

**Substitute for HOUSE BILL No. 2698**

By Committee on Health and Human Services

2-23

10 AN ACT providing for the regulation and licensing of radiologic tech-  
11 nologists ~~and x-ray operators, establishing a registry of x-ray operators;~~  
12 granting powers and duties of the state board of healing arts; estab-  
13 lishing a radiologic technology council and providing for the functions  
14 thereof; declaring unlawful acts and penalties.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. Sections 1 through 15 and amendments thereto shall be  
18 known and may be cited as the radiologic technologists practice act.

19 Sec. 2. As used in this act:

20 (a) “Board” means the state board of healing arts.

21 (b) “Ionizing radiation” means x-rays, gamma rays, alpha and beta  
22 particles, high speed electrons, protons, neutrons and other nuclear par-  
23 ticles capable of producing ions directly or indirectly in its passage  
24 through matter.

25 (c) “License” means a certificate issued by the board authorizing the  
26 licensee to perform radiologic technology procedures on humans for di-  
27 agnostic or therapeutic purposes.

28 (d) “Licensed practitioner” means a person licensed to practice med-  
29 icine and surgery, dentistry, podiatry or chiropractic in this state.

30 (e) “Licensure” and “licensing” mean a method of regulation by  
31 which the state grants permission to persons who meet predetermined  
32 qualifications to engage in a health related occupation or profession.

33 (f) ~~“X-ray operator” means a person who is not able to meet minimum~~  
34 ~~requirements for a license as a radiologic technologist pursuant to this~~  
35 ~~act and who is providing limited radiography under the supervision of a~~  
36 ~~licensed practitioner, a person designated by a hospital licensed pursuant~~  
37 ~~to K.S.A. 65-425 et seq., and amendments thereto, or a licensee under~~  
38 ~~this act and whose name is entered on the registry created herein pur-~~  
39 ~~suant to this act.~~

40 ~~(g)~~ “Nuclear medicine technologist” means a person who uses radio  
41 pharmaceutical agents on humans for diagnostic or therapeutic purposes.

42 ~~(h)~~ (g) “Nuclear medicine technology” means the use of radio nu-  
43 clides on human beings for diagnostic or therapeutic purposes.

1 ~~(h)~~ **(h)** “Radiation therapist” means a person who applies radiation to  
2 humans for therapeutic purposes.

3 ~~(i)~~ **(i)** “Radiation therapy” means the use of any radiation procedure  
4 or article intended for the cure, mitigation or prevention of disease in  
5 humans.

6 ~~(j)~~ **(j)** “Radiographer” means a person who applies radiation to hu-  
7 mans for diagnostic purposes.

8 ~~(k)~~ **(k)** “Radiography” means the use of ionizing radiation on human  
9 beings for diagnostic purposes.

10 ~~(l)~~ **(l)** “Radiologic technologist” means any person who is a radiog-  
11 rapher, radiation therapist or nuclear medicine technologist.

12 ~~(m)~~ **(m)** “Radiologic technology” means the use of radioactive sub-  
13 stance or equipment emitting or detecting ionizing radiation on humans  
14 for diagnostic or therapeutic purposes upon prescription of a licensed  
15 practitioner. The term includes the practice of radiography, nuclear med-  
16 icine technology and radiation therapy, but does not include echocardi-  
17 ography, diagnostic sonography and magnetic resonance imaging.

18 ~~(o) “Supervisor” means a licensed practitioner or an employee des-  
19 ignated by a hospital licensed pursuant to K.S.A. 65-425 et seq., and  
20 amendments thereto, providing supervision for a registered x-ray operator  
21 pursuant to this act.~~

22 **(n) This section shall take effect on and after July 1, 2005.**

23 Sec. 3. (a) On and after July 1, 2005, except as otherwise provided  
24 in this act, no person shall perform radiologic technology procedures on  
25 humans for diagnostic or therapeutic purposes unless the person pos-  
26 sesses a valid license issued under this act.

27 (b) A person holding a license under this act shall use radioactive  
28 substances or equipment for radiologic technology procedures on humans  
29 only for diagnostic or therapeutic purposes by prescription of a licensed  
30 practitioner.

31 (c) No person shall depict one’s self orally or in writing, expressly or  
32 by implication, as holder of a license who does not hold a current license  
33 under this act.

34 (d) (1) Only persons licensed under this act as a radiologic technol-  
35 ogist shall be entitled to use the title “radiologic technologist”, abbrevi-  
36 ations thereof, or words similar thereto or use the designated letters  
37 “R.T.” or “R.T. (R)”.

38 (2) Only persons licensed under this act as a radiologic technologist  
39 and who have received additional certification from the American registry  
40 of radiologic technologists (ARRT) or the nuclear medicine technology  
41 certification board (NMTCB) shall be entitled to use the title “radiation  
42 therapist” or “nuclear medicine technologist”, abbreviations thereof, or  
43 words similar thereto or use the designated letters “R.T. (N)” or “R.T.

1 (T)".

2 (3) This section shall not prohibit a person who is licensed as a res-  
3 piratory therapist by this state from using any letter or designation indi-  
4 cating that such person is engaged in the practice of respiratory therapy.

5 **(e) This section shall take effect on and after July 1, 2005.**

6 Sec. 4. The following shall be exempt from ~~the provisions of this act~~  
7 ~~and~~ the requirement of a license pursuant to this act:

8 (a) A licensed practitioner;

9 (b) ~~a resident physician or a student enrolled in an educational pro-~~  
10 ~~gram approved by the board while under the direct supervision of a li-~~  
11 ~~icensed practitioner, a person designated by a hospital licensed pursuant~~  
12 ~~to K.S.A. 65-425 et seq., and amendments thereto, or a licensed radiologic~~  
13 ~~technologist~~ **a person issued a postgraduate permit by the board or**  
14 **students while in actual attendance in an accredited health care**  
15 **educational program for radiography and under the supervision of**  
16 **a qualified instructor;**

17 (c) health care providers in the United States armed forces, public  
18 health services, federal facilities and other military service when acting in  
19 the line of duty in this state;

20 (d) persons rendering assistance in the case of an emergency;

21 (e) a licensed dental hygienist or an unlicensed person working under  
22 the supervision of a licensed dentist who has been trained by a licensed  
23 dentist on the proper use of dental radiographic equipment for the pur-  
24 pose of providing medical imaging for dental diagnostic purposes consis-  
25 tent with K.S.A. 65-1422 et seq., and amendments thereto; and

26 (f) a licensed physician assistant ~~or~~, a licensed nurse; **or an unli-**  
27 **icensed person performing radiography services who is (1) working**  
28 **under the supervision of a licensed practitioner; or a person designated**  
29 **by a hospital licensed pursuant to K.S.A. 65-425 et seq., and amend-**  
30 **ments thereto, and (2) who has been trained on the proper use of ra-**  
31 **diographic equipment for the purpose of performing radiography consis-**  
32 **tent with K.S.A. 65-2001, et seq., or K.S.A. 65-2801, et seq., and**  
33 **amendments thereto. The board may adopt such rules and regulations as**  
34 **are necessary to assure that persons exempted from licensure under this**  
35 **subsection receive continuing education consistent with their practice au-**  
36 **thorized herein.**

37 **(g) This section shall take effect on and after July 1, 2005.**

38 Sec. 5. An applicant for licensure as a radiologic technologist shall  
39 file an application, on forms provided by the board, showing to the sat-  
40 isfaction of the board that the applicant meets the following requirements:

41 (1) At the time of the application is at least 18 years of age;

42 (2) has successfully completed a four-year course of study in a sec-  
43 ondary school approved by the state board of education, passed an ap-

1 proved equivalency test or graduated from a secondary school outside  
2 Kansas having comparable approval by the state board of education;

3 (3) has satisfactorily completed a course of study in radiography  
4 which is approved by the board and which contains a curriculum no less  
5 stringent than the standards of existing organizations which approve ra-  
6 diologic technology programs;

7 (4) except as provided in section 6, and amendments thereto, has  
8 successfully passed a license examination approved by the board; and

9 (5) has paid all fees required for licensure prescribed in this act.

10 (b) The board may issue a temporary license to an applicant seeking  
11 licensure as a radiologic technologist when such applicant meets the  
12 requirements for licensure or meets all the requirements for licensure  
13 except examination and pays to the board the temporary license fee as  
14 required under section 12, and amendments thereto. Such temporary  
15 license shall expire 180 days from the date of issue or on the date that  
16 the board approves the application for licensure, whichever occurs first.  
17 No more than one such temporary license shall be permitted to any one  
18 person.

19 (c) The board may accept, in lieu of its own licensure examination, a  
20 current certificate by the American registry of radiologic technologists,  
21 nuclear medicine technologist certification board or other recognized na-  
22 tional voluntary credentialing bodies, which the board finds was issued  
23 on the basis of an examination which meets standards at least as stringent  
24 as those established by the board.

25 (d) The board may waive the examination; ~~or education or experience~~  
26 requirements and grant licensure to any applicant who presents proof of  
27 current licensure as a radiologic technologist in another state, the District  
28 of Columbia or territory of the United States which requires standards  
29 for licensure determined by the board to be equivalent to the require-  
30 ments under this act.

31 (e) A person whose license has been revoked may make written ap-  
32 plication to the board requesting reinstatement of the license in a manner  
33 prescribed by the board, which application shall be accompanied by the  
34 fee provided for in section ~~12~~ **11**, and amendments thereto.

35 ~~(f) At least 30 days before the expiration of a license issued under~~  
36 ~~this act, the board shall notify the licensee of the expiration date by mail~~  
37 ~~addressed to the licensee's last mailing address as noted upon office~~  
38 ~~records.~~

39 ~~(g) A licensee holding a license under this act shall notify the board~~  
40 ~~in writing within 30 days of any name or address change.~~

41 **(f) This section shall take effect on and after July 1, 2005.**

42 Sec. 6. The board shall waive the education and examination require-  
43 ments for an applicant who, on or before July 1, 2005:

1 (a) (1) Has been engaged in the practice of radiologic technology for  
2 a period of at least two years of the three years immediately preceding  
3 July 1, 2005;

4 (2) is 18 years of age or older; and

5 (3) has successfully completed secondary schooling or its equivalency;  
6 or

7 (b) (1) has been engaged in the practice of radiologic technology prior  
8 to July 1, 2005;

9 (2) has, at the time of application, a current valid certificate by the  
10 American registry of radiologic technologists, nuclear medicine technol-  
11 ogist certification board or other recognized national voluntary creden-  
12 tialing bodies, which the board finds was issued on the basis of an ex-  
13 amination which meets standards at least as stringent as those established  
14 by the board;

15 (3) is 18 years of age or older; and

16 (4) has successfully completed secondary schooling or its equivalency;  
17 ~~or~~

18 ~~(c) (1) has engaged in the practice of radiologic technology prior to~~  
19 ~~July 1, 2005;~~

20 ~~(2) submits an affidavit from two of the following: A hospital admin-~~  
21 ~~istrator, a radiologist, or a licensed practitioner other than a radiologist~~  
22 ~~attesting to the applicant's competency in the practice of radiologic~~  
23 ~~technology;~~

24 ~~(3) is 18 years of age or older; and~~

25 ~~(4) has successfully completed secondary schooling or its equivalency.~~

26 **(c) This section shall take effect on and after July 1, 2005.**

27 ~~Sec. 7. (a) The board shall maintain a registry of the names of per-~~  
28 ~~sons who do not meet the requirements of this act for licensure as a~~  
29 ~~radiologic technologist but who practice limited diagnostic radiography~~  
30 ~~as an x-ray operator under the supervision of a licensed practitioner or of~~  
31 ~~a person designated by a hospital licensed pursuant to K.S.A. 65-425 et~~  
32 ~~seq., and amendments thereto. It shall be unlawful for any person to~~  
33 ~~function as an x-ray operator unless such person is licensed as a radiologic~~  
34 ~~technologist under this act or unless such person's name has been entered~~  
35 ~~on the registry of x-ray operators.~~

36 ~~(b) The board may adopt rules and regulations establishing the reg-~~  
37 ~~istry created herein and may provide for continuing education require-~~  
38 ~~ments consistent with the performance of limited diagnostic radiography~~  
39 ~~by x-ray operators.~~

40 ~~(c) No person's name shall be entered on the registry of x-ray oper-~~  
41 ~~ators unless such person has presented to the board an application signed~~  
42 ~~by such person's supervising licensed practitioner or by such person des-~~  
43 ~~ignated by a hospital licensed pursuant to K.S.A. 65-425 et seq., and~~

1 ~~amendments thereto, on a form provided by the board which shall contain~~  
2 ~~such information as required by rules and regulations adopted by the~~  
3 ~~board. Every x-ray operator, within 30 days of obtaining new employment,~~  
4 ~~shall furnish the board notice of the name and address of the new~~  
5 ~~supervisor.~~

6 ~~—(d) A person whose name appears on the registry shall not hold~~  
7 ~~themselves out as and shall not be entitled to use the titles listed in section~~  
8 ~~3, and amendments thereto, or abbreviations thereof, or words similar~~  
9 ~~thereto.~~

10 ~~—(e) A person whose name appears on the registry shall be subject to~~  
11 ~~sanctions by the board for violations of section 12, and amendments~~  
12 ~~thereto.~~

13 *Sec. 7. (a) Licenses issued under this act shall expire on the date*  
14 *of expiration established by rules and regulations of the board un-*  
15 *less renewed in the manner prescribed by the board. The request*  
16 *for renewal shall be accompanied by the license renewal fee estab-*  
17 *lished pursuant to section 11 and amendments thereto.*

18 *(b) At least 30 days before the expiration of a licensee's license,*  
19 *the board shall notify the licensee of the expiration by mail ad-*  
20 *ressed to the licensee's last mailing address as noted upon the office*  
21 *records. If the licensee fails to submit an application for renewal on*  
22 *a form provided by the board, or fails to pay the renewal fee by the*  
23 *date of expiration, the board shall give a second notice to the li-*  
24 *cencee that the license has expired and the license may be renewed*  
25 *only if the application for renewal, the renewal fee, and the late*  
26 *renewal fee are received by the board within the thirty-day period*  
27 *following the date of expiration and that, if both fees are not re-*  
28 *ceived within the thirty-day period, the license shall be deemed can-*  
29 *cceled by operation of law and without further proceedings.*

30 *(c) The board may require any licensee, as a condition of re-*  
31 *newal, to submit with the application for renewal evidence of sat-*  
32 *isfactory completion of a program of continuing education required*  
33 *by rules and regulations of the board.*

34 *(d) Any license canceled for failure to renew may be reinstated*  
35 *upon recommendation of the board. An application for reinstate-*  
36 *ment shall be on a form provided by the board, and shall be accom-*  
37 *panied by payment of the reinstatement fee and evidence of com-*  
38 *pletion of any applicable continuing education requirements. The*  
39 *board may adopt rules and regulations establishing appropriate ed-*  
40 *ucation requirements for reinstatement of a license that has been*  
41 *canceled for failure to renew.*

42 *(e) This section shall take effect on and after July 1, 2005.*

43 Sec. 8. (a) There is established the radiologic technology council to

1 assist the state board of healing arts in carrying out the provisions of this  
2 act. The council shall consist of five members, all citizens and residents  
3 of the state of Kansas appointed as follows: The board shall appoint one  
4 member who is a physician licensed to practice medicine and surgery  
5 who is also certified as a radiologist and one member who is a member  
6 of the state board of healing arts. Members appointed by the board shall  
7 serve at the pleasure of the board. The governor shall appoint three ra-  
8 diologic technologists who have at least three years' experience in radiol-  
9 ogic technology preceding the appointment and are actively engaged, in  
10 this state, in the practice of radiologic technology or the teaching of ra-  
11 diologic technology. At least two of the governor's appointments shall be  
12 made from a list of four nominees submitted by the Kansas society of  
13 radiologic technologists. ~~Members appointed by the governor shall serve~~  
14 ~~at the pleasure of the governor.~~

15 (b) ~~The terms of office of the initial council members shall be as~~  
16 ~~follows: Two~~ ***The members appointed by the governor shall be ap-***  
17 ***pointed for terms of four years except that of the members first***  
18 ***appointed, one*** shall be appointed for a term of two years, one for a term  
19 of three years, and ~~two~~ ***one*** for a term of four years, with successor mem-  
20 bers appointed for four years and to serve until a successor member is  
21 appointed. If a vacancy occurs on the council, the appointing authority of  
22 the position which has become vacant shall appoint a person of like qual-  
23 ifications to fill the vacant position for the unexpired term.

24 (c) Radiologic technologists initially appointed to the council must be  
25 eligible for licensure under section 5, and amendments thereto. On and  
26 after July 1, 2005, new appointees shall be licensed under the provisions  
27 of this act.

28 (d) The council shall meet at least once each year at a time and place  
29 of its choosing and at such other times as may be necessary on the chair-  
30 person's call or on the request of a majority of the ~~board's~~ ***council's***  
31 members.

32 (e) A majority of the council constitutes a quorum. No action may be  
33 taken by the council except by affirmative vote of the majority of the  
34 members present and voting.

35 (f) Members of the council attending meetings of the council, or a  
36 subcommittee of the council, shall be paid amounts provided in subsec-  
37 tion (e) of K.S.A. 75-3223, and amendments thereto, from the healing  
38 arts fee fund.

39 Sec. 9. The radiologic technology council shall advise the board  
40 regarding:

41 (a) Examination, licensing and other fees;

42 (b) rules and regulations to be adopted to carry out the provisions of  
43 this act;

- 1 (c) subject areas to be covered during the educational program and
- 2 on the licensure examination;
- 3 (d) the number of yearly continuing education hours required to
- 4 maintain active licensure;
- 5 (e) changes and new requirements taking place in the area of radiol-
- 6 ogic technology; and
- 7 (f) such other duties and responsibilities as the board may assign.

8 Sec. 10. ~~(a)~~ The board, with the advice and assistance of the radiol-

9 ogic technology council, shall:  
10 ~~(1)~~ **(a)** Pass upon the qualifications of all applicants for examination  
11 and licensing; contract for examinations; determine the applicants who  
12 successfully pass the examination; duly license ~~or register~~ such applicants  
13 and keep a roster of all individuals licensed ~~or registered~~;

14 ~~(2)~~ **(b)** adopt rules and regulations as may be necessary to administer  
15 the provisions of this act; and prescribe forms which shall be issued in  
16 the administration of this act;

17 ~~(3)~~ **(c)** establish standards for approval of an educational course of  
18 study and clinical experience, criteria for continuing education, proce-  
19 dures for the examination of applicants; **and**

20 ~~(4)~~ **(d)** establish standards of professional conduct; procedure for the  
21 discipline of licensees and keep a record of all proceedings;

22 ~~(5) establish the effective period for a license and for its expiration~~  
23 ~~at the end of that time unless renewed in a manner prescribed by the~~  
24 ~~board upon payment of the license renewal fee established under this~~  
25 ~~act. The board may establish additional requirements for license renewal~~  
26 ~~which provide for completing the required number of continuing edu-~~  
27 ~~cation courses and any other evidence of continued competency the board~~  
28 ~~may require. The board may provide for the late renewal of a license~~  
29 ~~upon the payment of a late fee;~~

30 ~~(6) establish procedures for the registry established pursuant to sec-~~  
31 ~~tion 7, and amendments thereto; and~~

32 ~~(7) establish procedures for reinstatement of expired and revoked~~  
33 ~~licenses.~~

34 ~~(b) A person whose license is suspended shall not engage in any con-~~  
35 ~~duct or activity in violation of the order by which the license was sus-~~  
36 ~~pended. If a license revoked on disciplinary ground is reinstated, the~~  
37 ~~licensee, as a condition of reinstatement, shall pay the license renewal fee~~  
38 ~~and any other late fee that may be applicable.~~

39 Sec. 11. (a) The board shall charge and collect in advance fees for  
40 radiologic technologists as established by the board by rules and regula-  
41 tions, not to exceed:

|  |       |
|--|-------|
| 42 Application for radiologic technologist examination ..... | \$200 |
| 43 Application for license .....                             | \$80  |



|   |  |              |
|---|--|--------------|
| 1 | Temporary licensing fee .....                  | \$40         |
| 2 | License renewal .....                          | \$80         |
| 3 | Late license renewal .....                     | \$80         |
| 4 | License reinstatement fee .....                | \$80         |
| 5 | <b>Revoked license reinstatement fee .....</b> | <b>\$200</b> |
| 6 | Certified copy of license .....                | \$40         |
| 7 | Verified copy .....                            | \$25         |

8 (b) If the examination is not administered by the board, the board  
 9 may require that fees paid for any examination under the radiologic tech-  
 10 nologists practice act be paid directly to the examination service by the  
 11 person taking the examination.

12 (c) **This section shall take effect on and after July 1, 2005.**

13 Sec. 12. (a) The license of a radiologic technologist may be limited,  
 14 suspended or revoked, or the licensee may be censured, reprimanded,  
 15 fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise  
 16 sanctioned by the board or an application for licensure may be denied if  
 17 it is found that the licensee or applicant:

- 18 (1) Is guilty of fraud or deceit in the procurement or holding of a  
 19 license;
- 20 (2) has been convicted of a felony in a court of competent jurisdiction,  
 21 either within or outside of this state, unless the conviction has been re-  
 22 versed and the holder of the license discharged or acquitted or if the  
 23 holder has been pardoned with full restoration of civil rights in which  
 24 case the license shall be restored;
- 25 (3) is addicted to or has distributed intoxicating liquors or drugs for  
 26 other than lawful purposes;
- 27 (4) is found to be mentally or physically incapacitated to such a degree  
 28 that in the opinion of the board continued practice by the licensee would  
 29 constitute a danger to the public's health and safety;
- 30 (5) has aided and abetted a person who is not a licensee under this  
 31 act or is not otherwise authorized to perform the duties of a license  
 32 holder;
- 33 (6) has undertaken or engaged in any practice beyond the scope of  
 34 duties permitted a licensee;
- 35 (7) has engaged in the practice of radiologic technology under a false  
 36 or assumed name or impersonated another licensee;
- 37 (8) has been found guilty of unprofessional conduct under criteria  
 38 which the board may establish by rules and regulations;
- 39 (9) has interpreted a diagnostic image ~~for a fee while unlicensed to~~  
 40 **a patient**; or
- 41 (10) is, or has been, found guilty of incompetence or negligence while  
 42 performing as a license holder.
- 43 (b) The denial, refusal to renew, suspension, limitation or revocation

1 of a license or other sanction may be ordered by the board after notice  
2 and hearing on the matter in accordance with the provisions of the Kansas  
3 administrative procedure act and shall be reviewable in accordance with  
4 the act for judicial review and civil enforcement of agency actions.

5 **(c) A person whose license is suspended shall not engage in any**  
6 **conduct or activity in violation of the order by which the license**  
7 **was suspended.**

8 **(d) This section shall take effect on and after July 1, 2005.**

9 Sec. 13. **(a)** When it appears that any person is violating any provi-  
10 sion of this act, the board may bring an action in the name of the state  
11 in a court of competent jurisdiction for an injunction against such violation  
12 without regard as to whether proceedings have been or may be instituted  
13 before the board or whether criminal proceedings have been or may be  
14 instituted.

15 **(b) This section shall take effect on and after July 1, 2005.**

16 Sec. 14. **(a)** The board shall remit all moneys received by or for the  
17 board from fees, charges or penalties to the state treasurer in accordance  
18 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
19 receipt of each such remittance, the state treasurer shall deposit the entire  
20 amount in the state treasury. Twenty percent of such amount shall be  
21 credited to the state general fund and the balance shall be credited to the  
22 healing arts fee fund. All expenditures from the healing arts fee fund shall  
23 be made in accordance with appropriation acts upon warrants of the di-  
24 rector of accounts and reports issued pursuant to vouchers approved by  
25 the president of the board or by a person or persons designated by the  
26 president.

27 **(b) This section shall take effect on and after July 1, 2005.**

28 Sec. 15. ~~Any~~ **On and after July 1, 2005, any** violation of this act  
29 shall constitute a class B misdemeanor.

30 Sec. 16. This act shall take effect and be in force from and after its  
31 publication in the statute book.