

SENATE BILL NO. 624

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

2742S.011

ADRIANE D. CROUSE, Secretary

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
2 eight new sections, to be known as sections 334.1100, 334.1105,
3 334.1110, 334.1112, 334.1115, 334.1120, 334.1125, and 334.1130,
4 to read as follows:

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

3 (1) "Advisory committee", the Missouri radiologic
4 imaging and radiation therapy advisory committee;

5 (2) "Board", the state board of registration for the
6 healing arts;

7 (3) "Certification organization", an organization that
8 specializes in the certification and registration of
9 radiologic imaging or radiation therapy technical personnel
10 that is accredited by the National Commission for Certifying
11 Agencies, the American National Standards Institute, the
12 International Organization for Standardization, or other
13 accreditation organizations recognized by the board;

14 (4) "Department", the department of commerce and
15 insurance;

16 (5) "Ionizing radiation", radiation that may consist
17 of alpha particles, beta particles, gamma rays, x-rays,
18 neutrons, high-speed electrons, high-speed protons, or other
19 particles capable of producing ions. "Ionizing radiation"
20 does not include nonionizing radiation, such as radio

21 frequency or microwaves, visible infrared or ultraviolet
22 light, or ultrasound;

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

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

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

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

49 (10) "Radiation therapist", a person who is licensed
50 to administer ionizing radiation to human beings for
51 therapeutic purposes;

52 (11) "Radiation therapy", the use of ionizing
53 radiation for the purpose of treating disease;

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

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

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

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

 334.1105. 1. Except as provided in this section,
2 after January 1, 2022, only a person licensed under the
3 provisions of sections 334.1100 to 334.1130 or a licensed
4 practitioner may perform radiologic imaging or radiation
5 therapy procedures on humans for diagnostic or therapeutic
6 purposes.

7 2. The department shall issue licenses to persons
8 certified by a certification organization to perform nuclear
9 medicine technology, radiation therapy, radiography, and
10 radiologist assistant procedures and to limited x-ray
11 machine operators meeting licensure standards established by
12 the department.

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

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

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

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

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

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

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

36 (5) A person performing radiologic imaging procedures
37 on nonhuman subjects or cadavers; or

38 (6) A nurse licensed under chapter 335, while
39 practicing within the scope of practice of such chapter and
40 only performing diagnostic plainfilm radiography.

41 6. (1) The provisions of sections 334.1100 to
42 334.1130 shall not apply to an advanced practice registered
43 nurse only using fluoroscopy in the operating room,
44 ambulatory surgery centers, pain clinics, and any other non-
45 hospital site; however, an approved online fluoroscopy
46 training course is required annually for persons using
47 fluoroscopy in such settings.

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

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

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

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

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

15 (4) A radiologic technologist appointed by the
16 Missouri Society of Radiologic Technologists;

17 (5) A nuclear medicine technologist appointed by the
18 Missouri Valley Chapter of the Society of Nuclear Medicine
19 and Molecular Imaging;

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

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

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

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

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

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

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

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

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

41 (2) Promulgate rules for issuance of licenses;

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

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

46 (5) Determine fees and requirements for the issuance
47 of new licenses and renewal of licenses;

48 (6) Contract to use a competency-based examination
49 that shall provide for a virtually administered option for
50 the determination of limited x-ray machine operator
51 qualifications for licensure;

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

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

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

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

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

74 4. All fees payable pursuant to the provisions of
75 sections 334.1100 to 334.1130 shall be collected by the
76 division of professional registration, which shall transmit
77 such funds to the department of revenue for deposit in the
78 state treasury to the credit of the Missouri radiologic
79 imaging and radiation therapy fund established under section

80 334.1112. The division of professional registration and the
81 board of registration for the healing arts may use these
82 funds as necessary for the administration of sections
83 334.1100 to 334.1130.

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

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

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

4 2. The department shall accept nuclear medicine
5 technology, nuclear medicine advanced associate, radiation
6 therapy, radiography, or radiologist assistant certification
7 and registration by a certification organization recognized
8 by the department as a qualification for licensure.

9 3. The department may issue limited x-ray machine
10 operator licenses in the following areas:

11 (1) Chest radiography: radiography of the thorax,
12 heart, and lungs;

13 (2) Extremity radiography: radiography of the upper
14 and lower extremities, including the pectoral girdle;

15 (3) Spine radiography: radiography of the vertebral
16 column;

17 (4) Skull/sinus radiography: radiography of the skull
18 and facial structures;

19 (5) Podiatric radiography: radiography of the foot,
20 ankle, and lower leg below the knee;

21 (6) Bone densitometry: performance and analysis of
22 bone density scans; or

23 (7) Other areas the department deems necessary to
24 ensure necessary services throughout the state.

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

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

39 6. The department shall not require, but may
40 recommend, any advance class work, either remote or in

41 person, prior to a limited x-ray machine operator candidate
42 taking such examination.

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

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

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

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

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

334.1120. The department, in consultation with the
2 advisory committee, shall establish guidelines for
3 disciplinary action for violations of sections 334.1100 to
4 334.1130.

334.1125. A person who has been engaged in the
2 practice of radiologic imaging or radiation therapy, other
3 than a radiologist assistant, and who does not hold a

4 current certification and registration by a certification
5 organization recognized by the department may continue to
6 practice in the radiologic imaging or radiation therapy
7 modality in which they are currently employed, provided that
8 such person:

9 (1) Registers with the department on or before January
10 1, 2023;

11 (2) Does not change the scope of their current
12 practice or current place of employment;

13 (3) Completes all continuing education requirements
14 for their modality biennially as prescribed by the
15 department;

16 (4) Practices only under the supervision of a licensed
17 practitioner, either in person or virtually through approved
18 telehealth practices; and

19 (5) Meets all licensure requirements of sections
20 334.1100 to 334.1130 and the rules adopted by the department
21 and obtains a license from the department on or before
22 October 1, 2025.

334.1130. The department may promulgate rules to
2 implement the provisions of sections 334.1100 to 334.1130.
3 Any rule or portion of a rule, as that term is defined in
4 section 536.010, that is created under the authority
5 delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of
7 chapter 536 and, if applicable, section 536.028. This
8 section and chapter 536 are nonseverable, and if any of the
9 powers vested with the general assembly pursuant to chapter
10 536 to review, to delay the effective date, or to disapprove
11 and annul a rule are subsequently held unconstitutional,

12 then the grant of rulemaking authority and any rule proposed
13 or adopted after August 28, 2021, shall be invalid and void.

✓