

SESSION OF 2004

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2698**

As Amended by Senate Committee on
Public Health and Welfare

Brief*

Sub. for HB 2698 would create new laws to be known as the Radiologic Technologists Practice Act. Under the provisions of the new laws, on and after July 1, 2005, no person could provide radiologic technology procedures on humans for diagnostic or therapeutic purposes unless such person is licensed by the Board of Healing Arts, nor may any person depict himself as, use protected initials or titles, or use the term radiologic technologist unless licensed. Radiologic technology is defined as the use of radioactive substances or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon the prescription of a licensed practitioner, and includes the practice of radiography, nuclear medicine technology, and radiation therapy.

Certain persons would be exempt from the provisions of the newly created act, including an unlicensed person performing radiography services who is working under the supervision of a practitioner or under the supervision of a person designated by a licensed hospital. Practitioner, for the purposes of the bill, include persons licensed to practice medicine and surgery, dentists, podiatrists, and chiropractors. Practitioners, resident physicians, students enrolled in an approved educational program, providers who are in the armed forces or working in federal facilities or the Public Health Service are also exempt, as are licensed dental hygienists or unlicensed persons working under the supervision of a dentist and physician assistants and licensed nurses working under the supervision of a practitioner.

In order to apply for a license as a radiographic technologist, one must be at least 18 years of age, have completed high school or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

passed an equivalency examination, have completed a course of study in radiography approved by the Board of Healing Arts, and passed an examination approved by the Board. A temporary license, good for 180 days, may be issued to a person who meets all of the qualifications except the examination. In lieu of the examination approved by the Board, a current certificate issued by the American Registry of Radiographic Technologists, the Nuclear Medicine Technologist Certification Board, or other recognized voluntary national accrediting body may be accepted by the Board. The Board may also waive the examination, education, or experience requirements for any applicant for a license who presents proof of current licensure as a radiologic technologist in another jurisdiction. The Board is to waive the education and examination requirements for any applicant, who, on July 1, 2005, has been engaged in the practice of radiographic technology for at least two of the preceding three years, is 18 years of age or older, and has completed secondary school or its equivalent; or an applicant who has been engaged in the practice of radiographic technology prior to July 1, 2005, has a current valid certificate issued by the American Registry of Radiographic Technologists, Nuclear Medicine Technologist Certification Board, or other recognized voluntary accrediting body, is 18 years of age or older, and has completed secondary school or its equivalent; or an applicant who has engaged in the practice of radiographic technology prior to July 1, 2005, submits an affidavit from any two of the following: a hospital administrator, a radiologist, or a licensed practitioner other than a radiologist attesting to the applicant's competency in radiologic technology, is 18 years of age or older, and has completed secondary school or its equivalent.

Sub. for HB 2698 creates a five-member Radiologic Technology Council to assist the Board of Healing Arts in carrying out the new act. One member licensed to practice medicine and surgery and certified as a radiologist and one member who is a member of the Board are to be appointed by the Board. The Governor is to appoint three members who are radiologic technologists.

Authority is given to the Board of Healing Arts to limit, suspend, or revoke a license or to censure, reprimand, fine, or otherwise sanction a licensee on the basis of violation of any of the grounds set out in the bill or unprofessional conduct as defined by the Board in rules and regulations. The bill also sets out the procedure to be followed in issuing, renewing, or reinstating licenses and authorizes the Board to require continuing education as a condition of relicensure.

Although Sub for HB 2698 becomes effective on publication in the statute book, most of the sections of the bill would become effective on July 1, 2005.

Background

HB 2698 was requested by the Kansas Society of Radiologic Technologists whose representatives explained that Kansas is one of 11 states that does not have some form of licensure for radiologic technicians. They noted the motivation for the bill is improving the education of persons who administer ionizing radiation on patients.

The bill, as introduced, was opposed by the Kansas Medical Society, the Kansas Podiatric Medical Association, and the Kansas Hospital Association. Substitute for HB 2698 addresses the issues raised by the opponents.

The fiscal note prepared by the Division of the Budget indicates that, for the Board of Healing Arts, fee fund revenues would be increased by \$157,500 and expenditures would be increased by \$113,341 in FY 2005.

The Senate Committee amendments were developed by parties interested in the bill.