

1 **RADIOLOGIC TECHNOLOGIST AND RADIOLOGY**
2 **PRACTICAL TECHNICIAN LICENSING ACT**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Don L. Ipson**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Occupations and Professions Code related to Radiologic
11 Technologist and Radiology Practical Technicians Licensing Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ renumbers the code sections in the chapter to conform to other licensing acts in
- 15 Title 58, Occupations and Professions;
- 16 ▶ defines indirect supervision;
- 17 ▶ defines the practice of radiologist assistant;
- 18 ▶ amends the membership of the Radiologic Technologist Licensing Board;
- 19 ▶ establishes a requirement for a license for a radiologist assistant;
- 20 ▶ permits a temporary license as a radiology assistant for an individual currently
- 21 practicing and nationally certified;
- 22 ▶ defines the scope of practice for a radiologist assistant;
- 23 ▶ establishes continuing education requirements for a radiologist assistant; and
- 24 ▶ moves language regarding unlawful and unprofessional conduct from the definition
- 25 section of the chapter to a new section within the chapter.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **58-54-304**, Utah Code Annotated 1953

33 **58-54-501**, Utah Code Annotated 1953

34 RENUMBERS AND AMENDS:

35 **58-54-101**, (Renumbered from 58-54-1, as last amended by Laws of Utah 1994,
36 Chapter 163)

37 **58-54-102**, (Renumbered from 58-54-2, as last amended by Laws of Utah 2008,
38 Chapter 382)

39 **58-54-201**, (Renumbered from 58-54-3, as last amended by Laws of Utah 2010,
40 Chapters 218, 286, and 324)

41 **58-54-301**, (Renumbered from 58-54-4, as last amended by Laws of Utah 1993,
42 Chapter 297)

43 **58-54-302**, (Renumbered from 58-54-5, as last amended by Laws of Utah 2009,
44 Chapter 183)

45 **58-54-303**, (Renumbered from 58-54-8, as last amended by Laws of Utah 1991,
46 Chapter 199)

47 **58-54-305**, (Renumbered from 58-54-6, as repealed and reenacted by Laws of Utah
48 1993, Chapter 297)

49 **58-54-306**, (Renumbered from 58-54-4.3, as last amended by Laws of Utah 2000,
50 Chapter 19)

51 **58-54-401**, (Renumbered from 58-54-7, as repealed and reenacted by Laws of Utah
52 1993, Chapter 297)



54 *Be it enacted by the Legislature of the state of Utah:*

55 Section 1. Section **58-54-101**, which is renumbered from Section 58-54-1 is
56 renumbered and amended to read:

57 **CHAPTER 54. RADIOLOGIC, TECHNOLOGIST, RADIOLOGIST**
58 **ASSISTANT, AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT**

59 **Part 1. General Provisions**

60 **[58-54-1]. 58-54-101. Title.**

61 This chapter is known as the [~~Radiology~~] Radiologic Technologist [~~and~~], Radiologist
62 Assistant, and Radiology Practical Technician Licensing Act."

63 Section 2. Section **58-54-102**, which is renumbered from Section 58-54-2 is
64 renumbered and amended to read:

65 **[58-54-2]. 58-54-102. Definitions.**

66 In addition to the definition in Section 58-1-102, as used in this chapter:

67 (1) "Board" means the [~~Radiology~~] Radiologic Technologist Licensing Board
68 established under this chapter.

69 (2) ~~H~~→ **"General supervision" means the supervising radiologist is available to provide**
69a **immediate communication with the supervised person and is aware of the procedure before it**
69b **is performed.**

69c (3) ~~H~~→ **"Indirect supervision" means the supervising radiologist:**

70 (a) has given either written or verbal instructions to the person being supervised;

71 (b) is present in the facility in which the person being supervised is providing services;

72 and

73 (c) is available to provide immediate face-to-face communications with the person
74 being supervised.

75 (2) ~~H~~→ (3) (4) ~~H~~→ "Practice of radiologic technology" means using radiation from a
75a radioactive

76 substance, radiology equipment, or any other source, in amounts beyond normal background
77 levels, for diagnostic or therapeutic purposes on humans.

78 ~~H~~→ (4) (5) ~~H~~→ "Practice of radiologist assistant" means the performance of non-invasive
78a and

79 ~~H~~→ **minimally** ~~H~~→ invasive radiological procedures:

80 (a) delegated to a radiologist assistant by a radiologist; and

81 (b) performed under the indirect supervision of a radiologist.

82 (7) "Radiology" ~~H~~→ (5) (6) ~~H~~→ "Radiologic technologist" means a person licensed
82a under this

83 chapter to engage in the practice of [~~radiology~~] radiologic technology under the general
84 supervision of a radiologist or radiology practitioner including the administration of parenteral
85 contrast media, [~~radionuclides~~] radionuclides, and other medications incidental to radiology
86 procedures provided the administrations are under the direct supervision of a qualified
87 physician and the technologist is currently certified in cardiopulmonary resuscitation (CPR)
88 and appropriate patient care procedures.

89 (3) ~~H~~→ (6) (7) ~~H~~→ "Radiologist" means a physician certified by the American Board of

90 Radiology, the American Osteopathic Board of Radiology, the British Royal College of
 91 Radiology, or the Canadian College of Physicians and Surgeons.

92 ~~H→~~ ~~[(7)]~~ **(8)** ~~←H~~ "Radiologist assistant" means a person licensed under this chapter to
 92a engage in the
 93 practice of a radiologist assistant.

94 ~~[(4)]~~ ~~H→~~ ~~[(8)]~~ **(9)** ~~←H~~ "Radiology equipment" means any medical radiation device that
 94a emits
 95 ionizing or nonionizing radiation or detects that radiation for the purpose or intended purpose
 96 of:

- 97 (a) diagnosing disease or other medical conditions in humans; or
 98 (b) treating, curing, mitigating, or preventing disease in humans.

99 ~~[(5)]~~ ~~H→~~ ~~[(9)]~~ **(10)** ~~←H~~ "Radiology practical technician" means a person licensed under this
 99a chapter to
 100 engage in a practice of radiologic technology performing limited diagnostic radiology
 101 procedures:

- 102 (a) as defined and permitted by rule in accordance with Title 63G, Chapter 3, Utah
 103 Administrative Rulemaking Act; and
 104 (b) under the supervision of a radiologist or radiology practitioner.

105 ~~[(6)]~~ ~~H→~~ ~~[(10)]~~ **(11)** ~~←H~~ "Radiology practitioner" means any person or individual licensed
 105a in this state
 106 as a physician and surgeon, osteopathic physician, podiatric physician, chiropractic physician,
 107 dentist, dental hygienist, or a physician's assistant, nurse practitioner, or nurse specialist
 108 practicing under the supervision of an approved supervising physician and in accordance with
 109 an approved protocol and utilization plan.

110 ~~[(8)]~~ ~~H→~~ ~~[(11)]~~ **(12)** ~~←H~~ "Unlawful conduct" is as defined in ~~[Section]~~ Sections 58-1-501
 110a [includes:]
 111 and 58-54-501.

112 ~~[(a) using any of the following titles if not licensed as a radiology technologist under~~
 113 ~~this chapter:]~~

114 ~~[(i) radiology practical technician;]~~

115 ~~[(ii) radiology technologist;]~~

116 ~~[(iii) medical radiographer;]~~

117 ~~[(iv) radiation therapist; or]~~

118 ~~[(v) nuclear medicine technologist; and]~~

119 ~~[(b) using the title "radiology practical technician" if not licensed as a radiology~~
 120 ~~practical technician under this chapter.]~~

121 ~~[(9)]~~ ~~H→~~ ~~[(12)]~~ ~~(13)~~ ~~←H~~ "Unprofessional conduct" is as defined in ~~[Section]~~ Sections 58-1-501
 121a and
 122 58-54-501 and as may be further defined by administrative rule ~~[includes:]~~ adopted by the
 123 division.

124 ~~[(a) any act or omission by a person licensed under this chapter that is contrary to the~~
 125 ~~instructions of the radiologist or radiology practitioner responsible for supervising the licensee~~
 126 ~~and which does or reasonably could pose a threat to the health, safety, or welfare of a patient or~~
 127 ~~any other person;]~~

128 ~~[(b) operating any radiology equipment that is known to be unsafe or not in compliance~~
 129 ~~with all applicable state requirements regulating radiology equipment;]~~

130 ~~[(c) permitting any person to operate any radiology equipment who is not permitted to~~
 131 ~~do so under provisions of law or who is incompetent to operate radiology equipment for any~~
 132 ~~reason;]~~

133 ~~[(d) revealing to any unauthorized person any information considered confidential or~~
 134 ~~privileged regarding any patient;]~~

135 ~~[(e) the use of any controlled substance as defined by the statutes of this state except to~~
 136 ~~the extent the controlled substance is lawfully prescribed to the licensee and used in accordance~~
 137 ~~with the instructions of the prescribing practitioner; and]~~

138 ~~[(f) willfully and intentionally or negligently making any false statement or entry on~~
 139 ~~any patient record or upon any record used to facilitate payment for radiology services.]~~

140 Section 3. Section **58-54-201**, which is renumbered from Section 58-54-3 is
 141 renumbered and amended to read:

Part 2. Board

143 ~~[58-54-3].~~ **58-54-201. Board created -- Membership -- Duties.**

144 (1) There is created a ~~[Radiology]~~ Radiologic Technologist Licensing Board consisting
 145 of ~~H→~~ ~~[seven]~~ nine ~~←H~~ members as follows:

146 (a) ~~[four]~~ three licensed ~~[radiology]~~ radiologic technologists;

147 (b) one licensed radiology practical technician;

148 (c) one licensed radiologist assistant;

149 ~~[(e)]~~ ~~(d)~~ ~~H→~~ ~~[one radiologist]~~ two radiologists ~~←H~~ ; ~~H→~~ ~~[and]~~

149a (e) one physician licensed under this title who is not a radiologist, and who uses
 149b radiologic services in the physician's practice; and ~~←H~~

150 ~~[(d)]~~ ~~H→~~ ~~[(e)]~~ ~~(f)~~ ~~←H~~ one member from the general public.

151 (2) The board shall be appointed in accordance with Section 58-1-201.

152 (3) The duties and responsibilities of the board shall be in accordance with Sections
153 58-1-202 and 58-1-203.

154 (4) In accordance with Subsection 58-1-203(1)(f), there is established an advisory peer
155 committee to the board consisting of eight members broadly representative of the state and
156 including:

157 (a) one licensed physician and surgeon who is not a radiologist and who uses radiology
158 equipment in a rural office-based practice, appointed from among recommendations of the
159 Physicians Licensing Board;

160 (b) one licensed physician and surgeon who is not a radiologist and who uses radiology
161 equipment in an urban office-based practice, appointed from among recommendations of the
162 Physicians Licensing Board;

163 (c) one licensed physician and surgeon who is a radiologist practicing in radiology,
164 appointed from among recommendations of the Physicians Licensing Board;

165 (d) one licensed osteopathic physician, appointed from among recommendations of the
166 Osteopathic Physicians Licensing Board;

167 (e) one licensed chiropractic physician, appointed from among recommendations of the
168 Chiropractors Licensing Board;

169 (f) one licensed podiatric physician, appointed from among recommendations of the
170 Podiatric Physician Board;

171 (g) one representative of the state agency with primary responsibility for regulation of
172 sources of radiation, recommended by that agency; and

173 (h) one representative of a general acute hospital, as defined in Section 26-21-2, that is
174 located in a rural area of the state.

175 (5) (a) Except as required by Subsection (5)(b), members of the advisory peer
176 committee shall be appointed to four-year terms by the director in collaboration with the board
177 from among the recommendations.

178 (b) Notwithstanding the requirements of Subsection (5)(a), the director shall, at the
179 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
180 committee members are staggered so that approximately half of the committee is appointed
181 every two years.

182 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

183 appointed for the unexpired term.

184 (6) A member may not receive compensation or benefits for the member's service, but
185 may receive per diem and travel expenses in accordance with:

186 (a) Section 63A-3-106;

187 (b) Section 63A-3-107; and

188 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
189 63A-3-107.

190 (7) The duties, responsibilities, and scope of authority of the advisory peer committee
191 are:

192 (a) to advise the board with respect to the board's fulfillment of its duties, functions,
193 and responsibilities under Sections 58-1-202 and 58-1-203; and

194 (b) to advise the division with respect to the examination the division is to adopt by
195 rule, by which a radiology practical technician may qualify for licensure under Section
196 ~~[58-54-5]~~ 58-54-302.

197 Section 4. Section **58-54-301**, which is renumbered from Section 58-54-4 is
198 renumbered and amended to read:

199 **Part 3. Licensing**

200 ~~[58-54-4]~~. **58-54-301. License required.**

201 (1) An individual may not engage in the practice of radiologic technology or the
202 practice of a radiologist assistant unless licensed or exempted from licensure under this
203 chapter.

204 (2) The division shall issue to persons qualified under this chapter a license in the
205 classification of ~~[radiology]~~ radiologic technologist, radiologist assistant, or radiology practical
206 technician.

207 (3) (a) A license shall be issued without regard to any area of practice specialty as a
208 ~~[radiology]~~ radiologic technologist.

209 (b) A license for a radiology practical technician may be issued certifying the practical
210 technician for a specialty type or limited practice.

211 Section 5. Section **58-54-302**, which is renumbered from Section 58-54-5 is
212 renumbered and amended to read:

213 ~~[58-54-5]~~. **58-54-302. Requirements for licensure.**

214 (1) Each applicant for licensure as a [~~radiology~~] radiologic technologist, radiology
215 assistant, or radiology practical technician shall:

216 (a) submit an application in a form prescribed by the division in collaboration with the
217 board;

218 (b) pay a fee as determined by the department pursuant to Section 63J-1-504; and

219 (c) be of good moral character.

220 (2) Each applicant for licensure as a [~~radiology~~] radiologic technologist shall, in
221 addition to the requirements of Subsection (1):

222 (a) be a graduate of an accredited educational program in [~~radiology~~] radiologic
223 technology or certified by the American Registry of Radiologic Technologists or any
224 equivalent educational program approved by the division in collaboration with the board; and

225 (b) have passed an examination approved by the division in collaboration with the
226 board.

227 (3) Each applicant for licensure as a radiology practical technician shall, in addition to
228 the requirements of Subsection (1), have passed a basic examination and one or more specialty
229 examinations that are competency based, using a task analysis of the scope of practice of
230 radiology practical technicians in the state. The basic examination and the specialty
231 examination shall be approved by the division in collaboration with the board and the licensing
232 board of the profession within which the radiology practical technician will be practicing.

233 (4) The division shall provide for administration of the radiology practical technician
234 examination not less than monthly at offices designated by the division and located:

235 (a) in Salt Lake City; and

236 (b) within each local health department jurisdictional area.

237 (5) (a) Except as provided in Subsection (5)(b), each applicant for licensure as a
238 radiologist assistant shall:

239 (i) meet the requirements of Subsections (1) and (2);

240 (ii) have a Bachelor of Science degree; and

241 (iii) be certified as:

242 (A) a radiologist assistant by the American Registry of Radiologic Technologists; or

243 (B) a radiology practitioner assistant by the Certification Board of Radiology

244 Practitioner Assistants.

245 (b) An individual who meets the requirements of Subsections (5)(a)(i) and (iii), but not
 246 Subsection (5)(a)(ii), may be licensed as a radiology assistant under this chapter until ~~H~~→ [January
 247 1, 2013;] May 31, 2013, ←~~H~~ at which time, the individual must have completed the Bachelor of
 247a Science degree in
 248 order to retain the license of radiology assistant.

249 Section 6. Section **58-54-303**, which is renumbered from Section 58-54-8 is
 250 renumbered and amended to read:

251 **[58-54-8]. 58-54-303. Supervision and prescription required.**

252 The practice of radiologic technology by a [~~radiology~~] radiologic technologist licensed
 253 under this chapter shall be under the general supervision of a radiologist or radiology
 254 practitioner and may be performed only upon the order of a radiologist or radiology practitioner
 255 acting within the scope of [~~his~~] the radiologist's or radiology practitioner's license and
 256 experience within the scope of practice of a radiology practitioner.

257 Section 7. Section **58-54-304** is enacted to read:

258 **58-54-304. Scope of practice for radiologist assistant.**

259 (1) The scope of practice for a radiologist assistant includes:

260 (a) determination of whether a patient has been appropriately prepared for the
 261 radiologic procedure;

262 (b) assessment and evaluation of the physiologic responsiveness of a patient
 263 undergoing a radiologic procedure;

264 (c) assessment and evaluation of possible contraindications to a procedure;

265 (d) obtaining informed consent from the patient as specified by a delegation of services
 266 agreement between the radiologic assistant and the supervising radiologist in accordance with
 267 Subsection (2);

268 (e) evaluation of image quality and communication of initial image observations only
 269 to the supervising radiologist;

270 (f) administration of contrast media or other medications prescribed by the supervising
 271 radiologist; and

272 (g) performance of radiologic procedures under the indirect supervision of a
 273 radiologist.

274 (2) The radiologist assistant and supervising radiologist shall enter into a Delegation of
 275 Services Agreement identifying radiologic procedures to be performed by the radiologist

276 assistant ~~H→~~ **and establishing a regular review process by the supervising radiologist for all**
 276a **work performed by and records kept by the radiologist assistant** ←H . The Delegation of
 276b Services Agreement shall:

277 (a) be kept at the place of practice at which the radiologist assistant is performing
 278 delegated services; and

279 (b) be consistent with radiologist assistant practice guidelines developed by ~~H→~~ **the**
 279a **American College of Radiology, as supplemented by** ←H recognized
 280 radiology organizations ~~H→~~ **such as the American Society of Radiology Technicians, and the**
 280a **American Registry of Radiologic Technologists** ←H .

281 (3) The radiologist assistant shall not interpret images, provide diagnosis, or prescribe
 282 medications or therapies.

283 Section 8. Section **58-54-305**, which is renumbered from Section 58-54-6 is
 284 renumbered and amended to read:

285 **[58-54-6]. 58-54-305. Term of license -- Expiration -- Renewal.**

286 (1) ~~[Each]~~ Except as provided by Subsection (4), each license issued under this chapter
 287 shall be issued in accordance with a two-year renewal cycle established by rule. A renewal
 288 period may be extended or shortened by as much as one year to maintain established renewal
 289 cycles or to change an established renewal cycle.

290 (2) At the time of renewal, licensees shall show satisfactory evidence of each of the
 291 following renewal requirements:

292 (a) ~~[16]~~ 24 hours of approved professional education during a two-year period, as
 293 defined by administrative rule, before renewal of a [radiology] radiologic technologist
 294 license[-];

295 (b) 10 hours of approved professional education during a two-year period, as defined
 296 by administrative rule, before renewal of a radiology practical technician license[-]; and

297 (c) 50 hours of approved professional education during a two-year period, as defined
 298 by administrative rule, before renewal of a radiologist assistant license.

299 (3) Each license automatically expires on the expiration date shown on the license
 300 unless renewed by the licensee in accordance with Section 58-1-308.

301 ~~H→ [(4) A license granted under Subsection 58-54-302(5)(b) expires on January 1, 2013.] ←H~~

302 Section 9. Section **58-54-306**, which is renumbered from Section 58-54-4.3 is
 303 renumbered and amended to read:

304 **[58-54-4.3]. 58-54-306. Exemption from licensure.**

305 A person may engage in the practice of [radiology] radiologic technology without being
 306 licensed under this chapter if:

307 (1) (a) the person is filling a new or existing position as an employee performing the
308 duties of a radiology practical technician when a licensed radiology practical technician is not
309 available to begin in the new position or continue filling the existing position;

310 (b) the total period in which the position is filled by the unlicensed person is not more
311 than 90 days;

312 (c) the unlicensed person at all times performs services as a radiology practical
313 technician under the direct on-premises supervision of a radiology practitioner; and

314 (d) the employee position filled by an unlicensed person under this section is an
315 existing position and was filled by a person licensed under this chapter immediately prior to
316 employment of the unlicensed person;

317 (2) the person:

318 (a) performs services in a dental facility under the supervision of a dentist licensed to
319 practice in this state; and

320 (b) has completed a radiology course approved by the Dentists and Dental Hygienists
321 Board created under Section 58-69-201; or

322 (3) the person:

323 (a) performs services in a medical facility under the supervision of a podiatric
324 physician licensed to practice in this state; and

325 (b) has completed a radiology course approved by the Podiatric Physician Board
326 created under Section 58-5a-201.

327 Section 10. Section **58-54-401**, which is renumbered from Section 58-54-7 is
328 renumbered and amended to read:

329 **Part 4. License Denial and Discipline**

330 **[58-54-7]. 58-54-401. Grounds for denial of license -- Disciplinary**
331 **proceedings.**

332 Grounds for refusal to issue a license to an applicant, for refusal to renew the license of
333 a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a
334 public or private reprimand to a licensee, and to issue cease and desist orders shall be in
335 accordance with Section 58-1-401.

336 Section 11. Section **58-54-501** is enacted to read:

337 **Part 5. Unlawful and Unprofessional Conduct - Penalties**

338 **58-54-501. Unlawful and unprofessional conduct.**

339 (1) "Unlawful conduct" includes:

340 (a) using any of the following titles if not licensed as a radiology technologist under
341 this chapter:

342 (i) radiology practical technician;

343 (ii) radiologic technologist;

344 (iii) medical radiographer;

345 (iv) radiation therapist; or

346 (v) nuclear medicine technologist;

347 (b) using the title "radiology practical technician" if not licensed as a radiology
348 practical technician under this chapter; and

349 (c) using the title "radiologist assistant" if not licensed as a radiologist assistant under
350 this chapter.

351 (2) "Unprofessional conduct" includes:

352 (a) any act or omission by a person licensed under this chapter that is contrary to the
353 instructions of the radiologist or radiology practitioner responsible for supervising the licensee
354 and which does or reasonably could pose a threat to the health, safety, or welfare of a patient or
355 any other person;

356 (b) operating any radiology equipment that is known to be unsafe or not in compliance
357 with all applicable state requirements regulating radiology equipment;

358 (c) permitting any person to operate any radiology equipment who is not permitted to
359 do so under provisions of law or who is incompetent to operate radiology equipment for any
360 reason;

361 (d) revealing to any unauthorized person any information considered confidential or
362 privileged regarding any patient;

363 (e) the use of any controlled substance as defined by the statutes of this state except to
364 the extent the controlled substance is lawfully prescribed to the licensee and used in accordance
365 with the instructions of the prescribing practitioner; and

366 (f) willfully and intentionally or negligently making any false statement or entry on any
367 patient record or upon any record used to facilitate payment for radiology services.

368 Section 12. **Effective date.**

369 If approved by two-thirds of all the members elected to each house, this bill takes effect
370 upon approval by the governor, or the day following the constitutional time limit of Utah
371 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
372 the date of veto override.

Legislative Review Note
as of 1-24-11 8:39 AM

Office of Legislative Research and General Counsel