AN ACT

To amend chapter 334, RSMo, by adding thereto eight new sections relating to health care.

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

Section A. Chapter 334, RSMo, is amended by adding thereto eight new sections, to be known as sections 334.1100, 334.1105, 334.1110, 334.1112, 334.1115, 334.1120, 334.1125, and 334.1130, to read as follows:

334.1100. As used in sections 334.1100 and 334.1130, the following terms mean:

1. "Advisory committee", the Missouri radiologic imaging and radiation therapy advisory committee;
2. "Board", the state board of registration for the healing arts;
3. "Certification organization", an organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, the American National Standards Institute, the International Organization for Standardization, or other accreditation organizations recognized by the board;
4. "Department", the department of commerce and insurance;
5. "Ionizing radiation", radiation that may consist of alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions. "Ionizing radiation" does not include nonionizing radiation, such as radio ...
frequency or microwaves, visible infrared or ultraviolet
light, or ultrasound;

(6) "Licensed practitioner", a person licensed to
practice medicine, chiropractic, podiatry, or dentistry in
this state with education and specialist training in the
medical or dental use of radiation who is deemed competent
to independently perform or supervise radiologic imaging or
radiation therapy procedures by his or her respective state
licensure board;

(7) "Limited x-ray machine operator", a person who is
licensed to perform only x-ray procedures not involving the
administration or utilization of contrast media on selected
specific parts of human anatomy under the supervision of a
licensed practitioner;

(8) "Nuclear medicine advanced associate", a person
who is licensed to perform the duties of a nuclear medicine
and molecular imaging physician extender working under the
supervision of a licensed physician, and who is an
authorized user of radioactive materials to perform a
variety of expanded activities and enhance patient care in
the diagnostic imaging and radiotherapy environments;

(9) "Nuclear medicine technologist", a person who is
licensed to perform a variety of nuclear medicine and
molecular imaging procedures using sealed and unsealed
radiation sources, ionizing radiation, adjunctive medicine
and pharmaceuticals associated with nuclear medicine
procedures, and therapeutic procedures using unsealed
radioactive sources;

(10) "Radiation therapist", a person who is licensed
to administer ionizing radiation to human beings for
therapeutic purposes;
(11) "Radiation therapy", the use of ionizing radiation for the purpose of treating disease;

(12) "Radiographer", a person who is licensed to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images;

(13) "Radiologic imaging", any procedure or article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings including, but not limited to, computed tomography, fluoroscopy, nuclear medicine, radiography, and other procedures using ionizing radiation;

(14) "Radiologist", a physician licensed in this state and certified by or board-eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty;

(15) "Radiologist assistant", a person who is licensed to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging, or interventional procedures guided by radiologic imaging, and who does not interpret images, render diagnoses, or prescribe medications or therapies.

334.1105. 1. Except as provided in this section, after January 1, 2022, only a person licensed under the provisions of sections 334.1100 to 334.1130 or a licensed practitioner may perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.
2. The department shall issue licenses to persons certified by a certification organization to perform nuclear medicine technology, radiation therapy, radiography, and radiologist assistant procedures and to limited x-ray machine operators meeting licensure standards established by the department.

3. No person, corporation, or facility shall knowingly employ a person who does not hold a license or who is not exempt from the provisions of sections 334.1100 to 334.1130 to perform radiologic imaging or radiation therapy procedures for more than one hundred eighty days.

4. Nothing in this section relating to radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

5. The provisions of section 334.1100 to 334.1130 shall not apply to the following:

   (1) A dental hygienist or dental assistant licensed by this state;

   (2) A physician, chiropractor, podiatrist, or dentist;

   (3) A student enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant license;

   (4) A person who is employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment;

   (5) A person performing radiologic imaging procedures on nonhuman subjects or cadavers; or
(6) A nurse licensed under chapter 335, while practicing within the scope of practice of such chapter and only performing diagnostic plainfilm radiography.

6. (1) The provisions of sections 334.1100 to 334.1130 shall not apply to an advanced practice registered nurse only using fluoroscopy in the operating room, ambulatory surgery centers, pain clinics, and any other non-hospital site; however, an approved online fluoroscopy training course is required annually for persons using fluoroscopy in such settings.

(2) Notwithstanding subdivision (1) of this subsection, persons using fluoroscopy in interventional radiology and cardiology shall be licensed as provided under sections 334.1100 to 334.1130.

334.1110. 1. There is hereby created the "Missouri Radiologic Imaging and Radiation Therapy Advisory Committee". The department shall provide administrative support to the advisory committee. The advisory committee shall guide, advise, and make recommendations to the department and shall consist of a minimum of twelve members who shall be composed of no less than the following:

(1) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;

(2) A physician appointed by the Missouri State Medical Association;

(3) A pain management physician appointed by the Missouri Society of Anesthesiologists;

(4) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;
(5) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;

(6) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;

(7) A physician appointed by the Missouri Academy of Family Physicians;

(8) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;

(9) A physician appointed by the Missouri Radiological Society;

(10) The director of the Missouri state board of registration for the healing arts, or his or her designee;

(11) The director of the Missouri state board of nursing, or his or her designee; and

(12) The director of the department of health and senior services, or his or her designee.

2. The department, based on recommendations, guidance, and advice from the advisory committee, shall:

(1) Establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, nuclear medicine advanced associates, radiation therapists, radiographers, and radiologist assistants;

(2) Promulgate rules for issuance of licenses;

(3) Establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states;

(4) Establish minimum requirements for continuing education, including radiation safety;

(5) Determine fees and requirements for the issuance of new licenses and renewal of licenses;
(6) Contract to use a competency-based examination that shall provide for a virtually administered option for the determination of limited x-ray machine operator qualifications for licensure;

(7) Promulgate rules for acceptance of certification and registration by a certification organization recognized by the department as qualification for licensure;

(8) Promulgate rules for issuance of licenses to retired military personnel and spouses of active-duty military personnel;

(9) Establish ethical, moral, and practice standards; and

(10) Promulgate rules and procedures for the denial or refusal to renew a license, and the suspension, revocation, or other discipline of active licensees.

3. The department shall create alternative licensure requirements for individuals working in rural health clinics as defined in Pub. L. 95-210 and for areas of this state that the department deems too remote to contain a sufficient number of qualified persons licensed under sections 334.1100 to 334.1130 to perform radiologic imaging or radiation therapy procedures. The alternative licensure requirements in this section shall not be more strict than the licensure provisions contained in sections 334.1100 to 334.1130. Nothing in this subsection shall limit access to healthcare in rural communities.

4. All fees payable pursuant to the provisions of sections 334.1100 to 334.1130 shall be collected by the division of professional registration, which shall transmit such funds to the department of revenue for deposit in the state treasury to the credit of the Missouri radiologic imaging and radiation therapy fund established under section
334.1112. The division of professional registration and the board of registration for the healing arts may use these funds as necessary for the administration of sections 334.1100 to 334.1130.

5. The fee charged for a limited x-ray machine operator examination shall not exceed the actual cost to administer the examination.

334.1112. There is hereby created in the state treasury the "Missouri Radiologic Imaging and Radiation Therapy Fund", which shall consist of moneys collected under sections 334.1100 to 334.1130. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 334.1100 to 334.1130. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

334.1115. 1. To be eligible for licensure by the department, at the time of application, an applicant shall be at least eighteen years of age.

2. The department shall accept nuclear medicine technology, nuclear medicine advanced associate, radiation therapy, radiography, or radiologist assistant certification and registration by a certification organization recognized by the department as a qualification for licensure.
3. The department may issue limited x-ray machine operator licenses in the following areas:

   (1) Chest radiography: radiography of the thorax, heart, and lungs;
   (2) Extremity radiography: radiography of the upper and lower extremities, including the pectoral girdle;
   (3) Spine radiography: radiography of the vertebral column;
   (4) Skull/sinus radiography: radiography of the skull and facial structures;
   (5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the knee;
   (6) Bone densitometry: performance and analysis of bone density scans; or
   (7) Other areas the department deems necessary to ensure necessary services throughout the state.

4. The department may require a limited x-ray machine operator to verify training in x-ray procedures at their place of employment, including a minimum of twelve hours education in radiologic technology with six hours being in radiation protection. All education may be provided in a virtual environment. The hours shall be sufficient for individuals to be licensed in any limited machine operator area for which they pass an examination. The hours shall be documented by the licensee and verified by the licensee's supervisor either in person, through electronic communication, or telehealth practices.

5. Individuals shall be licensed in any limited machine operator area for which they successfully pass an examination as defined by the department.

6. The department shall not require, but may recommend, any advance class work, either remote or in
person, prior to a limited x-ray machine operator candidate
taking such examination.

7. No additional testing requirements or other
stipulations shall be imposed after the initial examination
for limited x-ray machine operator licensure, provided that
the licensee maintain required continuing education and is
not disciplined under rules promulgated under subdivision
(10) of subsection 2 of section 334.1110.

8. The department shall require limited x-ray machine
operators to complete a minimum of twelve hours biannually
of continuing education that may be fulfilled by approved
continuing education activities at the licensee's place of
employment.

9. The department may accept certification from the
American Chiropractic Registry of Radiologic Technologists
for persons applying for a limited x-ray machine operator
license in spine radiography.

10. The department may accept certification from the
American Society of Podiatric Medical Assistants for persons
applying for a limited x-ray machine operator license in
podiatric radiography.

11. The department may accept certification from the
International Society of Clinical Densitometry for persons
applying for a limited x-ray machine operator license in
bone densitometry.

334.1120. The department, in consultation with the
advisory committee, shall establish guidelines for
disciplinary action for violations of sections 334.1100 to
334.1130.

334.1125. A person who has been engaged in the
practice of radiologic imaging or radiation therapy, other
than a radiologist assistant, and who does not hold a
current certification and registration by a certification
organization recognized by the department may continue to
practice in the radiologic imaging or radiation therapy
modality in which they are currently employed, provided that
such person:
   (1) Registers with the department on or before January
       1, 2023;
   (2) Does not change the scope of their current
       practice or current place of employment;
   (3) Completes all continuing education requirements
       for their modality biennially as prescribed by the
department;
   (4) Practices only under the supervision of a licensed
       practitioner, either in person or virtually through approved
       telehealth practices; and
   (5) Meets all licensure requirements of sections
       334.1100 to 334.1130 and the rules adopted by the department
       and obtains a license from the department on or before
       October 1, 2025.

334.1130. The department may promulgate rules to
implement the provisions of sections 334.1100 to 334.1130.
Any rule or portion of a rule, as that term is defined in
section 536.010, that is created under the authority
delegated in this section shall become effective only if it
complies with and is subject to all of the provisions of
chapter 536 and, if applicable, section 536.028. This
section and chapter 536 are nonseverable, and if any of the
powers vested with the general assembly pursuant to chapter
536 to review, to delay the effective date, or to disapprove
and annul a rule are subsequently held unconstitutional,
then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.