

HOUSE BILL 1388

By Ragan

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

(a) As used in this section, unless the context otherwise requires:

(1) "Division" means the division of health related boards, created by § 68-1-101; and

(2) "Physician's office" means anywhere the practice of medicine, as defined in § 63-6-204, or the practice of osteopathy, as defined in § 63-9-106 where X-ray procedures are conducted, except where such practices are conducted in or under the auspices of a facility or entity licensed by the health facilities commission. "Physician's office" does not include the operation of a business in which X-ray procedures are performed that 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, which is prohibited.

(b) The division may promulgate rules to:

(1) Establish qualifications for the issuance of limited X-ray certifications to persons who practice in the areas of densitometry, chest, extremities, skull, sinus, and spine;

(2) Establish qualifications for the issuance of full X-ray certifications to persons who hold current and unrestricted national certifications from the American Registry of Radiologic Technologists or any other equivalent nationally recognized radiologic organization recognized by the division;

(3) Establish the minimum educational courses, curricula, hours, and standards that are required for the issuance of a limited certificate;

(4) Select one (1) or more examinations to be utilized as the division's limited certification examination and the prerequisites, if any, for admission to the examination. The division may contract directly with an examination service or select an intermediary between the division and an examination service to process applicants for the examination;

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

(6) Create a mechanism for the accreditation of educational courses that qualify persons for limited certification and that meet the requirements established by rule under subdivision (b)(3) and that establish the causes and standards that are grounds for withdrawal of the course accreditation and the mechanism for withdrawal;

(7) Establish application and certification fees, renewal, and late renewal fees, and fees for application, renewal, and late renewal of educational course accreditation; and

(8) Establish course requirements and a method for proving compliance with biennial continuing education requirements for certificate holders.

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

(d) The standards established by the division pursuant to subsection (b) must be at least as stringent as any requirements contained in federal law or regulations.

(e)

(1) A person shall not perform X-ray procedures in a physician's office without being licensed as a physician or certified by the division under this section.

(2) Persons who have enrolled in a radiologic training program approved by the division are exempt from the certification requirements of this section relating to X-ray procedures performed within or under the auspices of the program in which they are enrolled.

(3) Persons who have successfully completed a training program approved by the division are exempt from the certification requirements of this section while awaiting the first opportunity to sit for the certification examination; however, the duration of the exemption must not exceed six (6) months.

(4) Persons who have taken the certification examination are exempt from the requirements of this section while awaiting the scores of their

certification examination; however, the duration of the exemption must not exceed seventy-five (75) days.

(f)

(1) A person certified under this section shall not perform X-ray procedures without:

(A) An order from a physician licensed under this chapter or an osteopathic physician licensed under chapter 9 of this title; and

(B) A physician licensed under this chapter or an osteopathic physician licensed under chapter 9 of this title exercising full supervision, responsibility, and control over the X-ray procedures being performed.

(2) The division may promulgate rules to establish the levels of supervision required of physicians utilizing persons certified under subdivision (f)(1)(B).

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

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