

**ASSEMBLY BILL**

**No. 3097**

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**Introduced by Assembly Member Chen**

February 16, 2024

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An act to add Chapter 8.5 (commencing with Section 3800) to Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3097, as introduced, Chen. Radiologist assistants.

Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law, the Radiologic Technology Act, prohibits a person from administering or using diagnostic or therapeutic x-rays on human beings in this state, unless that person has been certified or granted a permit by the State Department of Public Health, as specified, is acting within the scope of that certification or permit, and is acting under the supervision of a healing arts licensee.

This bill would establish the Radiologist Assistant Practice Act, to be administered by the Radiologist Assistant Committee, which this bill would create within the Medical Board of California. The bill would establish the duties of the committee, including considering the qualifications of individuals who apply for registration under the act and granting registration, and would impose related duties on the Medical Board of California, including establishing reasonable fees for registration and registration renewal, to be deposited in the Radiologist Assistant Fund, which would be established by the bill. The bill would require money in the fund to be available upon appropriation by the Legislature to implement and administer the provisions of the act. The

bill would establish requirements for registration as a radiologist assistant, including passing an examination, maintaining registration with specified national organizations, and possessing and maintaining a certification or permit under the Radiologic Technology Act, as specified. The bill would prescribe requirements for supervision of a radiologist assistant by a radiologist, would prohibit a radiologist assistant from performing specified acts, and would make a violation of the act's provisions a misdemeanor, and, under specified circumstances, subject to a specified civil penalty. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The radiologist assistant is an advanced-level radiographer
- 4 who has completed a nationally recognized radiologists assistant
- 5 educational program and successfully completed a nationally
- 6 recognized certification examination for radiologist assistants.
- 7 (b) Radiologist assistants are an extension of a radiologist and
- 8 work under the supervision of a radiologist, as part of a
- 9 radiologist-led team, performing medical imaging procedures
- 10 within the scope of practice that the radiologist assistant is
- 11 educationally prepared, clinically competent, and delegated by a
- 12 radiologist to perform.
- 13 (c) Radiologist assistants do not hold the responsibility of
- 14 diagnosing illnesses; however, radiologist assistants assist a
- 15 radiologist by completing patient history, describing procedures,
- 16 performing medical imaging procedures, and communicating initial
- 17 clinical and imaging observations or procedure details only to the
- 18 supervising radiologist for the radiologist's use.

(d) Radiologist assistants work in hospitals, outpatient facilities, or diagnostic imaging centers. Radiologist assistants work only under the supervision and delegation of a radiologist.

SEC. 2. Chapter 8.5 (commencing with Section 3800) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 8.5. RADIOLOGIST ASSISTANT PRACTICE ACT

Article 1. General Provisions

3800. This chapter shall be known and cited as the Radiologist Assistant Practice Act.

3801. This chapter does not apply to any of the following:

(a) A radiologist assistant trainee or a student enrolled in a radiologist assistant approved educational program.

(b) A radiologist assistant employed in the service of the federal government while performing duties incident to that employment.

(c) A health care professional, technician, or other assistant or employee of a physician and surgeon who performs delegated tasks in the office of a physician and surgeon, but who does not render services as a radiologist assistant or profess to be a radiologist assistant.

3802. This chapter grants a supervising radiologist or radiologist designee the authority to delegate, as the radiologist determines is appropriate, those tasks or services the radiologist typically performs and is qualified to perform.

3803. This chapter does not grant authority to a radiologist assistant to function independently of a radiologist's supervision.

3804. (a) "Approved educational program" means an educational program for radiologist assistants approved by the committee.

(b) "Board" means the Medical Board of California.

(c) "Committee" means the Radiologist Assistant Committee established by this chapter.

(d) "Interpret" means to identify and classify a medical image pattern that results in the creation of a final diagnosis and final report.

(e) "Radiologist assistant" means an individual who meets the qualifications of, and is registered under, this chapter.

(f) “Radiologist designee” means a physician and surgeon who works, or is trained, in the same practice area as the practice area of the supervising radiologist and to whom responsibility for the supervision of a radiologist assistant is temporarily designated when the supervising radiologist is unavailable.

(g) “Supervising radiologist” means a physician and surgeon licensed by the board and certified by the American Board of Radiology who supervises, and is responsible for, a radiologist assistant.

(h) “Supervision” means overseeing the activities of and accepting responsibility for, the medical services rendered or performed by a radiologist assistant. The term includes the use of protocols, guidelines, levels of supervision, and standing orders developed or approved by the supervising radiologist.

(i) “Trainee” means an individual who is currently enrolled in an approved radiologist assistant program.

## Article 2. Administration

3811. There is established a Radiologist Assistant Committee within the Medical Board of California. The committee shall consist of five members appointed by the Governor for three-year terms as follows:

(a) Three radiologist assistants who are residents of the state, have at least two years of experience as radiologist assistants, and are registered or meet the requirements for registration under this chapter.

(b) One radiologist licensed in this state who supervises the practice of radiologist assistants.

(c) One public member who is not associated with radiologist assistants in any way other than as a consumer.

3812. A radiologist assistant appointed to the committee is required to continue to practice as a radiologist assistant while serving as a member of the committee. A member of the committee may be removed by the Governor for misconduct, neglect of duty, or incompetence.

3813. The initial terms of appointment of the members of the committee shall be as follows:

(a) One radiologist assistant for a one-year term.

(b) One radiologist assistant for a two-year term.

1 (c) One radiologist assistant for a three-year term.

2 (d) One radiologist for a two-year term.

3 (e) One public member for a three-year term.

4 3814. (a) The committee shall have regular meetings, called  
5 upon the request of the president of the board or by a majority of  
6 the members appointed to the committee, and upon the advice and  
7 consent of the executive director of the board for the transaction  
8 of business that comes before the committee under this chapter.

9 (b) At the first committee meeting of each calendar year, the  
10 committee shall elect a chief and any other officer considered  
11 necessary by the committee by an affirmative vote of a majority  
12 of the members appointed to the committee.

13 3815. Three members of the committee constitute a quorum.  
14 An affirmative vote of a majority of the members appointed to the  
15 committee is required for the committee to take action on any  
16 business.

17 3816. It shall be the duty of the committee to do all of the  
18 following:

19 (a) Consider the qualifications of individuals who apply for an  
20 initial registration under this chapter.

21 (b) Approve or reject registration applications and registration  
22 renewal applications.

23 (c) Propose rules to the board concerning the competent practice  
24 of radiologist assistants and the administration of this chapter.

25 (d) Recommend to the board the amounts of fees required under  
26 this chapter.

27 3817. After considering the committee's proposed rules, the  
28 board shall adopt rules establishing standards for the following:

29 (a) The competent practice of radiologist assistants.

30 (b) The renewal of registrations issued under this chapter.

31 (c) Standards for the administration of this chapter.

32 3818. After considering the committee's recommendations for  
33 fees, the board shall establish reasonable fees to be imposed to  
34 administer the provisions of this chapter.

35 3819. Each member of the committee shall receive a per diem  
36 and expenses as provided in Section 103.

## Article 3. Registration

3821. An individual shall be registered by the committee before the individual engages in practice as a radiologist assistant. The committee shall grant registration as a radiologist assistant to an applicant who meets all of the following requirements:

(a) Submits an application on forms approved by the committee.

(b) Pays the fee established by the board.

(c) Passed the radiologist assistant examination administered by the American Registry of Radiologic Technologists, the radiology practitioner assistant examination administered by the Certification Board for Radiology Practitioner Assistants, or another examination, approved by the committee, by a successor or comparable entity. The committee shall ensure the examination evaluates the knowledge and skills necessary to ensure the protection of the public.

(d) Maintains current registration as a radiologist assistant with the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or a successor or comparable entity.

(e) Possesses and maintains a certification or permit granted pursuant to subdivision (b) or (c) of Section 114870, Section 114871, or Section 114885 of the Health and Safety Code.

(f) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

(g) Presents satisfactory evidence to the committee that the individual has not been engaged in an act that would constitute grounds for discipline or be the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a radiologist assistant without endangering the public.

3822. The committee may refuse to issue a registration to an individual if the individual has been disciplined by an administrative agency in another jurisdiction or has been convicted of a crime and the committee determines the act for which the individual was disciplined or convicted has a direct bearing on the individual's ability to practice competently as a radiologist assistant.

1     3823. (a) The committee may grant a temporary registration  
2 to an applicant who meets the qualifications for registration under  
3 this act, but is awaiting the next scheduled meeting of the  
4 committee for registration approval.

5     (b) A temporary registration is valid until the committee makes  
6 a final decision on the applicant's request for registration.

7     3824. (a) A registration issued by the committee expires two  
8 years following the date of issuance.

9     (b) An individual may renew a registration by paying a renewal  
10 fee on or before the expiration date of the registration.

11    (c) If an individual fails to pay a renewal fee on or before the  
12 expiration date of a registration, the registration becomes invalid  
13 and shall be returned to the committee.

14    3825. The committee shall reinstate an invalid registration up  
15 to three years after the expiration date of the registration if the  
16 individual holding the invalid registration meets the requirements  
17 under this chapter.

18    3826. (a) An individual who is registered under this chapter  
19 shall notify the committee in writing when the individual retires  
20 from practice.

21    (b) Upon receipt of the notice, the committee shall record the  
22 fact that the individual is retired and release the individual from  
23 further payment of renewal fees.

24    3827. If an individual surrenders a registration to the  
25 committee, the committee may reinstate the registration upon  
26 written request by the individual. The committee may impose  
27 conditions on the license that the committee deems are appropriate  
28 to the reinstatement. An individual may not surrender a registration  
29 without written approval by the committee if a disciplinary  
30 proceeding under this chapter is pending against the individual.

31    3828. (a) A radiologist assistant who notifies the committee  
32 in writing may elect to place the radiologist assistant's registration  
33 on inactive status.

34    (b) The renewal fee for an inactive registration is one-half of  
35 the renewal fee to maintain an active registration.

36    (c) If a radiologist assistant with an inactive registration elects  
37 to activate the registration, the radiologist assistant shall pay the  
38 renewal fee less any of the amount paid for the inactive registration.

39    (d) An individual who holds a registration under this chapter  
40 and who practices as a radiologist assistant while the individual's

1 registration has lapsed or if the individual's registration is on  
2 inactive status is considered to be practicing without a registration  
3 and is subject to discipline.

4 3829. Supervision by the supervising radiologist or the  
5 radiologist designee shall be continuous and the supervising  
6 radiologist or the radiologist designee shall be physically present  
7 in the radiologist assistant's practice site to render direction or  
8 assistance in the performance of a patient procedure. A supervising  
9 radiologist shall determine the level of supervision of a radiologist  
10 assistant performing a procedure based on a radiologist assistant's  
11 technical ability, the procedure, the patient's history and clinical  
12 presentation, and other relevant factors.

13 3830. A radiologist shall not supervise more than two  
14 radiologist assistants at the same time.

15 3831. It is the obligation of each supervising radiologist to  
16 ensure the following:

17 (a) That the radiologist assistant's scope of practice is identified.

18 (b) That delegation of medical tasks is appropriate to the  
19 radiologist assistant's level of competence and within the  
20 supervising radiologist's scope of practice.

21 (c) That the relationship of, and access to, the supervising  
22 radiologist is defined.

23 (d) That a process for evaluating the radiologist assistant's  
24 performance is established and maintained.

25 3832. (a) A supervising radiologist shall meet all of the  
26 following requirements:

27 (1) Be licensed as a physician and surgeon to practice medicine  
28 in the state.

29 (2) Register with the committee the radiologist's intent to  
30 supervise a radiologist assistant.

31 (3) Submit a statement to the committee that the radiologist  
32 shall exercise supervision over the radiologist assistant in  
33 accordance with rules adopted by the board and retain professional  
34 and legal responsibility for the care rendered by the radiologist  
35 assistant.

36 (4) Not have a disciplinary action restriction that limits the  
37 radiologist's ability to supervise a radiologist assistant.

38 (5) (A) Maintain a written agreement with the radiologist  
39 assistant that states the radiologist shall do both of the following:



1 (i) Exercise supervision over the radiologist assistant in  
2 accordance with any rules adopted by the board.

3 (ii) Retain responsibility for the care rendered by the radiologist  
4 assistant.

5 (B) The agreement shall be signed by the supervising radiologist  
6 and radiologist assistant, updated annually, and made available to  
7 the committee upon request.

8 (b) Except as provided in this section, the provisions of this  
9 chapter shall not be construed to limit the employment arrangement  
10 with a supervising radiologist under this chapter.

11 3833. (a) Before engaging in practice pursuant to this chapter,  
12 the supervising radiologist and the radiologist assistant shall  
13 submit, on forms approved by the board, the following information:

14 (1) The name, the business address, and the telephone number  
15 of the supervising radiologist.

16 (2) The name, the business address, and the telephone number  
17 of the radiologist assistant.

18 (3) A brief description of the setting in which the radiologist  
19 assistant will practice.

20 (4) Any other information required by the board.

21 (b) A radiologist assistant shall notify the committee of any  
22 changes or additions in practice sites or supervising radiologists  
23 not more than 30 days after the change or addition.

24 3834. If a radiologist assistant is employed by a radiologist, a  
25 group of radiologists, or another legal entity, the radiologist  
26 assistant shall be supervised by, and be the legal responsibility of,  
27 the supervising radiologist. The legal responsibility for the  
28 radiologist assistant's patient care activities are that of the  
29 supervising radiologist, including when the radiologist assistant  
30 provides care and treatment for patients in health care facilities.  
31 If a radiologist assistant is employed by a health care facility or  
32 other entity, the legal responsibility for the radiologist assistant's  
33 actions is that of the supervising radiologist. A radiologist assistant  
34 employed by a health care facility or entity shall be supervised by  
35 a licensed radiologist.

36 3835. (a) This section applies to a radiologist assistant  
37 registered in this state, registered or authorized to practice in any  
38 other state or territory of the United States, or credentialed as a  
39 radiologist assistant by a federal employer.

(b) As used in this section, “emergency” means an event or a condition that is an emergency, a disaster, or a public health emergency.

(c) A radiologist assistant who responds to a need for medical care created by an emergency may render care that the radiologist assistant is able to provide without the supervision required under this chapter, but with such supervision as is available.

(d) A radiologist who supervises a radiologist assistant providing medical care in response to an emergency is not required to meet the requirements under this chapter for a supervising radiologist.

#### Article 4. Prohibitions and Offenses

3840. An individual may not do any of the following unless the individual is registered as a radiologist assistant under this chapter.

(a) Profess to be a radiologist assistant.

(b) Use the title “radiologist assistant,” “certified radiologist assistant,” or “registered radiologist assistant.”

(c) Use the initials “R.A.,” “R.R.A.,” “R.P.A.,” or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a radiologist assistant registered under this chapter.

3841. A radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies. A radiologist assistant may administer prescribed drugs as directed by the supervising radiologist or radiologist designee. A radiologist assistant may communicate and document initial clinical and imaging observations or procedure details only to the radiologist for the radiologist’s use.

3842. A violation of this chapter is a misdemeanor. An individual who intentionally, or through gross negligence, violates this chapter shall also be subject to a civil penalty not to exceed five thousand dollars (\$5,000).

#### Article 5. Revenue

3851. The Radiologist Assistant Fund is hereby created in the State Treasury. All fees, penalties, and fines authorized by this chapter shall be deposited into the fund. All money in the fund

1 shall, upon appropriation by the Legislature, be used by the board  
2 to carry out the purposes of this chapter.

3 3852. Fees to be paid by radiologist assistants for registration  
4 and renewal of registration shall be set by the board in an amount  
5 sufficient to cover the reasonable and necessary costs of  
6 implementing and administering this chapter.

7 SEC. 3. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.