

1 SENATE BILL NO. 9

2 INTRODUCED BY SWYSGOOD

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CRITERIA FOR GOVERNING NONIONIZING
6 IMAGING MODALITIES; CREATING A CONTINUING COMPETENCY REQUIREMENT FOR RADIOLOGIC
7 TECHNOLOGISTS AND LIMITED PERMIT TECHNICIANS; AND AMENDING SECTIONS 37-14-101,
8 37-14-102, 37-14-301, 37-14-302, 37-14-304, 37-14-305, AND 37-14-310, MCA."

9
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because it grants rulemaking authority to the board of
12 radiologic technologists in two areas. First, the bill allows the board to develop rules for approving
13 certifying agencies in the area of nonionizing imaging modalities for the purpose of granting licenses without
14 examination to applicants holding certificates from the certifying agencies. The legislature intends that the
15 board review the requirements of the certifying agencies and approve only those agencies whose
16 requirements adequately ensure the competence of individuals receiving certification.

17 Second, the bill grants the board the authority to establish rules on continuing education for
18 licensees and permittees.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21
22 **Section 1.** Section 37-14-101, MCA, is amended to read:

23 "**37-14-101. Purpose.** The legislature declares that the practice of radiologic technology, including
24 nonionizing imaging technology, affects the public health, safety, and welfare and that it is therefore
25 necessary to regulate and control ~~such~~ the practice in the public interest. The purpose of this chapter is to
26 protect the public from the unprofessional, improper, unauthorized, or unqualified practice of radiologic
27 technology, including nonionizing imaging technology."

28
29 **Section 2.** Section 37-14-102, MCA, is amended to read:

30 "**37-14-102. Definitions.** In this chapter, unless the context clearly requires otherwise, the

1 following definitions apply:

2 (1) "Board" means the board of radiologic technologists provided for in 2-15-1848.

3 (2) "Department" means the department of commerce.

4 (3) "License" means an authorization issued by the department to perform ionizing x-ray procedures
5 or other nonionizing imaging procedures on persons.

6 (4) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice
7 medicine, dentistry, denturistry, dental hygiene, podiatry, osteopathy, or chiropractic.

8 (5) "Limited permit technician" means a person who does not qualify for the issuance of a license
9 under the provisions of this chapter but who has demonstrated, to the satisfaction of the board, the
10 capability of performing specified high-quality x-ray procedures without endangering public health and
11 safety.

12 (6) "Performance of x-ray procedures" means the involvement or completion of any portion of an
13 ionizing x-ray procedure or nonionizing imaging procedure that may have an effect on the patient's
14 accumulated ionizing x-ray radiation exposure or nonionizing radiation exposure from imaging modalities,
15 including positioning of the patient, technique selection, selection of ancillary equipment, initiation of
16 exposure, and darkroom procedures.

17 (7) "Permit" means an authorization ~~which~~ that may be granted by the board to perform x-ray
18 procedures on persons when the applicant's qualifications do not meet standards required for the issuance
19 of a license.

20 (8) "Radiologic technologist" means a person other than a licensed practitioner who has qualified
21 under the provisions of this chapter for the issuance of a license to perform ~~diagnostic~~ ionizing x-ray
22 procedures or nonionizing imaging procedures on persons and who performs the following functions in
23 connection with the ~~diagnostic procedure~~ procedures:

24 (a) operates ionizing x-ray equipment or nonionizing imaging equipment to reveal the internal
25 condition of patients for the diagnosis of fractures, diseases, and other injuries;

26 (b) prepares and positions patients for ionizing x-ray procedures or nonionizing imaging procedures;

27 (c) selects the proper ~~radiographic~~ technique for visualization of specific internal structures of the
28 human body;

29 (d) selects the proper ancillary equipment to be utilized in the ionizing x-ray procedure or
30 nonionizing imaging procedure to enhance the visualization of the desired structure;

- 1 (e) prepares film processing solutions and develops or processes the exposed x-ray or imaging film;
 2 and
 3 (f) inspects, maintains, and performs minor repairs to x-ray equipment or imaging equipment."

4
 5 **Section 3.** Section 37-14-301, MCA, is amended to read:

6 **"37-14-301. Limitation of license authority -- exemptions.** (1) ~~No~~ A person may not perform
 7 ionizing x-ray procedures or nonionizing imaging procedures on a person unless licensed or granted a limited
 8 permit under this chapter, with the following provisos:

9 (a) Licensure is not required for:

10 (i) a student enrolled in and attending a school or college of medicine, osteopathy, podiatry,
 11 dentistry, dental hygiene, chiropractic, nonionizing imaging technology, or radiologic technology who
 12 ~~applies x-ray radiation to~~ performs x-ray procedures or nonionizing imaging procedures on persons under
 13 the specific direction of a person licensed to prescribe ~~such~~ the examinations or treatment;

14 (ii) a person administering x-ray examinations related to the practice of dentistry or denturistry,
 15 provided ~~such~~ the person is certified by the board of dentistry as having passed an examination testing ~~his~~
 16 proficiency to administer x-ray examinations; or

17 (iii) a person who performs only darkroom procedures and is under the supervision of a licensed
 18 radiologic technologist or radiologist or is able to show evidence of completion of formal training in
 19 darkroom procedures as established by rule.

20 (b) ~~Nothing in this~~ This chapter ~~shall~~ may not be construed to limit or affect in any respect the
 21 practice of their respective professions by ~~duly~~ licensed practitioners.

22 (2) A person licensed as a radiologic technologist may perform ionizing x-ray procedures or
 23 nonionizing imaging procedures on persons for medical, diagnostic, or therapeutic purposes under the
 24 specific direction of a person licensed to prescribe ~~such~~ the procedures.

25 (3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive
 26 isotopes (radio-nuclide material) intravenously upon request of a ~~duly~~ licensed practitioner. In the case of
 27 contrast media, the licensed practitioner requesting the procedure or the radiologist must be immediately
 28 available within the x-ray department. ~~Such~~ The injections must be for diagnostic studies only and not for
 29 therapeutic purposes. The permitted injections include peripheral intravenous injections but specifically
 30 exclude intra-arterial or intracatheter injections. An uncertified radiologic technologist, a limited permit

1 technician under 37-14-306, or an individual who is not licensed or authorized under another licensing act
2 may not perform any of the activities listed in this subsection."

3

4 **Section 4.** Section 37-14-302, MCA, is amended to read:

5 "**37-14-302. Qualifications.** (1) Each applicant for licensure as a radiologic technologist who uses
6 ionizing x-ray procedures shall must have satisfactorily completed a 24-month course of study in radiologic
7 technology the performance of x-ray procedures approved by the board.

8 (2) Each applicant for licensure as a radiologic technologist who only uses a nonionizing imaging
9 modality must have satisfactorily completed at least a 1-year formal course of study in the performance of
10 nonionizing imaging procedures approved by the board.

11 ~~(2)(3)~~ Each applicant for licensure as a radiologic technologist ~~shall~~:

12 (a) must be of good moral character;

13 (b) must be at least 18 years of age; and

14 (c) may not be addicted to intemperate use of alcohol or narcotic drugs."

15

16 **NEW SECTION.** **Section 5. Waiver of licensing requirements for performing nonionizing imaging**
17 **procedures.** The board of radiologic technologists may, upon receipt of a license fee, waive the
18 requirements of 37-14-302(2) and issue a license to an applicant engaged in the practice of performing
19 nonionizing imaging procedures on October 1, 1995, if the applicant provides documentation, verified by
20 oath, that the applicant has a minimum of 2,000 hours of experience performing nonionizing imaging
21 procedures as part of the applicant's job duties, obtained during the preceding 3 years. Application for
22 licensure under this section must be completed within 1 year of October 1, 1995.

23

24 **Section 6.** Section 37-14-304, MCA, is amended to read:

25 "**37-14-304. Licensure by endorsement.** The board may accept in lieu of its own examination a
26 certificate of the American registry of radiologic technologists (ARRT) or a certificate, registration, or license
27 issued by another state or board-approved certifying agency for nonionizing imaging modality if the other
28 state or agency has whose qualifications that are at least equal to those set forth in this chapter or in rules
29 adopted pursuant to this chapter."

30

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0009, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


An act establishing criteria for governing nonionizing imaging modalities; creating continuing competency requirement for radiologic technologists and limited permit technicians.

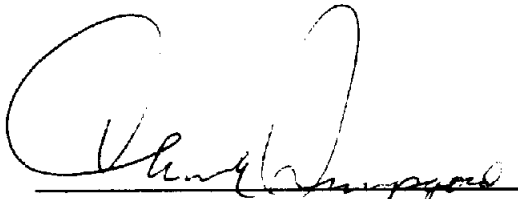
ASSUMPTIONS:

1. There will be approximately 400 new licensees performing nonionizing imaging technology. Approximately 1,400 registrants will be impacted by the continuing education requirements.
2. A 0.50 FTE (grade 8) will be required to administer the new licensing category and the continuing education requirements. The position will be in the Professional Licensing Bureau pool, with projected personal services costs of \$10,800 in FY96 and \$10,831 in FY97.
3. Department indirect charges are projected to be \$1,133 in FY96 and \$1,137 in FY97 making the total bureau pool proprietary increase \$11,933 in FY96 and \$11,968 in FY97.
4. Operating expenditure authority in amounts equal to that requested for the 0.50 FTE and department indirect charges (\$11,933 in FY96 and \$11,968 in FY97) will be needed by the Board of Radiological Technologists in order to transfer state special revenue funds to the Professional Licensing Bureau's proprietary account, in accordance with generally accepted accounting principles.
5. Revenues are projected to increase by \$18,000 in FY96 and \$10,000 in FY97, which will be sufficient to support the additional expenditures.
6. The expenditures and revenue assumed above already are included in the Executive Budget recommendations.

FISCAL IMPACT:

No additional fiscal impact.

 1-5-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-6-95
CHARLES SWYSGOOD, PRIMARY SPONSOR DATE

Fiscal Note for SB0009, as introduced

SB 9