



## State of Tennessee

### PUBLIC CHAPTER NO. 325

HOUSE BILL NO. 1388

By Representatives Ragan, Mr. Speaker Sexton, Sherrell, Reedy

Substituted for: Senate Bill No. 1191

By Senators Bailey, Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 63, Chapter 6, relative to radiologic imaging and radiation therapy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by deleting subdivision (46).

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 9, is amended by deleting the part.

SECTION 3. Notwithstanding Tennessee Code Annotated, Section 4-29-112, the radiologic imaging and radiation therapy board of examiners, created by Tennessee Code Annotated, Section 63-6-901, terminates and ceases to exist.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

**63-6-224.**

(a) The board has, in regard to operators of X-ray equipment and machines in physician offices, the authority by rule to:

(1) Establish and issue limited X-ray certifications to qualified individuals in the areas of densitometry, chest, extremities, skull, sinus, and spine;

(2) Establish and issue full X-ray certifications to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists or another equivalent nationally recognized radiologic organization recognized by the board;

(3) Establish the minimum educational courses, curricula, hours, and standards that are prerequisite to the issuance of the limited certificates;

(4) Select at least one (1) examination to be utilized as the board's limited certification examination and the prerequisites, if any, for admission to the examination. The board may enter into a contract or agreement with the chosen examination service or select an intermediary between the board and the examination service to process applicants for the examination;

(5) Establish other criteria for issuance of limited certificates that are reasonably related to the safe and competent performance of X-ray procedures;

(6) Establish a mechanism for board accreditation of educational courses that are operating for purposes of qualifying individuals for limited certification, that meet the requirements established pursuant to the rules promulgated under the authority of subdivision (a)(3), and that establish the causes and standards that are grounds for withdrawal of the course accreditation and the mechanism for such withdrawal;

(7) Establish the fees to be paid for application, certification, renewal, and late renewal of certificates and the fees required to be paid for application, renewal, and late renewal of educational course accreditation; and

(8) Establish the required number of hours, types of courses, and method of proving compliance for biennial continuing education for all certificate holders.

(b) The certificates and accreditations issued pursuant to this section must be renewed and may be retired and reactivated pursuant to procedures established by the board. A person holding a certificate issued pursuant to this section may be disciplined for the same causes and under the same procedures as contained in § 63-6-214 for the board of medical examiners and § 63-9-111 for the board of osteopathic examination.

(c) The standards established by the board pursuant to subsection (a) must be at least as stringent as any mandatory federal standards.

(d)

(1) A person shall not perform an X-ray procedure in a physician's office without being licensed as a physician or certified by the board pursuant to this section.

(2) Notwithstanding subdivision (d)(1):

(A) A person who has enrolled in a board-recognized radiologic training program is exempt from the certification requirements of this section only as to X-ray procedures performed within or under the auspices of the program in which the person is enrolled;

(B) A person who has successfully completed a board-recognized training program is exempt from the certification requirements of this section while awaiting the first opportunity to sit for the certification examination, but only for a period not to exceed six (6) months after the date of completion of the program; and

(C) A person who has taken the certification examination is exempt from the certification requirements of this section while awaiting the scores of the certification examination, but only for a period not to exceed seventy-five (75) days after the date of the examination.

(e) A person who holds a certificate issued pursuant to this section shall not perform X-ray procedures without:

(1) An order from a physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title; and

(2) A physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title exercising full supervision, responsibility, and control over the services being provided. The board is authorized to establish by rule the level of supervision required of physicians utilizing persons certified pursuant to this section.

(f) A person shall not operate a business in this state in which X-ray procedures contemplated by this section are performed if the business is not owned by a physician, group of physicians, medical professional corporation, limited liability medical professional company, or an entity or facility licensed by the health facilities commission.

(g) As used in this section, "physician's office" means anywhere the practice of medicine as defined in § 63-6-204, or the practice of osteopathic medicine as defined in § 63-9-106, which includes the performance of X-ray procedures contemplated by this section, is being conducted, except where that practice is conducted in or under the auspices of a facility or entity licensed by the health facilities commission.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 13, 2023



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 28<sup>th</sup> day of April 2023



BILL LEE, GOVERNOR