

This model state Consumer Assurance of Radiologic Excellence act has been developed for states that do not have licensure laws for medical imaging and radiation therapy professionals currently in place, or for states that need to revise the existing laws to reflect current practices by medical imaging and radiation therapy personnel. The radiologic sciences are dynamic and evolutionary and many states that have not updated licensure provisions recently to address emerging technological developments may need to do so. This draft legislation reflects the recent development of the radiologist assistant (RA), an advanced-level radiologic technologist who works under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment. Education and credentialing requirements and practice standards for the RA have been developed as a collaborative effort between the ASRT, American College of Radiology and American Registry of Radiologic Technologists.

This draft also details the professional requirements that ASRT and the Society of Nuclear Medicine Technologist Section have developed for fusion technologists. The fusion technologist will operate equipment that combines more than one imaging modality and will need to demonstrate additional skills in acquiring those diagnostic images appropriate to the specific fusion technology.

The ASRT does not endorse the adoption of provisions relating to limited x-ray permit operators unless these persons are currently licensed by the state to perform limited medical imaging services. Optional provisions for limited x-ray machine operators practicing in the areas of chest, spine, skull/sinus, podiatric or extremity radiography are contained in this draft legislation as suggestions to update statutory language if it already exists and are indicated by (*****Only if currently licensed by the state.***). ASRT is currently developing an educational curriculum for limited x-ray machine operators and we recommend that this curriculum be used as a reference for boards approving educational programs for limited x-ray machine operators.

The ASRT, along with the Alliance for Quality Medical Imaging and Radiation Therapy, is advocating the enactment of the Federal Consumer Assurance of Radiologic Excellence bills (H.R. 1214 and S. 1197). This federal legislation would require states to demonstrate to the Secretary of Health and Human Services that federal educational and credentialing standards for medical imaging and radiation therapy professionals are being followed by the state. Noncompliance by states may place Federal reimbursements for radiologic procedures in jeopardy.

This model should be used as a guide while drafting legislation and may be changed to meet your state's specific needs.

Additional information regarding educational curricula and models, credentialing and scopes of practice for the radiologist assistant, fusion technologist and limited x-ray machine operator are available on ASRT's website www.asrt.org or by contacting the ASRT Government Relations department at 800-444-2778, Ext. 1308.

Model State Consumer Assurance of Radiologic Excellence (CARE) Act

An Act providing for the regulation and licensing of persons who administer medical imaging and radiation therapy procedures and establishing a medical imaging and radiation therapy board of examiners.

1 SECTION I: FINDINGS

2 Be it enacted by the General Assembly of the State of *State Name*:

3 1. The Legislature hereby finds and declares that the citizens of the State of *State*
4 *Name* are entitled to the maximum protection practicable from the harmful effects of improperly
5 performed medical imaging and radiation therapy procedures; that the protection can be
6 increased by requiring appropriate education and credentialing of persons operating equipment
7 used for medical imaging and radiation therapy procedures; and it is therefore necessary to
8 establish standards of education and credentialing for these operators to provide for appropriate
9 examination and licensure.

10 SECTION II: TITLE

11 This Act may be cited as the “Consumer Assurance of Radiologic Excellence Act of
12 *Year.*”

13 SECTION III: DEFINITIONS

14 As used in this Act:

15 a. “board” means the Medical Imaging and Radiation Therapy Board of Examiners
16 created by this Act.

17 b. “commissioner” means the Commissioner of *State Regulatory*
18 *Department/Division Name.*

19 c. “fusion technology” means medical imaging equipment combining two or more
20 imaging modalities, such as x-rays, computed tomography, magnetic resonance, positron
21 emission tomography, single photon emission tomography, radiopharmaceuticals or
22 measurements of radioactivity to produce a medical image of the metabolic function of cells and
23 relevant human anatomy.
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25

1 d. “fusion technologist” means a person other than a licensed practitioner who is
2 licensed as a radiographer, radiation therapist or nuclear medicine technologist and who is
3 qualified by additional education, training or experience to use fusion technology and who is
4 granted a license by the Commissioner.

5 e. “license” means a license issued by the Commissioner authorizing the licensee to
6 use radioactive materials, medical imaging or radiation therapy equipment on humans for
7 diagnostic or therapeutic purposes in accordance with the provisions of this Act.

8 f. “licensed practitioner” means a person licensed to practice medicine, dentistry,
9 podiatry, chiropractic, or osteopathy in this state.

10 g. “limited permit” means that the license issued by the Commissioner, authorizing a
11 person to conduct diagnostic radiology examinations is limited to the performance of specific
12 medical imaging procedures on specific parts of the human anatomy, i.e., chest, spine,
13 skull/sinus, podiatric or extremity radiography. (*****Only if currently licensed by the state.***)

14 h. “limited x-ray machine operator” means a person other than a licensed
15 practitioner who is granted a limited permit to perform specific medical imaging procedures on
16 specific parts of the human anatomy. (*****Only if currently licensed by the state.***)

17 i. “medical imaging” means any procedures or article intended for use in the
18 diagnosis of disease or other medical conditions including, but not limited to, diagnostic X-rays,
19 nuclear medicine and other procedures, excluding echocardiography and diagnostic sonography.

20 j. “nuclear medicine technologist” means a person, other than a licensed
21 practitioner, who uses radiopharmaceutical agents on humans for diagnostic or therapeutic
22 purposes.

23 k. “persons who administer medical imaging or radiation therapy procedures” means
24 any person, other than a licensed practitioner, who intentionally administers medical imaging or
25 radiation therapy procedures to other persons for medical purposes, and includes radiographers,
26 radiation therapists, nuclear medicine technologists, radiologist assistants, limited x-ray machine
27 operators (*****Only if currently licensed by the state.***) and fusion technologists licensed under
28 this Act, and does not include diagnostic medical sonographers.

1 l. “public member” means a person who is a resident of the state but who is not
2 currently or actively a licensed practitioner, or person who administers medical imaging or
3 radiation therapy procedures under this Act.

4 m. “radiation therapist” means a person, other than a licensed practitioner, who
5 applies radiation to humans for therapeutic purposes.

6 n. “radiation therapy” means any radiation procedure or article intended for the cure,
7 mitigation or prevention of disease in humans;

8 o. “medical physicist” means a person who is certified by the American Board of
9 Radiology, American Board of Medical Physics, American Board of Health Physics, American
10 Board of Science in Nuclear Medicine or Canadian College of Physics in Medicine in
11 radiological physics or one of the subspecialties of radiological physics.

12 p. “radiographer” means a person, other than a licensed practitioner, who applies
13 radiation to humans for diagnostic purposes.

14 q. “radiologist” means a physician certified by or board-eligible for the American
15 Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College
16 of Radiology, or the Canadian College of Physicians and Surgeons.

17 r. “radiologist assistant” means an advanced-level licensed radiographer, other than
18 a licensed practitioner, who works under the supervision of a radiologist to enhance patient care
19 by assisting the radiologist in the diagnostic imaging environment.

20 s. "supervision" means the procedure is furnished under the licensed practitioner's
21 overall direction and control.

22 t. “temporary license” means a license issued by the Commissioner, authorizing an
23 applicant to perform medical imaging and radiation therapy procedures, when the applicant’s
24 licensure or re-licensure is pending before the Board and when the issuance may be justified by
25 special circumstances as determined by the Board.

26
27 SECTION IV: LEGAL TITLES AND LICENSE LIMITATIONS

28 No person, other than a licensed practitioner or a person who administers medical
29 imaging or radiation therapy procedures shall perform medical imaging or radiation therapy
30 procedures on humans for diagnostic or therapeutic purposes.

1 a. The Board shall establish licensure standards for the radiographer (R), radiation
2 therapist (T), nuclear medicine technologist (N), radiologist assistant (RA), fusion technologist
3 (F), limited x-ray machine operator (L) (*****Only if currently licensed by the state.***) and
4 temporary license holder. Persons holding these licenses shall be recognized by this
5 nomenclature.

6 b. A person holding a license under this Act shall use radioactive substances or
7 equipment for medical imaging and radiation therapy procedures on humans only for diagnostic
8 or therapeutic purposes by prescription of a licensed practitioner, and only if the application of a
9 substance or the use of equipment is limited in a manner herein specified.

10 c. Nothing in the provisions of this Act relating to medical imaging or radiation
11 therapy shall limit, enlarge, or affect the practice of licensed practitioners herein defined.

12 d. The requirement of a license shall not apply to a resident physician or a student
13 enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry,
14 dentistry, medical imaging or radiation therapy who performs medical imaging or radiation
15 therapy procedures on humans while under the supervision of a licensed practitioner or direct
16 supervision of a radiographer, radiation therapist, nuclear medicine technologist, radiologist
17 assistant or fusion technologist holding a license under this Act.

18
19 SECTION V: MEDICAL IMAGING AND RADIATION THERAPY BOARD OF
20 EXAMINERS

21 a. The Board shall consist of eleven (11) members appointed by the governor in a
22 manner prescribed by law. They shall be residents of the state. Among the Board members shall
23 be six (6) persons who administer medical imaging or radiation therapy procedures, including
24 one fusion technologist, one radiographer, one nuclear medicine technologist, one radiation
25 therapist, one radiologist assistant and one limited x-ray machine operator (*****Only if currently***
26 ***licensed by the state.***), two (2) radiologists (one of whom should be a nuclear medicine
27 radiologist), one (1) radiation oncologist, one (1) medical physicist, and one (1) public member.
28 (*****State law may require other provisions for or different ratios of board members***)

29 b. The terms of office shall be three years, except that of the members first
30 appointed. Three (3) shall be appointed for a term of one year, four (4) for a term of two years,

1 and four (4) for a term of three years. Vacancies shall be filled for an unexpired term only in the
2 manner provided by original appointment.

3 c. Persons who administer medical imaging or radiation therapy procedures
4 appointed to the Board for terms beginning thirty-six (36) months following issuance of a license
5 in any category by the Board shall hold a valid license in any category issued by the Board.

6 d. Members of the Board shall be compensated in a manner set by law. They shall
7 be reimbursed for reasonable and necessary expenses incurred in the performance of their
8 official duties. There shall be no monetary liability on the part of and no cause of action shall
9 arise against members of the Board for any act done or proceeding undertaken or performed in
10 good faith and in furtherance of the purposes of this Act.

11 e. The Commissioner shall designate an officer or employee of the state to act as a
12 secretary of the Board who shall not be a member of the Board. The Commissioner shall furnish
13 staff, logistics, budget, and other support to the Board as appropriate.

14 f. No public member shall have any association or relationship with a licensed
15 practitioner, person who administers medical imaging or radiation therapy procedures, or dental
16 radiographer that would prevent or in any way hinder the public member in representing the
17 interest of the public.

18 g. The Board, for administrative purposes, shall meet at least every six months at
19 times and places of its choosing. The first meeting of the Board shall be for organization only, in
20 which they set forth their responsibilities and rules and regulations.

21 h. A majority of the voting members of the Board shall constitute a quorum. The
22 Board except may take no action by affirmative vote of the majority of those present and voting.

23 i. The Board has responsibility and authority for setting and implementing policies
24 for licensing individuals, approving programs, determining licensing and renewal fees, imposing
25 discipline and hearing appeals.

26
27 SECTION VI: LICENSING REQUIREMENTS

28 a. The Board shall admit to examination for licensure any applicant who shall pay a
29 non-refundable fee established by the rule of the Board and submit satisfactory evidence,
30 verified by oath or affirmation, that the applicant:

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

2 (2) Has successfully completed a 4-year course of study in a secondary school
3 approved by the State Board of Education, or passed an approved equivalency test.

4 b. In addition to the requirements of subsection a., any person seeking to obtain a
5 license in a specific area of medical imaging or radiation therapy must comply with the
6 following requirements:

7 (1) Each applicant for a license as a radiographer, radiation therapist, or
8 nuclear medicine technologist shall have satisfactorily completed a course of study in
9 radiography, radiation therapy, or nuclear medicine, respectively, or its equivalent to be
10 determined by the Board.

11 (2) The curriculum for each course of study shall be no less stringent than the
12 standards approved by the Joint Review Committee on Education in Radiologic Technology,
13 Joint Review Committee on Nuclear Medicine Technology or other appropriate accreditation
14 agency approved by the Board, provided the standards are not in conflict with Board policy.

15 c. The Board shall establish criteria and standards within the state for educational
16 programs in medical imaging and programs in radiation therapy, and approve these programs
17 upon finding that the criteria and standards have been met.

18 d. In addition to the requirements of subsections a. and b., any person seeking to
19 obtain a license as a radiologist assistant must comply with the following requirements:

20 (1) The applicant is licensed as a radiographer in the state.

21 (2) The applicant for a license as a radiologist assistant shall have
22 satisfactorily completed an advanced academic program encompassing a nationally recognized
23 radiologist assistant curriculum culminating in a baccalaureate degree and who has a radiologist-
24 directed clinical preceptorship.

25 (3) The specific duties allowed for a radiologist assistant shall be defined by
26 the Board by rule. The rules must be consistent with guidelines adopted by the American College
27 of Radiology, the American Society of Radiologic Technologists, and the American Registry of
28 Radiologic Technologists.

29 (4) A radiologist assistant may not interpret images, make diagnoses, or
30 prescribe medications or therapies.

1 e. In addition to the requirements of subsections a. and b., any person seeking a
2 license as a fusion technologist shall comply with the following requirements:

3 (1) the applicant is licensed as a radiographer, radiation therapist or nuclear
4 medicine technologist in the state; and

5 (2) the applicant has completed a course of study in fusion technology
6 approved by the Board.

7 f. In addition to the requirements of subsection a., any person seeking a license as a
8 limited x-ray machine operator shall comply with the following requirements: (***Only if*
9 *currently licensed by the state.*)

10 (1) the applicant has completed a course of study in limited x-ray
11 machine operation approved by the Board.

12 (2) The scope of each limited permit is limited as follows:

13 (A) Chest radiography permit: radiography of the thorax, heart and
14 lungs;

15 (B) Extremities radiography permit: radiography of the upper and
16 lower extremities;

17 (C) Spine radiography permit: radiography of the vertebral column;

18 (D) Skull/Sinus permit: radiography of the skull and facial structures;

19 (E) Podiatric permit: radiography of the foot, ankle and lower leg
20 below the knee. (***Section f., parts 1(A)(B)(C)(D)(E) are optional and are to be*
21 *included only if currently licensed by the state.*)

22 g. For a period not to exceed two years from the effective date of this Act, the Board
23 shall admit to examination for licensure any person who has been employed, for a minimum of
24 three of the immediately preceding past five years, as a radiographer, radiation therapist, nuclear
25 medicine technologist or limited x-ray machine operator(***Only if currently licensed by the*
26 *state.*). The person shall submit proof of having successfully completed *Number* continuing
27 education courses as a (continuing) requirement for renewal as prescribed by regulation.
28

29 SECTION VII: PROGRAM APPROVAL

1 a. An approved program of radiography, radiation therapy, nuclear medicine
2 technology, fusion technology or limited x-ray machine operation(*****Only if currently licensed***
3 ***by the state.***) may be offered by a medical facility or educational institution or other public or
4 private agency or institution. The program shall be affiliated with one or more hospitals or
5 clinics that, in the opinion of the Board shall provide the requisite clinical education.

6 b. By regulation the Board shall:

7 (1) Adopt procedures for an educational program to follow in making
8 application for approval by the Board.

9 (2) Provide a process for review of such approval by a recognized national
10 voluntary accrediting organization.

11
12 SECTION VIII: EXAMINATIONS

13 a. Applicants for licensure as a radiographer, radiation therapist, nuclear medicine
14 technologist, radiologist assistant or limited permit x-ray operator shall be required to pass an
15 examination approved by the Board.

16 b. The Commissioner shall hold an examination at least every six (6) months at
17 times and places as the Board may determine.

18 c. An applicant who fails to pass the examination may re-apply for the examination
19 provided the applicant complies with the regulations established by the Board.

20 d. The Commissioner may accept, in lieu of a licensure examination approved by the
21 Board, current registration by the American Registry of Radiologic Technologists, Nuclear
22 Medicine Technologist Certification Board or other recognized national voluntary credentialing
23 bodies, provided that the standards of that body are at least as stringent as those established by
24 the Board.

25 e. The Commissioner may accept, in lieu of a licensure examination approved by the
26 Board, a current certificate, registration or license as a person who administers medical imaging
27 or radiation therapy procedures issued by another state, provided that the standards in the other
28 states are at least as stringent as those established by the Board.

29 f. The Commissioner may utilize, in lieu of a licensure examination approved by the
30 Board, a limited x-ray machine operator examination administered by the American Registry of

1 Radiologic Technologists, for persons applying for a limited permit in chest, extremity,
2 skull/sinus, podiatric or spine radiography provided that the standards of that body are at least as
3 stringent as those established by the Board. (***Only if currently licensed by the state.*)

4 g. The Commissioner may accept proof of completion of a course of study in fusion
5 technology approved by the Board by a radiographer, radiation therapist or nuclear medicine
6 technologist licensed by the state as qualification for licensure as a fusion technologist.

7
8 SECTION IX: LICENSES

9 a. The Commissioner may issue a license to each applicant who has either
10 successfully passed the examination or qualified under subsections d., e., f., g., of Section VIII of
11 this Act and has paid the prescribed fees.

12 b. The Commissioner may, upon approval by the Board, issue a temporary license to
13 any person whose licensure or re-licensure may be pending and when issuance may be justified
14 by special circumstances. A temporary license shall be issued only if the Board finds that it will
15 not violate the purpose of this Act or endanger the public health and safety. A temporary license
16 shall expire ninety (90) days after the date of the next examination if the applicant is required to
17 take the same, or, if the applicant does not take the examination, then on the date of the
18 examination. In all cases, a temporary license shall expire when the determination is made either
19 to issue or deny the applicant a regular license and in no event shall a temporary license be
20 issued for a period longer than one hundred and eighty (180) days.

21 c. Holders of a license under this Act shall display the official license document or a
22 verified copy in each place of regular employment.

23 d. The Commissioner shall renew a license for a period of two (2) years upon
24 payment of renewal fee set by the Board. Continuing education requirements shall also be set by
25 regulation.

26 e. A licensee holding a license under this Act whose license has lapsed and who has
27 ceased activities as such, may apply for re-licensure upon payment of a fee set by the Board.
28 Continuing education requirements may also be set by regulation.

29 f. A licensee holding a license under this Act shall notify the Commissioner in
30 writing within thirty (30) days of any name or address change.

1
2 SECTION X: DISCIPLINE

3 a. The license of a licensee under this Act may be suspended or revoked, or the
4 individual may be censured, reprimanded or otherwise sanctioned by the Board in accordance
5 with the provisions and procedures of this Act if, after due process, it is found that the
6 individual:

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

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

12 (3) Is or has been afflicted with any medical problem, disability, or addiction
13 which, in the opinion of the Board, would impair professional competence;

14 (4) Has aided and abetted a person who is not a licensee holding a license
15 under this Act or otherwise authorized by Section IV of this Act to perform the duties of a
16 license holder;

17 (5) Has undertaken or engaged in any practice beyond the scope of duties
18 permitted a license holder under this Act;

19 (6) Has impersonated a licensee or former licensee or is performing duties of
20 a person who administers medical imaging or radiation therapy procedures under an assumed
21 name;

22 (7) Has been found guilty of violations of a code of ethics that the Board may
23 establish by regulation;

24 (8) Has performed medical imaging or radiation therapy procedures without
25 supervision of a licensed practitioner, or if practicing under Section IV, subsection d., a
26 radiographer, radiation therapist, nuclear medicine technologist, radiologist assistant or fusion
27 technologist holding a license under this Act;

28 (9) Has interpreted and rendered a diagnosis based on a diagnostic image for a
29 physician, a patient, the patient's family, or the public;

1 (10) Is, or has been found guilty of incompetence or negligence in his
2 performance as a license holder.

3 b. Proceedings against the holder of a license under this Act shall be instituted by
4 filing a written charge or charges with the Board. A person, corporation, association, public
5 officer, or the Board may bring the charge or charges. The chairman of the Board shall appoint a
6 committee of three (3) members of the Board to examine the charge or charges and prepare a
7 written recommendation to the Board stating whether the charge or charges should be dismissed
8 or brought against a license holder under this Act. If a majority of the Board, voting by secret
9 ballot, chooses to dismiss the charge or charges, no further action shall be taken. If a majority of
10 the Board, voting by secret ballot, determines that the charges contain sufficient merit, the
11 Chairman shall set a time and place for a hearing. A copy of the charge or charges and any
12 investigational reports compiled by the Board, together with the notice of the time and place of
13 the hearing, shall be served on the person charged either in person or by registered mail at least
14 thirty (30) days before the date set for hearing. The accused shall have the right to appear at the
15 hearing, with counsel, to answer the charge or charges, cross-examine witnesses, and produce
16 evidence and witnesses in his defense. The Board shall have the power to issue subpoenas for
17 the appearance of witnesses and take testimony under oath. The hearing shall be open to the
18 public. Upon the conclusion of the hearing, the Board shall meet in executive session to render a
19 judgment on guilt or innocence of the accused to the charge or charges. If a majority of the
20 Board, voting by secret ballot, determines that the accused is innocent of the charge or charges,
21 all parties to the hearing shall be notified by registered mail and no further action shall be taken.
22 If the majority of the Board, voting by secret ballot, determines the accused guilty of the charge
23 or charges, all parties to the hearing shall be notified by registered mail. By a majority vote
24 through secret ballot, the Board shall then issue an order suspending or revoking the license of
25 the accused, or otherwise impose disciplinary action it considers appropriate.

26 c. The Board shall implement subsection b., by regulation.

27 d. Appeals to the Board's order imposing disciplinary action shall be made in writing
28 to the Board within thirty (30) days of its ruling. This subsection shall be implemented through
29 regulation.

1 e. When the license of any person has been revoked, re-application to the Board
2 may be made no sooner than two (2) years after the date of the Board's order revoking the
3 license.

4 f. No person shall knowingly employ as a radiographer, radiation therapist, nuclear
5 medicine technologist, fusion technologist, radiologist assistant or limited x-ray machine
6 operator, or any person to perform medical imaging or radiation therapy procedures who does
7 not hold a license under this Act.

8 g. Any person who violates any provisions of this Act, or any rule or order made
9 pursuant to this Act, shall be subject to a fine of _____, the sanctions of Section X,
10 subsection b., or other appropriate punishment.