

SECOND REGULAR SESSION

# HOUSE BILL NO. 2613

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HIGDON.

4935H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 334, RSMo, by adding thereto nineteen new sections relating to the Missouri patient safety in radiologic imaging act, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto nineteen new sections, to  
2 be known as sections 334.1000, 334.1003, 334.1006, 334.1007, 334.1009, 334.1012, 334.1015,  
3 334.1018, 334.1021, 334.1024, 334.1027, 334.1030, 334.1033, 334.1036, 334.1039, 334.1042,  
4 334.1045, 334.1048, and 334.1051, to read as follows:

**334.1000. Sections 334.1000 to 334.1051 shall be known and may be cited as the**  
2 **"Missouri Patient Safety in Radiologic Imaging Act".**

**334.1003. As used in sections 334.1000 to 334.1051, the following terms mean:**

- 2 (1) **"Board", the Missouri radiologic imaging and radiation therapy board of**  
3 **examiners;**
- 4 (2) **"Bone densitometry", the determination of bone mass by means of the radiation**  
5 **absorption by a skeleton or part of a skeleton;**
- 6 (3) **"Bone densitometry technologist", a person who is licensed under sections**  
7 **334.1000 to 334.1051 as a limited x-ray machine operator with a permit to perform bone**  
8 **densitometry testing;**
- 9 (4) **"Computed tomography", the process of producing sectional and**  
10 **three-dimensional images using external ionizing radiation;**
- 11 (5) **"Fluoroscopy", the exposure of a patient to x-rays in a fluoroscopy mode,**  
12 **including the positions of the patient, positioning of the fluoroscopy equipment, and the**  
13 **selection of exposure factors;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           **(6) "Hybrid imaging equipment", equipment that combines more than one medical**  
15 **imaging modality into a single device;**

16           **(7) "Ionizing radiation", radiation that may consist of alpha particles, beta**  
17 **particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other**  
18 **particles capable of producing ions. Ionizing radiation does not include radiation such as**  
19 **radiofrequency or microwaves, visible infrared or ultraviolet light, or ultrasound;**

20           **(8) "License", a certificate issued by the board authorizing the licensee to use**  
21 **radioactive materials, radiologic imaging, or radiation therapy equipment on humans for**  
22 **diagnostic or therapeutic purposes in accordance with the provisions of sections 334.1000**  
23 **to 334.1051;**

24           **(9) "Licensed practitioner", a person licensed to practice medicine, dentistry, or**  
25 **podiatry in this state;**

26           **(10) "Limited x-ray machine operator", a person who is licensed under sections**  
27 **334.1000 to 334.1051 to perform, under the supervision of a licensed practitioner or**  
28 **radiographer, diagnostic radiography procedures or bone density procedures using**  
29 **equipment that emits external ionizing radiation resulting in diagnostic radiographic**  
30 **images of selected specific parts of human anatomy or bone density measurements;**

31           **(11) "Magnetic resonance imaging", the use of magnetic fields and radiofrequency**  
32 **signals to create diagnostic images or dynamic images for medical purposes;**

33           **(12) "Magnetic resonance technologist", a person who is licensed under sections**  
34 **334.1000 to 334.1051 to perform magnetic resonance procedures using magnetic fields and**  
35 **radiofrequency signals;**

36           **(13) "Medical physicist", a person who is certified by the American Board of**  
37 **Radiology, American Board of Medical Physics, American Board of Health Physics,**  
38 **American Board of Science in Nuclear Medicine, or Canadian College of Physics in**  
39 **Medicine in radiological physics or one of the subspecialties of radiological physics;**

40           **(14) "Mobile imaging", any arrangement in which radiologic imaging services are**  
41 **transported to various sites. Mobile imaging does not include movement within a hospital**  
42 **or movement to a site where the equipment will be located permanently;**

43           **(15) "Nuclear medicine advanced associate", a person who is licensed under**  
44 **sections 334.1000 to 334.1051 to perform a variety of activities under the supervision of a**  
45 **licensed physician who is also an authorized user of radioactive materials in the areas of**  
46 **patient care, patient management, nuclear medicine, and molecular imaging procedures**  
47 **using sealed and unsealed radiation sources, ionizing and nonionizing radiation, and**  
48 **adjunctive medicine and therapeutic procedures using unsealed radioactive sources;**

49           **(16) "Nuclear medicine technology", the branch of medicine that uses in vivo and**  
50 **in vitro detection and measurement of radionuclides radiation in diagnosis, management**  
51 **guidance, and treatment of disease;**

52           **(17) "Nuclear medicine technologist", a person who is licensed under sections**  
53 **334.1000 to 334.1051 to perform a variety of nuclear medicine and molecular imaging**  
54 **procedures using sealed and unsealed radiation sources, ionizing and nonionizing**  
55 **radiation, and adjunctive medicine and therapeutic procedures using unsealed radioactive**  
56 **sources;**

57           **(18) "Radiation therapist", a person who is licensed under sections 334.1000 to**  
58 **334.1051 to administer ionizing radiation to human beings for therapeutic purposes;**

59           **(19) "Radiation therapy", the use of ionizing radiation for the purpose of treating**  
60 **disease;**

61           **(20) "Radiographer", a person who is licensed under sections 334.1000 to 334.1051**  
62 **to perform a comprehensive set of diagnostic radiographic procedures using external**  
63 **ionizing radiation to produce radiographic, fluoroscopic, or digital images;**

64           **(21) "Radiography", the process of obtaining an image for diagnostic evaluation**  
65 **using external ionizing radiation (x-rays);**

66           **(22) "Radiologic imaging", any procedure or article intended for use in the**  
67 **diagnosis or visualization of disease or other medical conditions in human beings including,**  
68 **but not limited to, computed tomography, fluoroscopy, magnetic resonance, nuclear**  
69 **medicine, radiography, and other procedures using ionizing radiation or magnetic**  
70 **resonance. Radiologic imaging does not include the use of ultrasound;**

71           **(23) "Radiologist", a physician certified by or board-eligible to be certified for the**  
72 **American Board of Radiology, the American Osteopathic Board of Radiology, the British**  
73 **Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that**  
74 **medical specialty;**

75           **(24) "Radiologist assistant", a person who is licensed under sections 334.1000 to**  
76 **334.1051 to perform a variety of activities under the supervision of a radiologist in the**  
77 **areas of patient care, patient management, radiologic imaging, or interventional**  
78 **procedures.**

**334.1006. 1. On or after October 1, 2017, no person shall perform or offer to**  
2 **perform radiologic imaging or administer or offer to administer radiation therapy**  
3 **procedures on humans for diagnostic or therapeutic purposes as defined in section**  
4 **334.1000, or otherwise indicate or imply that the person is licensed to perform radiologic**  
5 **imaging procedures or administer radiation therapy unless that person is currently**  
6 **licensed as provided under sections 334.1000 to 334.1051.**

7           **2. The provisions of sections 334.1000 to 334.1051 shall not apply to the following:**

- 8           **(1) A licensed practitioner performing radiologic imaging procedures or**  
9 **administering radiation therapy;**  
10           **(2) A registered dental hygienist licensed by the state;**  
11           **(3) A dental assistant licensed by the state;**  
12           **(4) A student enrolled in and attending a school or college of medicine or radiologic**  
13 **imaging or radiation therapy who performs radiologic imaging or radiation therapy**  
14 **procedures on humans while under the supervision of a licensed practitioner,**  
15 **radiographer, radiation therapist, nuclear medicine technologist or magnetic resonance**  
16 **technologist, or radiologist assistant holding a license under sections 334.1000 to 334.1051;**  
17           **(5) A person administering radiologic imaging or radiation procedures who is**  
18 **employed by the United States government when performing duties associated with that**  
19 **employment;**  
20           **(6) A person performing ultrasound procedures or sonography;**  
21           **(7) A person performing radiologic procedures or radiation therapy on nonhuman**  
22 **subjects or cadavers.**

**334.1007. 1. The board shall establish licensure standards for the following**  
2 **radiologic imaging and radiation therapy modalities:**

- 3           **(1) Limited x-ray machine operator;**  
4           **(2) Magnetic resonance technologist;**  
5           **(3) Nuclear medicine advanced associate;**  
6           **(4) Nuclear medicine technologist;**  
7           **(5) Radiation therapist;**  
8           **(6) Radiographer;**  
9           **(7) Radiologist assistant.**

10           **2. A person holding a license under sections 334.1000 to 334.1051 may use**  
11 **radioactive substances or equipment emitting ionizing radiation or magnetic resonance for**  
12 **radiologic imaging and radiation therapy procedures on humans for diagnostic or**  
13 **therapeutic purposes only by prescription of an individual authorized by the state to**  
14 **prescribe radiologic imaging or radiation therapy procedures and under the supervision**  
15 **of a licensed practitioner.**

16           **3. A person holding a license under sections 334.1000 to 334.1051 may use**  
17 **radioactive substances or equipment emitting ionizing radiation or magnetic resonance for**  
18 **radiologic imaging and radiation therapy procedures on humans for diagnostic or**  
19 **therapeutic purposes only within the scope of that license as specified in sections 334.1000**  
20 **to 334.1051 and under the rules adopted by the board.**

21           **4. Persons licensed as limited x-ray machine operators shall perform tasks only**  
22 **within the scope of the specific permit issued to them by the board for a particular area of**  
23 **the human anatomy as provided in section 334.1015 and shall not perform computed**  
24 **tomography, fluoroscopy, magnetic resonance imaging, mammography, nuclear medicine**  
25 **technology, radiation therapy, mobile imaging procedures, or imaging procedures using**  
26 **contrast media.**

27           **5. Radiologist assistants shall not interpret images, make diagnoses, or prescribe**  
28 **medications or therapies. Radiologist assistants may administer prescribed drugs as**  
29 **directed by the supervising radiologist or radiologist designee. Radiologist assistants may**  
30 **communicate and document initial clinical and imaging observations or procedure details**  
31 **only to the radiologist for the radiologist's use.**

**334.1009. 1. The Missouri radiologic imaging and radiation therapy board of**  
2 **examiners is created within the board of registration for the healing arts.**

3           **2. The board shall consist of nine members who shall serve staggered terms. The**  
4 **board members shall be appointed by the governor and the initial board members shall be**  
5 **appointed on or before October 1, 2016, as follows:**

6           **(1) One member who is a licensed radiographer who shall serve for a three-year**  
7 **term;**

8           **(2) One member who is a licensed nuclear medicine technologist or licensed nuclear**  
9 **medicine advanced associate who shall serve for a two-year term;**

10           **(3) One member who is a licensed radiation therapist who shall serve for a one-year**  
11 **term;**

12           **(4) One member who is a licensed radiologist assistant who shall serve for a**  
13 **one-year term;**

14           **(5) One member who is a licensed limited x-ray machine operator who shall serve**  
15 **for a three-year term;**

16           **(6) One member who is a radiologist who shall serve for a two-year term;**

17           **(7) One member who is a medical physicist who shall serve for a three-year term;**

18           **(8) One member who is a licensed physician practicing in a hospital setting who**  
19 **shall serve for a three-year term;**

20           **(9) One public member who shall serve for a two-year term.**

21           **3. Upon the expiration of the terms of the initial board members, members shall be**  
22 **appointed for terms of three years and shall serve until their successors are appointed.**  
23 **Successors appointed shall be licensed in the same specialty as the member of the board**  
24 **they will replace. No member may serve more than two consecutive terms.**

25           **4. Except for the public member of the board, every member of the board shall hold**  
26 **a valid license issued by the board in the category of license for that member's specialty,**  
27 **shall be a resident of this state, and shall remain in active practice and in good standing**  
28 **with the board as a licensee during their terms. The public member shall be a resident of**  
29 **this state and shall not be a licensed practitioner or a person who administers radiation**  
30 **therapy procedures under sections 334.1000 to 334.1051.**

31           **5. A vacancy shall be filled in the same manner as the original appointment and**  
32 **shall be filled within forty-five days after the vacancy occurs. Appointees to fill vacancies**  
33 **shall serve the remainder of the unexpired term and until their successors have been duly**  
34 **appointed and qualified.**

35           **6. The board may remove any of its members for neglect of duty, incompetence, or**  
36 **unprofessional conduct. A member subject to disciplinary proceedings as a licensee shall**  
37 **be disqualified from participating in the official business of the board until the charges**  
38 **have been resolved.**

39           **7. Each member of the board shall receive a per diem and reimbursement for travel**  
40 **and subsistence as provided in section 334.120.**

41           **8. The officers of the board shall be a chair who shall be licensed under sections**  
42 **334.1000 to 334.1051, a vice-chair, and other officers deemed necessary by the board to**  
43 **carry out the purposes of sections 334.1000 to 334.1051. All officers shall be elected**  
44 **annually by the board for one-year terms and shall serve until their successors are elected**  
45 **and qualified.**

46           **9. The board shall hold at least two meetings each year to conduct business and to**  
47 **review the standards and rules for improving the administration of radiologic imaging or**  
48 **radiation therapy procedures. The board shall establish the procedures for calling,**  
49 **holding, and conducting regular and special meetings. A majority of board members shall**  
50 **constitute a quorum.**

**334.1012. The board shall have the following powers and duties:**

2           **(1) Administer sections 334.1000 to 334.1051;**

3           **(2) Issue interpretations of sections 334.1000 to 334.1051;**

4           **(3) Adopt rules as may be necessary to carry out the provisions of sections 334.1000**  
5 **to 334.1051;**

6           **(4) Examine and determine the qualifications and fitness of applicants for licensure,**  
7 **renewal of licensure, and reciprocal licensure;**

8           **(5) Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary**  
9 **actions authorized by sections 334.1000 to 334.1051;**

- 10           **(6) Set fees for licensure, license renewal, and other services deemed necessary to**  
11 **carry out the purposes of sections 334.1000 to 334.1051;**
- 12           **(7) Conduct investigations for the purpose of determining whether violations of**  
13 **sections 334.1000 to 334.1051 or grounds for disciplining licensees exist;**
- 14           **(8) Conduct administrative hearings;**
- 15           **(9) Maintain a record of all proceedings and make available to licensees and other**  
16 **concerned parties an annual report of all board action;**
- 17           **(10) Develop standards and adopt rules for the improvement of the administration**  
18 **of radiologic imaging or radiation therapy procedures in this state;**
- 19           **(11) Adopt a seal containing the name of the board for use on all licenses and**  
20 **official reports issued by it;**
- 21           **(12) Establish criteria and standards for educational programs offered in the state**  
22 **in radiologic imaging and radiation therapy; and**
- 23           **(13) Approve radiologic imaging and radiation therapy educational programs that**  
24 **the board determines meet the criteria and standards established by the board.**

**334.1015. 1. The board shall admit to examination for licensure any applicant who**  
2 **shall pay a nonrefundable fee, as set forth in section 334.1033, and submit satisfactory**  
3 **evidence, verified by oath or affirmation, that the applicant meets the following criteria:**

- 4           **(1) At the time of the application is at least eighteen years of age; and**
- 5           **(2) Has obtained a high school diploma or a high school graduation equivalency**  
6 **certificate;**
- 7           **2. In addition to the requirements of subsection 1 of this section, any person seeking**  
8 **to obtain a license for a specific modality of radiologic imaging or radiation therapy, other**  
9 **than a limited x-ray machine operator or radiologist assistant, shall comply with the**  
10 **following requirements:**
- 11           **(1) Satisfactory completion of a course of study in magnetic resonance, nuclear**  
12 **medicine, radiation therapy, or radiography, respectively, or its equivalent to be**  
13 **determined by the board. The curriculum for each course of study shall be no less**  
14 **stringent than the standards approved by the Joint Review Committee on Education in**  
15 **Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine**  
16 **Technology, Commission on Accreditation of Allied Health Education Programs, or any**  
17 **other appropriate educational accreditation agency approved by the board, provided the**  
18 **standards are not in conflict with board policy; and**
- 19           **(2) Pass an examination administered by the American Registry of Radiologic**  
20 **Technologists, Nuclear Medicine Technologist Certification Board, Certification Board of**

21 Radiology Practitioner Assistants, or other organizations whose examinations are  
22 approved by the board.

23         **3. In addition to the requirements of subsection 1 of this section, a person seeking**  
24 **to obtain a license as a limited x-ray machine operator shall pass an examination**  
25 **established or approved by the board. The license of a limited x-ray machine operator**  
26 **shall be limited in scope through the issuance of permits to perform diagnostic X-rays on**  
27 **specific anatomical areas of the human body. The permits which may be issued are as**  
28 **follows:**

29           **(1) Chest radiography permit for radiography of the thorax, heart, and lungs;**

30           **(2) Extremities radiography permit for radiography of the upper and lower**  
31 **extremities, including the pectoral girdle;**

32           **(3) Spine radiography permit for radiography of the vertebral column;**

33           **(4) Skull or sinus radiology permit for radiography of the skull and facial**  
34 **structures;**

35           **(5) Podiatric permit for radiography of the foot, ankle, and lower leg below the**  
36 **knee;**

37           **(6) Bone densitometry technologist permit. Notwithstanding the provisions of this**  
38 **subdivision, individuals who are certified by the International Society for Clinical**  
39 **Densitometry or the American Registry of Radiologic Technologists in bone densitometry**  
40 **shall be granted a permit to perform bone densitometry testing.**

41         **4. In addition to the requirements of subsection 1 of this section, a person seeking**  
42 **to obtain a license as a nuclear medicine advanced associate shall:**

43           **(1) Be licensed as a nuclear medicine technologist by meeting the requirements of**  
44 **subsection 2 of this section;**

45           **(2) Be certified and registered as a nuclear medicine advanced associate by the**  
46 **Nuclear Medicine Technologist Certification Board; and**

47           **(3) Submit to the board clinical protocols signed by the licensed physician who is**  
48 **also an authorized user of radioactive materials specifying procedures that are performed**  
49 **by the nuclear medicine advanced associate, levels of physician supervision, and locations**  
50 **of practice designated by the supervising physician. Updated protocols shall be submitted**  
51 **biannually consistent with license renewal. The nuclear medicine advanced associate scope**  
52 **of practice shall be consistent with the most recent version of the Scope of Practice for the**  
53 **Nuclear Medicine Advanced Associate published by the Society of Nuclear Medicine and**  
54 **Molecular Imaging.**

55         **5. In addition to the requirements of subsection 1 of this section, a person seeking**  
56 **to obtain a license as a radiologist assistant shall:**



57           **(1) Be licensed as a radiographer by meeting the requirements of subsection 2 of**  
58 **this section;**

59           **(2) Be certified and registered as a registered radiologist assistant by the American**  
60 **Registry of Radiologic Technologists or certified as a radiology practitioner assistant by**  
61 **the Certification Board of Radiology Practitioner Assistants;**

62           **(3) Submit to the board clinical protocols signed by the supervising radiologist**  
63 **specifying procedures that are performed by the radiologist assistant, levels of radiologist**  
64 **supervision, and locations of practice designated by the supervising radiologist. Updated**  
65 **protocols shall be submitted biannually consistent with license renewal. The radiologist**  
66 **assistant scope of practice shall be consistent with the most recent version of the**  
67 **Radiologist Assistant Practice Standards published by the American Society of Radiologic**  
68 **Technologists.**

**334.1018. 1. To meet the requirement of examination, the board shall accept**  
2 **current registration by the American Registry of Radiologic Technologists, Certification**  
3 **Board of Radiology Practitioner Assistants, or Nuclear Medicine Technologist Certification**  
4 **Board. The board may accept current registration of other recognized national voluntary**  
5 **certification organizations; provided that, the standards of that organization are**  
6 **substantially equivalent to those established by the board.**

7           **2. The board shall use a limited x-ray machine operator examination administered**  
8 **by the American Registry of Radiologic Technologists for persons applying for a limited**  
9 **permit in chest, extremity, skull or sinus, podiatric, or spine radiography.**

10           **3. The board may accept certification from the American Chiropractic Registry of**  
11 **Radiologic Technologists for persons applying for a limited permit in spine radiography.**

12           **4. The board may accept certification from the American Society of Podiatric**  
13 **Medical Assistants for persons applying for a limited permit in podiatric radiography.**

**334.1021. 1. The board may issue a license to each applicant who meets the**  
2 **requirements for licensure specified in sections 334.1000 to 334.1051, upon payment of a**  
3 **fee as provided in section 334.1033.**

4           **2. The board may issue a temporary license to any person whose licensure or**  
5 **license renewal may be pending or when issuance is for the purpose of providing radiologic**  
6 **imaging or radiation therapy services to medically underserved areas as determined by the**  
7 **board. A temporary license shall be issued only if the board finds that it will not violate**  
8 **the purpose of sections 334.1000 to 334.1051 or endanger the public health and safety. A**  
9 **temporary license shall expire ninety days after the date of the next examination if the**  
10 **applicant is required to take an examination. If the applicant does not take the**  
11 **examination on the scheduled date, the temporary license shall expire. In all other cases,**

12 a temporary license shall expire when the determination is made either to issue or deny the  
13 applicant a regular license. A temporary license shall not be issued for a period longer  
14 than one hundred eighty days.

15 3. Graduates of radiologic imaging or radiation therapy educational programs  
16 approved by the board awaiting results of national certification examinations may be  
17 issued a provisional license for employment purposes for a period not to exceed one year.

18 4. Any person issued a license under sections 334.1000 to 334.1051 shall display the  
19 official license document or a verified copy in each place of regular employment.

334.1024. 1. A program approved by the board in radiography, radiation therapy,  
2 nuclear medicine technology, magnetic resonance technology, or limited x-ray machine  
3 operation may be offered by a medical facility or educational institution. The program  
4 shall be affiliated with one or more hospitals or clinics approved by the board to provide  
5 the requisite clinical education.

6 2. Under rules adopted by the board, the board shall do the following:

7 (1) Establish procedures for an educational program to follow in making  
8 application for approval by the board; and

9 (2) Provide a process for reviewing the accreditation status of an educational  
10 program which is currently accredited by a recognized national educational accreditation  
11 organization.

334.1027. 1. Every license issued under sections 334.1000 to 334.1051 shall be  
2 renewed every two years. The license shall be renewed upon the payment of a renewal fee,  
3 as provided in section 334.1033, if, at the time of application for renewal, the applicant is  
4 not in violation of sections 334.1000 to 334.1051 and has complied with any continuing  
5 education requirements under rules adopted by the board.

6 2. As a condition of license renewal, each individual licensed as a radiographer,  
7 radiation therapist, magnetic resonance technologist, nuclear medicine advanced associate,  
8 nuclear medicine technologist, limited x-ray machine operator, radiation therapist, or  
9 radiographer shall be required to complete twenty-four hours of continuing education as  
10 approved by the board. Individuals licensed as radiologist assistants shall complete fifty  
11 hours of continuing education approved by the board. A licensee is not required to  
12 duplicate the continuing education hours submitted to the American Registry of Radiologic  
13 Technologists, Nuclear Medicine Technologist Certification Board, or other certification  
14 organization recognized by the board for renewal.

15 3. The board shall notify a licensee at least thirty days in advance of the expiration  
16 of his or her license. The licensee shall inform the board of any change of the licensee's

17 address. Each licensee is responsible for renewing his or her license before the expiration  
18 date. Licenses that are not renewed automatically lapse.

19 4. The board may provide for the late renewal of an automatically lapsed license  
20 upon the payment of a reinstatement fee. The licensee shall maintain certification in his  
21 or her licensed specialty throughout the licensure period established by the certification  
22 organization.

334.1030. The board may, upon application and payment of proper fees, grant a  
2 license to a person who resides in this state and has been licensed, certified, or registered  
3 to perform or administer radiologic imaging or radiation therapy procedures in another  
4 jurisdiction if that jurisdiction's standards of licensure are substantially equivalent to those  
5 provided in sections 334.1000 to 334.1051 in accordance with rules adopted by the board.

334.1033. 1. (1) The board is authorized to charge and collect fees for the  
2 following:

- 3 (a) Initial, provisional, or temporary license application fee;
- 4 (b) Biannual license renewal fee;
- 5 (c) Temporary license fee;
- 6 (d) Provisional license fee;
- 7 (e) Duplicate license; and
- 8 (f) License renewal late fee.

9 (2) The fees shall be set at a level to produce revenue which shall not substantially  
10 exceed the cost and expense of administering sections 334.1000 to 334.1051.

11 2. All fees shall be set by the board under rules adopted under sections 334.1000  
12 to 334.1051.

13 3. All fees payable under the provisions of sections 334.1000 to 334.1051 shall be  
14 collected by the division of professional registration, which shall transmit them to the  
15 department of revenue for deposit in the state treasury to the credit of the board of  
16 registration for the healing arts fund. The state treasurer shall be custodian of the fund.  
17 In accordance with sections 30.170 and 30.180, the state treasurer may approve  
18 disbursements. The fund shall be a dedicated fund and, upon appropriation, the moneys  
19 in the fund shall be used to administer the provisions of sections 334.1000 to 334.1051.  
20 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
21 in the fund at the end of the biennium shall not revert to the credit of the general revenue  
22 fund. The state treasurer shall invest moneys in the fund in the same manner as other  
23 funds are invested. Any interest and moneys earned on such investments shall be credited  
24 to the fund.

334.1036. 1. The board may deny, suspend, revoke, or refuse to renew a license or  
2 impose probationary conditions on a license if the licensee or applicant for licensure has  
3 engaged in any of the following conduct:

4 (1) Obtaining a license by means of fraud, misrepresentation, or concealment of  
5 material facts;

6 (2) Engaging in unprofessional conduct under rules adopted by the board;

7 (3) Having been convicted of or pleaded guilty or nolo contendere to a crime  
8 involving moral turpitude or any crime which indicates that the licensee or applicant is  
9 unfit or incompetent to administer radiologic imaging or radiation therapy procedures or  
10 that the licensee or applicant has deceived or defrauded the public;

11 (4) Engaging in any act or practice in violation of any of the provisions of sections  
12 334.1000 to 334.1051 or any rule adopted by the board or aiding, abetting, or assisting any  
13 person in such a violation;

14 (5) Committing an act or acts of malpractice, gross negligence, or incompetence in  
15 administering radiologic imaging or radiation therapy procedures;

16 (6) Practicing as a person licensed to administer radiologic imaging or radiation  
17 therapy procedures without a current license;

18 (7) Engaging in conduct that could result in harm or injury to the public;

19 (8) Having a license issued under sections 334.1000 to 334.1051 revoked or  
20 suspended or other disciplinary action taken, whether in this state or another jurisdiction;  
21 or

22 (9) Being unfit or incompetent to administer radiologic imaging or radiation  
23 therapy services by reason of deliberate or negligent acts or omissions, regardless of  
24 whether actual injury to a patient is established.

25 2. The denial, refusal to renew, suspension, revocation, or imposition of  
26 probationary conditions upon a license may be ordered by the board after a hearing held  
27 in accordance with section 334.099 and rules adopted by the board. An application may  
28 be made to the board for reinstatement of a revoked license if the revocation has been in  
29 effect for at least two years after the date of the board's order revoking the license.

334.1039. Any person who violates any provision of sections 334.1000 to 334.1051  
2 shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute  
3 a distinct and separate offense.

334.1042. The board may make application to any appropriate court for an order  
2 enjoining violations of sections 334.1000 to 334.1051, and upon a showing by the board that  
3 any person has violated or is about to violate sections 334.1000 to 334.1051, the court may  
4 grant an injunction, restraining order, or take other appropriate action.

**334.1045. 1. The board may assess a civil penalty not in excess of two hundred dollars for the violation of sections 334.1000 to 334.1051 or the violation of any rules adopted by the board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the board.**

**2. Before imposing and assessing a civil penalty, the board shall consider the following factors:**

**(1) The nature, gravity, and persistence of the particular violation;**

**(2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment;**

**(3) Whether the violation was willful and malicious; and**

**(4) Any other factors that would tend to mitigate or aggravate the violations found to exist.**

**3. The board shall establish a schedule of civil penalties for violations of sections 334.1000 to 334.1051 and rules adopted by the board.**

**4. The board may assess the costs of disciplinary actions against any person found to be in violation of sections 334.1000 to 334.1051 or rules adopted by the board.**

**334.1048. Notwithstanding the requirements of section 334.1009, the initial appointees to the Missouri radiologic imaging and radiation therapy board of examiners filling the membership positions for licensed radiographer, licensed nuclear medicine technologist, licensed radiation therapist, licensed magnetic resonance technologist, licensed limited x-ray machine operator, or licensed radiologist assistant do not have to meet the licensure requirements established in sections 334.1000 to 334.1051; provided that, these initial appointees shall apply for and obtain a license from the board within ninety days after the board begins issuing licenses.**

**334.1051. Persons who have been engaged in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant, who do not hold a current registration from a voluntary professional certification organization approved by the Missouri radiologic imaging and radiation therapy board of examiners may continue to practice in the modality of radiologic imaging or radiation therapy in which they are currently employed provided that they:**

**(1) Register with the board on or before January 1, 2018;**

**(2) Do not change the scope of their current practice;**

**(3) Complete all continuing education requirements for their area of practice biannually as prescribed by the board;**

**(4) Practice only under the supervision of a licensed practitioner; and**

**(5) Obtain a license from the board on or before January 1, 2020.**