

By: Senator(s) Nunnelee (By Request)

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2733

1 AN ACT ENTITLED "MEDICAL IMAGING AND RADIATION THERAPY
2 QUALITY ASSURANCE ACT"; TO PROVIDE FOR THE REGULATION AND
3 LICENSING OF PERSONS WHO ADMINISTER MEDICAL RADIATION IMAGING AND
4 RADIATION THERAPY PROCEDURES; TO PROVIDE FOR A PROCESS FOR
5 RADIOLOGIST ASSISTANTS AND FUSION TECHNOLOGISTS TO PRACTICE; TO
6 ESTABLISH AND EMPOWER A MEDICAL IMAGING AND RADIATION THERAPY
7 BOARD OF EXAMINERS; TO PROVIDE THAT INDIVIDUALS OPERATING A
8 MEDICAL RADIATION TECHNOLOGY MACHINE SHALL BE REGISTERED WITH THE
9 AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS OR THE NUCLEAR
10 MEDICINE TECHNOLOGY CERTIFICATION BOARD; TO PROVIDE DEFINITIONS
11 AND CERTAIN EXEMPTIONS FROM THIS REQUIREMENT; TO AUTHORIZE THE
12 STATE BOARD OF HEALTH TO ENFORCE THE PROVISIONS OF THIS ACT; TO
13 REPEAL SECTIONS 41-58-1, 41-58-3 AND 41-58-5, MISSISSIPPI CODE OF
14 1972, WHICH PROVIDE FOR THE REGISTRATION OF MEDICAL RADIATION
15 TECHNOLOGISTS, NUCLEAR MEDICINE TECHNOLOGISTS OR RADIATION
16 THERAPISTS, AND CREATE A MEDICAL RADIATION ADVISORY COUNCIL TO THE
17 STATE BOARD OF HEALTH; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** This act may be cited as the "Mississippi Medical
20 Imaging and Radiation Therapy Quality Assurance Act of 2005."

21 **SECTION 2.** As used in this act:

22 (a) "Board" means the Mississippi Board of Medical
23 Imaging and Radiation Therapy, established under this act.

24 (b) "Fusion technology" means medical imaging equipment
25 combining two or more imaging modalities, such as x-rays, computed
26 tomography, magnetic resonance, positron measurements of
27 radioactivity to produce a medical image of the metabolic function
28 of cells and relevant human anatomy.

29 (c) "Fusion technologist" means a person other than a
30 licensed practitioner who is licensed as a radiographer, radiation
31 therapist or nuclear medicine technologist and who is qualified by
32 additional education, training or experience to use fusion
33 technology and who is granted a license by the board.

34 (1) The applicant is licensed as a radiographer,
35 radiation therapist or nuclear medicine technologist by the board;
36 and

37 (2) The applicant has completed a course of study
38 in fusion technology that meets the content specified in the
39 current Positron Emission Tomography (PET)-Computed Tomography
40 (CT) Curriculum published by the American Society of Radiologic
41 Technologists and the Society of Nuclear Medicine Technologist
42 Section.

43 (d) "Licensed Practitioner" means a person licensed or
44 otherwise authorized by law to practice medicine, dentistry,
45 chiropractic, osteopathy or podiatry.

46 (e) "Ionizing radiation" means x-rays and gamma rays,
47 alpha and beta particles, high speed electrons, neutrons and other
48 nuclear particles.

49 (f) "X-radiation" means penetrating electromagnetic
50 radiation with wavelengths shorter than ten (10) nanometers
51 produced by bombarding a metallic target with fast electrons in a
52 high vacuum.

53 (g) "Medical radiation imaging" means the science and
54 art of applying ionizing radiation to human beings for diagnostic
55 and therapeutic purposes. The four (4) specialized disciplines of
56 medical radiation technology are medical radiologic technology,
57 nuclear medicine technology, radiation therapy and radiologist
58 assistant.

59 (h) "Radiologic technologist" means an individual,
60 other than a licensed practitioner, who applies x-radiation or
61 ionizing to any part of the human body for diagnostic purposes as
62 stated in the scope of practices adopted by the American Society
63 of Radiologic Technologists as a:

64 (1) Diagnostic radiologic technologist, who is a
65 person who actually handles x-ray equipment in the process of

66 applying radiation on a human being for diagnostic purposes at the
67 direction of a licensed practitioner.

68 (2) Nuclear medicine technologist, who is a person
69 who prepares radiopharmaceuticals and administers them to human
70 beings for diagnostic and therapeutic purposes and who performs in
71 vivo and in vitro detection and measurement of radioactivity for
72 medical purposes at the direction of a licensed practitioner.

73 (3) Radiation therapist, who is a person who
74 applies x-radiation and the ionizing radiation emitted from
75 particle accelerators, cobalt sixty (60) units and sealed sources
76 of radioactive material to human beings for therapeutic purposes
77 while under the supervision of a licensed practitioner who is
78 licensed to possess and use radioactive material.

79 (4) Radiologist Assistant, who is a health care
80 provider, and must be a Radiologic technologist registered through
81 the American Registry of Radiologic Technologists (A.R.R.T.),
82 certified by the board of medical examiners, and credentialed by
83 the A.R.R.T. as a radiologist assistant to provide radiology
84 services under the supervision of a radiologist.

85 (i) The board of medical examiners shall
86 define the roles, duties and responsibilities of a radiologist
87 assistant and the educational qualifications necessary to practice
88 as a radiologist assistant. Such rules shall be consistent with
89 guidelines adopted by the American College of Radiology, the
90 American Society of Radiologic Technologists and the American
91 Registry of Radiologic Technologists.

92 (ii) A radiologist assistant may not
93 interpret images, make diagnoses or prescribe medications or
94 therapies.

95 (5) On or after the effective date of this act, a
96 radiology practitioner assistant shall only be known as a
97 radiologist assistant.

98 (6) On or after July 1, 2007, any person seeking
99 to become a radiologist assistant in Mississippi must have
100 satisfactorily completed an advanced academic program encompassing
101 a nationally recognized radiologist assistant curriculum that
102 includes a radiologist directed clinical preceptorship, all
103 culminating in a baccalaureate degree, master's degree or
104 post-baccalaureate certificate.

105 (i) "License" means a certificate issued by the board
106 authorizing the licensee to use radioactive materials, medical
107 imaging or radiation therapy equipment on humans for diagnostic or
108 therapeutic purposes in accordance with the provisions of this
109 act.

110 (j) "Persons who administer medical imaging or
111 radiation therapy procedures" means any person, other than a
112 licensed practitioner, who intentionally administers medical
113 imaging or radiation therapy procedures to other persons for
114 medical purposes and uses radiographers, radiologic technologists,
115 radiation therapists, radiologist assistants and nuclear medicine
116 technologists, licensed under this act.

117 (k) "Radiation therapy" means any radiation procedure
118 or article intended for the cure, mitigation or prevention of
119 diseases in humans.

120 (l) "Radiologic physicist" means a person who is
121 certified by the American Board of Radiology, in radiological
122 physics or one of the subspecialties of radiological physics or is
123 eligible for such certification.

124 (m) "Radiographer" means a person, other than a
125 licensed practitioner, who applies radiation to humans for
126 diagnostic purposes.

127 (n) "Radiologist" means a physician certified by the
128 American Board of Radiology or the American Osteopathic Board of
129 Radiology, the British Royal College of Radiology or the Canadian
130 College of Physicians and Surgeons.

131 **SECTION 3.** (1) Only the following licensed individuals
132 shall be authorized to operate a medical radiation technology
133 machine for medical use:

134 (a) American Registry of Radiologic Technologists
135 (ARRT) Registered Medical Radiologic Technologists, Nuclear
136 Medicine Technologists or Radiation Therapists, Nuclear Medicine
137 Technology Certification Board of Nuclear Medicine Technologists,
138 or

139 (b) Individuals who are not AART Registered
140 Technologists, who have been working for two or more years in
141 medical radiation therapy.

142 The names and training of all personnel currently operating a
143 medical radiation technology machines shall be kept on file at the
144 facility. Information on former operators shall be retained for a
145 period of two (2) years beyond the last date they were authorized
146 to operate a medical radiation technology machine at that
147 facility.

148 All personnel currently operating a medical radiation
149 technology machine shall be required to submit evidence of twelve
150 (12) hours of continuing education approved by the American
151 Registry of Radiologic Technologists (A.R.R.T.) or Nuclear
152 Medicine Technology Certification Board (NMTCB) on an annual
153 basis.

154 (2) A license is not required for:

155 (a) A student enrolled in and participating in an
156 approved course of study for medical radiologic technology,
157 nuclear medicine technology or radiation therapy, when a part of
158 his clinical course of study applies ionizing radiation to a human
159 being while under the supervision of a licensed practitioner;

160 (b) Laboratory personnel who use radiopharmaceuticals
161 for in vitro studies, or;

162 (c) A dental hygienist or a dental assistant possessing
163 a radiology permit issued by the Board of Dental Examiners

164 applying ionizing radiation under the specific direction of a
165 licensed dentist.

166 (d) Any licensed or registered health professional may
167 be exempted where a listed procedure is covered within their
168 respective scope of practice.

169 **SECTION 4.** (1) A Mississippi Medical Imaging and Radiation
170 Therapy Board of Examiners is hereby established. The board shall
171 consist of eleven (11) members appointed by the Governor within
172 the advice and consent of the Senate, two from each Congressional
173 District presently constituted and three (3) from the
174 state-at-large. They shall be residents of the state. Among the
175 board members shall be five (5) persons who administer medical
176 imaging and radiation therapy procedures, two (2) radiologists,
177 two (2) other licensed practitioners, one (1) radiologic
178 physicist, and one (1) public member. The terms of office shall
179 be three (3) years, except that of the members first appointed.
180 Three (3) shall be appointed for a term of one (1) year, four (4)
181 for a term of two (2) years, and four (4) for a term of three (3)
182 years. Vacancies shall be filled for an unexpired term only in
183 the manner provided by original appointment. Persons who
184 administer medical imaging and radiation therapy procedures
185 appointed to the board for terms beginning thirty-six (36) months
186 following issuance of a license in any category by the board shall
187 hold a valid license in any category issued by the board.

188 Members of the board shall be compensated in a matter set by
189 law. They shall be reimbursed for reasonable and necessary
190 expenses incurred in the performance of their official duties.

191 The State Board of Health shall designate an officer or
192 employee to act as a secretary to the board who shall not be a
193 member of the board. The State Board of Health shall furnish
194 staff, logistics, budget and other support to the board as
195 appropriate.

196 No public member shall have any association or relationship
197 with a licensed practitioner, person who administers medical
198 imaging and radiation therapy procedures that would prevent or in
199 any way hinder the public member in representing the interest of
200 the public.

201 (3) The board, for administrative purposes, shall meet at
202 least every three months at times and places of its choosing. The
203 first meeting of the board shall be for organization only, in
204 which they set forth their responsibilities and rules and
205 regulations. A majority of the voting members of the board shall
206 constitute a quorum. No action may be taken by the board except
207 by affirmative vote of the majority of those present and voting.
208 The board has responsibility for setting and implementing policies
209 for licensing individuals, accrediting programs, imposing
210 discipline and hearing appeals.

211 **SECTION 5.** (1) The board shall issue a license to any
212 applicant who shall pay a nonrefundable fee established by the
213 rule of the board and submit satisfactory evidence, verified by
214 oath or affirmation, that the applicant.

215 (a) At the time of the application is at least eighteen
216 (18) years of age; and

217 (b) Each applicant for a license as a radiographer,
218 radiation therapist, radiologist assistant or nuclear medicine
219 technologist shall have satisfactorily completed a course of study
220 in radiography, radiation therapy, radiology assistant, or nuclear
221 medicine, respectively, or an equivalent to be determined by the
222 board.

223 (c) The board may charge a registration fee of not more
224 than Twenty-five Dollars (\$25.00) annually to each person to whom
225 it issues a registration under the provisions of this chapter.

226 (2) In addition to the requirements of subsection (a), any
227 person seeking to obtain a license in a specific area of medical

228 imaging and radiation therapy must comply with the following
229 requirement.

230 (a) The curriculum for each course of study shall be no
231 less stringent than the standards approved by the Joint Review
232 Committee on Education in Radiologic Technology, Joint Review
233 Committee on Nuclear Medicine Technology or other appropriate
234 accreditation agency approved by the board, provided the standards
235 are not in conflict with board policy.

236 (3) The board shall establish criteria and standards within
237 the state for educational programs in medical imaging and
238 radiation therapy, and approve these programs upon finding that
239 the criteria and standards have been met.

240 (4) For a period not to exceed two (2) years from the
241 effective date of this act, the board shall admit to examination
242 for licensure a person who has been employed, for a minimum of
243 three (3) of the immediately preceding past five years, as a
244 radiographer, radiation therapist or nuclear medicine
245 technologist. The person shall submit proof of having
246 successfully completed twelve (12) continuing education courses as
247 a (continuing) requirement for renewal as prescribed by
248 regulation.

249 **SECTION 6.** (1) An approved program of medical imaging and
250 radiation therapy may be offered by a medical facility,
251 educational institution or other public or private agency or
252 institution. The program shall be affiliated with one or more
253 hospitals that, in the opinion of the board and the appropriate
254 accreditation agency, shall provide the requisite clinical
255 education.

256 (2) By regulation the board shall:

257 (a) Adopt procedures for an educational program to
258 follow in making application for accreditation.

259 (b) Provide a process for review of such accreditation
260 by an existing accreditation agency and approval by a recognized
261 national voluntary accrediting organization.

262 **SECTION 7.** (1) Each applicant for licensure shall be
263 required to pass a national license examination administered by
264 the American Registry of Radiologic Technologists, Nuclear Medicine
265 Technologist Certification Board or other recognized national
266 voluntary credentialing bodies, issued on the basis of an
267 examination satisfactory to the board, provided that the standards
268 of that body are at least as stringent as those established by the
269 board.

270 (2) An applicant who fails to pass the examination may
271 reapply to the examination provided the applicant complies with
272 the regulations established by the board.

273 (3) The board may accept, in lieu of its own examination, a
274 current certificate, registration or license as a person who
275 administers medical imaging and radiation therapy procedures
276 issued by another state, provided that the standards in the other
277 states are at least as stringent as those established by the
278 board.

279 **SECTION 8.** The board may issue a license to each applicant
280 who successfully passed the examinations under subsection (a) of
281 Section 7 of this act and has paid the prescribed fees.

282 The board may, at its discretion, issue a temporary license
283 to any person whose licensure or relicensure may be pending and
284 when issuance may be justified by special circumstances. A
285 temporary license shall be issued only if the board finds that it
286 will not violate the purpose of this act or endanger the public
287 health and safety. A temporary license shall expire ninety (90)
288 days after the date of the next examination if the applicant is
289 required to take the same, or, if the applicant does not take the
290 examination, then on the date of the examination. In all cases, a
291 temporary license shall expire when the determination is made

292 either to issue or deny the applicant a regular license and in no
293 event shall a temporary license be issued for a period longer than
294 one hundred eighty (180) days.

295 (3) Holders of a license under this act shall display the
296 official license document or a verified copy in each place of
297 regular employment.

298 (4) The board shall review a license for a period of two (2)
299 years upon payment of renewal fee set by the board. Continuing
300 education requirements may also be set by regulation.

301 (5) A licensee holding a license under this act whose
302 license has lapsed and who has ceased activities as such for more
303 than five (5) years, may apply for relicensure upon payment of a
304 fee set by the board. Continuing education requirements may also
305 be set by regulation.

306 (6) A licensee holding a license under this act shall notify
307 the board in writing within thirty (30) days of any name or
308 address change.

309 **SECTION 9.** (1) A license of a licensee or holding a license
310 under this act may be suspended or revoked, or the individual may
311 be censured, reprimanded or otherwise sanctioned by the board in
312 accordance with the provisions and procedures of this act if,
313 after due process, it is found that the individual:

314 (a) Is guilty of fraud or deceit in the procurement or
315 holding of the license;

316 (b) Has been convicted of a felony in a court of
317 competent jurisdiction, either within or outside of this state,
318 unless the conviction has been reversed and the holder of the
319 license discharged or acquitted; or if the holder has been
320 pardoned with full restoration of civil rights in which case the
321 license shall be restored;

322 (c) Is or has been afflicted with any medical problem,
323 disability or addiction which, in the opinion of the board, would
324 impair professional competence;

325 (d) Has aided and abetted a person who is not a
326 licensee holding a license under this act or otherwise authorized
327 by Section 3, subsection (c), of this act to perform the duties of
328 a license holder;

329 (e) Has undertaken or engaged in any practice beyond
330 the scope of duties permitted a license holder under this act.

331 (f) Has impersonated a licensee or former licensee or
332 is performing duties of a person who administers medical imaging
333 or radiation therapy procedures under an assumed name;

334 (g) Has been found guilty of violations of a code of
335 ethics that the board may establish by regulation;

336 (h) Has performed medical imaging or radiation therapy
337 procedures without supervision of a licensed practitioner;

338 (i) Has interpreted a diagnostic image for a physician,
339 a patient, the patient's family or the public;

340 (j) Is, or has been, found guilty of incompetence or
341 negligence in his performance as a license or permit holder;

342 (2) Proceedings against the holder of a license or permit
343 under this act shall be instituted by filing a written charge or
344 charges with the board. A person, corporation, association,
345 public officer or the board may bring the charge or charges. The
346 chairman of the board shall appoint a committee of three (3)
347 members of the board to examine the charge or charges and prepare
348 a written recommendation to the board stating whether the charge
349 or charges should be dismissed or brought against a license or
350 permit holder under this act. If a majority of the board, voting
351 by secret ballot, chooses to dismiss the charge or charges, no
352 further action shall be taken. If a majority of the board, voting
353 by secret ballot, determines that the charges contain sufficient
354 merit, the chairman shall set a time and place for a hearing. A
355 copy of the charge or charges and any investigational reports
356 compiled by the board, together with the notice of the time and
357 place of the hearing, shall be served on the person charged either

358 in person or by registered mail at least thirty (30) days before
359 the date set for hearing. The accused shall have the right to
360 appear at the hearing, with counsel, to answer the charge or
361 charges, cross-examine witnesses, and produce evidence and
362 witnesses in his defense. The board shall have the power to issue
363 subpoenas for the appearance of witnesses and take testimony under
364 oath. The hearing shall be open to the public. Upon the
365 conclusion of the hearing, the board shall meet in executive
366 session to render a judgment on guilt or innocence of the accused
367 to the charge or charges. If a majority of the board, voting by
368 secret ballot, determines that the accused is innocent of the
369 charge or charges, all parties to the hearing shall be notified by
370 registered mail and no further action shall be taken. If the
371 majority of the board, voting by secret ballot, determines the
372 accused guilty of the charge or charges, all parties to the
373 hearing shall be notified by registered mail. By a majority vote
374 through secret ballot, the board shall then issue an order
375 suspending or revoking the license of the accused, or otherwise
376 impose disciplinary action it considers appropriate.

377 (3) The board shall implement subsection (2), by regulation.

378 (4) Appeals to the board's order imposing disciplinary
379 action shall be made in writing to the board within thirty (30)
380 days of its ruling. This subsection shall be implemented through
381 regulation.

382 (5) When the license of any person has been revoked,
383 reapplication to the board may be made no sooner than two (2)
384 years after the date of the board's order revoking the license.

385 (6) No person shall knowingly employ as a radiographer,
386 radiation therapist, nuclear medicine technologist or any person
387 to perform medical imaging or radiation therapy procedures who
388 does not hold a license under this act.

389 (7) Any person who violates any provisions of this act, or
390 any rule or order made pursuant to this act, shall be subject to a

391 fine of the sanctions of Section 9, subsection (2), or other
392 appropriate punishment.

393 **SECTION 10.** Sections 41-58-1, 41-58-3 and 41-58-5,
394 Mississippi Code of 1972, which provide for the registration of
395 medical radiation technologists, nuclear medicine technologists or
396 radiation therapists, and create a Medical Radiation Advisory
397 Council to the State Board of Health, are hereby repealed.

398 **SECTION 11.** This act shall take effect and be in force from
399 and after July 1, 2005.