statement of deficiencies and any other materials submitted; however, the department shall provide the administrator with a face to face informal dispute resolution meeting upon request by the administrator.

(b) A written request for informal dispute resolution shall:

- (1) State the specific deficiencies being disputed;
- (2) provide a detailed explanation of the basis for the dispute; and
- (3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) Upon receipt of the written request provided for in subsection (a), the secretary of aging shall appoint a panel of three persons to compose the independent review panel. One member of the panel shall be a physician of medicine and surgery. The remaining two members shall be appointed because of their knowledge of appropriate health care or other expertise that may be beneficial to the informal dispute resolution. None of the panel members shall be an employee of the department of aging or an employee of any other agency that did the inspection.

(d) A request for informal dispute resolution shall not delay the timely correction of any deficiency not in dispute. A facility may not seek a delay of any enforcement action against it on the grounds that the informal dispute resolution has not been completed before the effective date of the enforcement action.

(e) Costs of the panel including traveling expenses and other expenses of the review shall be paid by the department of aging.

(f) The secretary of aging shall by rules and regulations implement

contact the CMS designated quality improvement organization for Kansas and request a hearing be conducted concerning the disputed deficiency and/or deficiencies

contractual agreement with the CMS designated quality improvement organization for Kansas and

Attachment 05
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1 the provisions of this section.

2 (g) This act shall be a part of and supplemental to the adult care home
3 licensure act.

4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.

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Attachment 6
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1 of the most recent inspection report and related documents, provided the
2 person requesting such report agrees to pay a reasonable charge to cover
3 copying costs.

4 (d) Notwithstanding any other provision of law, no inspection report
5 shall be admissible as evidence in any judicial proceeding. For purposes
6 of this subsection, "inspection report" shall include any documents pre-
7 pared by any officer, employee or agent of the state of Kansas during the
8 course of or otherwise in connection with any inspection, investigation or
9 survey of any licensed adult care home conducted to determine compli-
10 ance with any licensing, certification or program participation require-
11 ments under any provision of federal or state law.

(e) Nothing in this section shall prohibit the use and admissibility in
evidence of one or more excerpts from any such inspection report that directly
refer and relate to the named plaintiff if the district court determines on the
record, after a hearing outside the presence of the jury, that every excerpt is
otherwise admissible under the rules of evidence contained in article 4 of
chapter 60 of the Kansas Statutes Annotated and amendments thereto.

12 Sec. 2. K.S.A. 39-935 is hereby repealed.
13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the Kansas register.
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