

**RADIOLOGY TECHNOLOGIST AND RADIOLOGY
PRACTICAL TECHNICIAN LICENSING ACT**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends the Occupations and Professions Code related to Radiology Technologist and Radiology Practical Technician Licensing Act.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

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47 **58-54-305**, (Renumbered from 58-54-6, as repealed and reenacted by Laws of Utah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51 **58-54-401**, (Renumbered from 58-54-7, as repealed and reenacted by Laws of Utah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) "General supervision" means the supervising radiologist is available to provide
70 immediate communication with the supervised person and is aware of the procedure before it is
71 performed.

72 (3) "Indirect supervision" means the supervising radiologist:

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

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

75 and

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

78 [~~(2)~~] (4) "Practice of radiologic technology" means using radiation from a radioactive
79 substance, radiology equipment, or any other source, in amounts beyond normal background
80 levels, for diagnostic or therapeutic purposes on humans.

81 (5) "Practice of radiologist assistant" means the performance of non-invasive and
82 minimally invasive radiological procedures:

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

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

85 [~~(7)~~ "~~Radiology~~] (6) "Radiologic technologist" means a person licensed under this

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

92 [~~(3)~~] (7) "Radiologist" means a physician certified by the American Board of
 93 Radiology, the American Osteopathic Board of Radiology, the British Royal College of
 94 Radiology, or the Canadian College of Physicians and Surgeons.

95 (8) "Radiologist assistant" means a person licensed under this chapter to engage in the
 96 practice of a radiologist assistant.

97 [~~(4)~~] (9) "Radiology equipment" means any medical radiation device that emits
 98 ionizing or nonionizing radiation or detects that radiation for the purpose or intended purpose
 99 of:

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

102 [~~(5)~~] (10) "Radiology practical technician" means a person licensed under this chapter
 103 to engage in a practice of radiologic technology performing limited diagnostic radiology
 104 procedures:

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

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

113 [~~(8)~~] (12) "Unlawful conduct" is as defined in [~~Section~~] Sections 58-1-501 [~~includes:~~]

114 and 58-54-501.

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

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

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

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

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

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

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

124 ~~[(9)]~~ (13) "Unprofessional conduct" is as defined in [Section] Sections 58-1-501 and
125 58-54-501 and as may be further defined by administrative rule [includes:] adopted by the
126 division.

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

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

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

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

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

141 ~~[(f) willfully and intentionally or negligently making any false statement or entry on~~

142 any patient record or upon any record used to facilitate payment for radiology services.]

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

145 **Part 2. Board**

146 ~~[58-54-3].~~ **58-54-201. Board created -- Membership -- Duties.**

147 (1) There is created a [~~Radiology~~] Radiologic Technologist Licensing Board consisting
148 of [~~seven~~] nine members as follows:

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

150 (b) one licensed radiology practical technician;

151 (c) one licensed radiologist assistant;

152 [~~(c)~~] (d) [~~one radiologist~~] two radiologists; [~~and~~]

153 (e) one physician licensed under this title who is not a radiologist, and who uses
154 radiologic services in the physician's practice; and

155 [~~(d)~~] (f) one member from the general public.

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

157 (3) The duties and responsibilities of the board shall be in accordance with Sections
158 58-1-202 and 58-1-203.

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

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

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

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

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

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

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

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

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

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

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

187 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
188 appointed for the unexpired term.

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

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

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

193 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
194 63A-3-107.

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

197 (a) to advise the board with respect to the board's fulfillment of its duties, functions,

198 and responsibilities under Sections 58-1-202 and 58-1-203; and

199 (b) to advise the division with respect to the examination the division is to adopt by
200 rule, by which a radiology practical technician may qualify for licensure under Section
201 ~~[58-54-5]~~ 58-54-302.

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

204 **Part 3. Licensing**

205 ~~[58-54-4]~~. **58-54-301. License required.**

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

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

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

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

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

218 ~~[58-54-5]~~. **58-54-302. Requirements for licensure.**

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

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

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

224 (c) be of good moral character.

225 (2) Each applicant for licensure as a ~~[radiology]~~ radiologic technologist shall, in

226 addition to the requirements of Subsection (1):

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

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

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

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

240 (a) in Salt Lake City; and

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

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

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

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

246 (iii) be certified as:

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

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

249 Practitioner Assistants.

250 (b) An individual who meets the requirements of Subsections (5)(a)(i) and (iii), but not
251 Subsection (5)(a)(ii), may be licensed as a radiology assistant under this chapter until May 31,
252 2013, at which time, the individual must have completed the Bachelor of Science degree in
253 order to retain the license of radiology assistant.

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

256 ~~[58-54-8]~~. **58-54-303. Supervision and prescription required.**

257 The practice of radiologic technology by a [~~radiology~~] radiologic technologist licensed
258 under this chapter shall be under the general supervision of a radiologist or radiology
259 practitioner and may be performed only upon the order of a radiologist or radiology practitioner
260 acting within the scope of [~~his~~] the radiologist's or radiology practitioner's license and
261 experience within the scope of practice of a radiology practitioner.

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

263 **58-54-304. Scope of practice for radiologist assistant.**

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

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

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

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

270 (d) obtaining informed consent from the patient as specified by a Delegation of
271 Services Agreement between the radiologic assistant and the supervising radiologist in
272 accordance with Subsection (2);

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

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

277 (g) performance of radiologic procedures under the indirect supervision of a
278 radiologist.

279 (2) The radiologist assistant and supervising radiologist shall enter into a Delegation of
280 Services Agreement identifying radiologic procedures to be performed by the radiologist
281 assistant and establishing a regular review process by the supervising radiologist for all work

282 performed by and records kept by the radiologist assistant. The Delegation of Services
 283 Agreement shall:

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

286 (b) be consistent with radiologist assistant practice guidelines developed by the
 287 American College of Radiology, as supplemented by recognized radiology organizations such
 288 as the American Society of Radiologic Technologists and the American Registry of Radiologic
 289 Technologists.

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

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

294 **[58-54-6]. 58-54-305. Term of license -- Expiration -- Renewal.**

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

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

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

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

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

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

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

312 ~~[58-54-4.3]~~. **58-54-306. Exemption from licensure.**

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

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

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

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

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

325 (2) the person:

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

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

330 (3) the person:

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

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

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

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

338 ~~[58-54-7]~~. 58-54-401. Grounds for denial of license -- Disciplinary
339 proceedings.

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

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

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

346 **58-54-501. Unlawful and unprofessional conduct.**

347 (1) "Unlawful conduct" includes:

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

350 (i) radiology practical technician;

351 (ii) radiologic technologist;

352 (iii) medical radiographer;

353 (iv) radiation therapist; or

354 (v) nuclear medicine technologist;

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

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

359 (2) "Unprofessional conduct" includes:

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

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

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

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

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

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

376 Section 12. **Effective date.**

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