

1 HB369
2 215686-2
3 By Representative Lovvorn
4 RFD: Health
5 First Read: 16-FEB-22

SYNOPSIS: This bill would provide for the licensing and regulation by the State Radiation Control Agency of health care personnel performing medical imaging for diagnostic or therapeutic purposes.

A BILL
TO BE ENTITLED
AN ACT

Relating to health; to provide for the licensure and regulation by the State Radiation Control Agency of health care personnel performing medical imaging for diagnostic or therapeutic purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following words have the following meanings:

(1) ADVANCED DIAGNOSTIC IMAGING (ADI). The use of equipment for any of the following procedures:

- a. Computed Tomography (CT).
- b. Fluoroscopy.

1 c. Magnetic Resonance Imaging (MRI).
2 d. Nuclear Medicine.
3 e. Positron Emission Tomography (PET).
4 f. Other advanced imaging procedures as determined
5 by the agency.

6 (2) ADVISORY COMMITTEE. The Radiologic Imaging and
7 Radiation Therapy Advisory Committee.

8 (3) AGENCY. The State Radiation Control Agency.

9 (4) CERTIFICATION ORGANIZATION. A certification
10 organization or institution that specializes in the
11 certification and registration of radiologic imaging or
12 radiation therapy technical personnel that is accredited by
13 the National Commission for Certifying Agencies, American
14 National Standards Institute, the International Organization
15 for Standardization, or another organization that accredits
16 certification organizations recognized by the agency.

17 (5) IONIZING RADIATION. Gamma rays and Xrays; alpha
18 and beta particles, high-speed electrons, neutrons, protons,
19 and other nuclear particles; but not sound or radio waves or
20 visible, infrared, or ultraviolet light.

21 (6) NONCERTIFIED TECHNICIAN. A person who is
22 employed by a licensed physician, dentist, chiropractor,
23 podiatrist, or his or her private office or clinic, and is
24 registered to perform only radiography procedures not
25 involving the administration or utilization of contrast media
26 or advanced diagnostic imaging, and who is under the

1 supervision of a licensed physician, dentist, chiropractor, or
2 podiatrist.

3 (7) NUCLEAR MEDICINE. The performance of in vivo and
4 in vitro imaging measurements and the use of radioactive
5 substances or advanced diagnostic imaging for therapeutic or
6 research purposes.

7 (8) NUCLEAR MEDICINE TECHNOLOGIST. A person who has
8 completed education and training in the modality of nuclear
9 medicine, is licensed by the agency, and whose scope of
10 practice is limited to performing advanced diagnostic imaging
11 specific to his or her certification.

12 (9) PERSON. An individual natural person only.

13 (10) RADIATION THERAPIST. A person who has completed
14 education and training in the modality of radiation therapy,
15 is licensed by the agency, and whose scope of practice is
16 limited to performing advanced diagnostic imaging specific to
17 his or her certification.

18 (11) RADIATION THERAPY. The use of ionizing
19 radiation in the treatment of a medical condition.

20 (12) RADIOGRAPHER. A person who has completed
21 education and training in the modality of radiography, is
22 licensed by the agency, and whose scope of practice is limited
23 to performing advanced diagnostic imaging or radiography
24 specific to his or her certification.

25 (13) RADIOGRAPHY. The process of obtaining an image
26 using external ionizing radiation for diagnostic or
27 therapeutic purposes.

1 Section 2. (a) Except as otherwise provided in this
2 act, after January 1, 2023, it shall be unlawful for any
3 person or business to allow a person to perform radiography,
4 advanced diagnostic imaging, or radiation therapy, unless the
5 person is licensed by or registered with the agency in
6 accordance with this act and the rules adopted pursuant to
7 this act.

8 (b) The agency shall issue licenses to a person who
9 has completed the appropriate education and training
10 requirements and obtained a certification from a certification
11 organization to perform radiography, advanced diagnostic
12 imaging, or radiation therapy.

13 (c) Except as provided in Sections 3 and 5, no
14 person, corporation, or facility shall knowingly employ a
15 person who is not licensed by or registered with the agency
16 under this act to perform radiography, advanced diagnostic
17 imaging, or radiation therapy.

18 (d) The licensure and registration provisions of
19 this act shall not apply to any of the following:

20 (1) A physician licensed to practice in this state
21 who performs radiography, advanced diagnostic imaging, or
22 radiation therapy.

23 (2) A podiatrist licensed to practice in this state
24 who performs radiography.

25 (3) A chiropractor licensed to practice in this
26 state who performs radiography.

1 (4) A dentist, dental hygienist, or dental assistant
2 licensed in this state who performs radiography.

3 (5) A physician in a residency program or a student
4 enrolled in and attending a school or college of medicine or
5 osteopathy in this state who performs radiography, advanced
6 diagnostic imaging, or radiation therapy under the supervision
7 of a licensed physician.

8 (6) A dental student enrolled in and attending a
9 dental school in this state who performs radiography under the
10 supervision of a licensed dentist.

11 (7) A student enrolled in and attending a
12 radiography, radiation therapy, or nuclear medicine school or
13 program in this state under the supervision of a licensed
14 physician and a radiographer, radiation therapist, or nuclear
15 medicine technologist.

16 (8) A person employed by the United States
17 government performing radiography, advanced diagnostic
18 imaging, and radiation therapy when associated with that
19 employment.

20 (9) A person performing radiography, advanced
21 diagnostic imaging, and radiation therapy on nonhuman subjects
22 or cadavers.

23 Section 3. (a) Notwithstanding the provisions of
24 this act, a noncertified technician who performs radiography
25 may continue to do so under the supervision of a licensed
26 physician, dentist, chiropractor, or podiatrist, provided the
27 noncertified technician registers with the agency and meets

1 the requirements of this section. The agency shall not charge
2 a fee for this registration.

3 (b) A noncertified technician who only performs
4 radiography shall register with the agency and is subject to
5 all of the following requirements:

6 (1) The person shall be at least 18 years of age.

7 (2) The person shall complete continuing education
8 in radiologic procedures, techniques, and positioning, and in
9 radiation safety as determined by the agency.

10 (c) A noncertified technician may not be employed to
11 perform radiography as his or her primary duty or
12 responsibility.

13 Section 4. (a) The State Radiation Control Agency
14 shall establish and provide administrative support for a
15 Radiologic Imaging and Radiation Therapy Advisory Committee.
16 The advisory committee shall advise and make recommendations
17 to the agency. The advisory committee shall consist of the
18 following six members:

19 (1) Three persons licensed under this act appointed
20 by the Alabama Society for Radiologic Technologists.

21 (2) Three licensed physicians, consisting of one
22 radiologist and one radiation oncologist appointed by the
23 Alabama Academy of Radiology and one family physician
24 appointed by the Alabama Academy of Family Physicians.

25 (b) The appointing authorities shall coordinate his
26 or her appointments to reflect the racial, gender, and
27 geographic diversity of the state.

1 (c) The agency, based on advice and recommendations
2 from the advisory committee, shall do all of the following:

3 (1) Adopt rules for the issuance of licenses to
4 persons performing radiography, advanced diagnostic imaging,
5 and radiation therapy.

6 (2) Set fees and requirements for the issuance of
7 new licenses and renewal of licenses.

8 (3) Provide for the acceptance of certification and
9 registration by a certification organization recognized by the
10 board as qualification for licensure.

11 (4) Establish requirements for the recognition of
12 licenses issued by other states.

13 (5) Provide for the issuance of expedited licenses
14 to retired military personnel and spouses of active duty
15 military personnel.

16 (6) Provide for the denial, suspension, revocation,
17 or refusal to renew a license.

18 (d) The agency shall establish the scope of practice
19 for all persons licensed under this act based upon nationally
20 recognized standards of certification organizations.

21 Notwithstanding the foregoing, all persons licensed under this
22 act shall only perform procedures specific to his or her
23 certification; shall be prohibited from practicing medicine,
24 osteopathy, or radiology; and shall be prohibited from
25 ordering, interpreting, or rendering preliminary or final
26 diagnostic imaging, studies, or reports.

1 (e) Nothing in this act shall limit or enlarge the
2 scope of practice of any person exempted from licensure under
3 this act.

4 (f) The advisory committee shall comply with the
5 Alabama Open Meetings Act in connection with any meeting.
6 Notwithstanding the provisions of that act, the advisory
7 committee may conduct meetings by teleconference or other
8 electronic means.

9 (g) All fees payable pursuant to this act shall be
10 collected by the agency and shall be deposited in the State
11 Treasury to the credit of a fund to be known as the Radiologic
12 Imaging and Radiation Therapy Fund. Money in the fund may be
13 expended upon appropriation by the Legislature for the sole
14 purpose of carrying out this act. Any money in the fund at the
15 end of a fiscal year shall be carried over in the fund from
16 year-to-year and shall not revert to the State General Fund at
17 the end of the fiscal year.

18 Section 5. An assistant to a physician who practices
19 under an active supervisory agreement with a physician under
20 Section 34-24-303, Code of Alabama 1975; a certified
21 registered nurse practitioner or certified nurse midwife who
22 practices under an active collaborative agreement with a
23 physician under Section 34-21-90, Code of Alabama 1975; or a
24 certified registered nurse anesthetist who practices under the
25 direction of a physician pursuant to Section 34-21-81(4)(c),
26 Code of Alabama 1975; who has been engaged in the practice of
27 radiography or advanced diagnostic imaging on or before

1 December 31, 2022, and who does not hold a current
2 certification by a certification organization recognized by
3 the agency, may continue to practice radiography or advanced
4 diagnostic imaging in the modality in which the person is
5 currently employed, provided the person does all of the
6 following:

7 (1) On or before July 1, 2023, the person and his or
8 her supervising, collaborating, or directing physicians
9 register with the agency and attest that the person practiced
10 radiography or advanced diagnostic imaging prior to January 1,
11 2023, and that the person intends to continue this practice.

12 (2) The person does not change the scope of his or
13 her current practice.

14 (3) The person practices only in collaboration with,
15 or under the supervision or direction of, a physician licensed
16 by the Medical Licensure Commission.

17 (b) The agency shall not charge a fee for this
18 registration.

19 Section 6. The agency may assess a civil penalty for
20 the violation of this act or the violation of any rule adopted
21 by the agency. The proceeds of any civil penalty assessed
22 under this act shall be remitted to the credit of the
23 Radiologic Imaging and Radiation Therapy Fund.

24 Section 7. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.