

HOUSE BILL No. 2330

AN ACT concerning the radiologic technologists practices act; amending K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2004 Supp. 65-7303 is hereby amended to read as follows: 65-7303. (a) On and after ~~July~~ *October* 1, 2005, except as otherwise provided in this act, no person shall perform radiologic technology procedures on humans for diagnostic or therapeutic purposes unless the person possesses a valid license issued under this act.

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

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

(d) (1) Only persons licensed under this act as a radiologic technologist shall be entitled to use the title "radiologic technologist" or "*licensed radiologic technologist*", abbreviations thereof, or words similar thereto or use the designated letters "R.T." or "~~R.T. (R)~~" "*L.R.T.*".

(2) ~~Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) or the nuclear medicine technology certification board (NMTCB) shall be entitled to use the title "radiation therapist" or "nuclear medicine technologist", abbreviations thereof, or words similar thereto or use the designated letters "R.T. (N)" or "R.T. (T)".~~ Only persons licensed under this act as a radiologic technologist and who have received certification from the American registry of radiologic technologists (ARRT) in radiography shall be entitled to use the title "*radiologic technologist radiographer*" or "*licensed radiologic technologist radiographer*" or abbreviations thereof, or words similar thereto or use the designated letters "R.T. (R)" or "*L.R.T. (R)*".

(3) Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) in radiation therapy shall be entitled to use the title "*radiation therapist*" or "*licensed radiation therapist*", abbreviations thereof, or words similar thereto or use the designated letters "R.T. (T)" or "*L.R.T. (T)*".

(4) Only persons licensed under this act as a radiologic technologist and who have received additional certification from the American registry of radiologic technologists (ARRT) in nuclear medicine technology shall be entitled to use the title "*nuclear medicine technologist*", "*licensed nuclear medicine technologist*" or "*registered nuclear medicine technologist*", abbreviations thereof, or words similar thereto or use the designated letters "R.T. (N)" or "*L.R.T. (N)*".

(5) Only persons licensed under this act as a radiologic technologist and who have received additional certification from the nuclear medicine technology certification board (NMTCB) shall be entitled to use the title "*certified nuclear medicine technologist*", abbreviations thereof, or words similar thereto or use the designated letters "*C.N.M.T.*".

~~(e)~~ (e) This section shall not prohibit a person who is licensed as a respiratory therapist by this state from using any letter or designation indicating that such person is engaged in the practice of respiratory therapy.

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

Sec. 2. K.S.A. 2004 Supp. 65-7304 is hereby amended to read as follows: 65-7304. The following shall be exempt from the requirement of a license pursuant to this act:

(a) A licensed practitioner;

(b) a person issued a postgraduate permit by the board or students while in actual attendance in an accredited health care educational program for ~~radiography~~ *radiologic technology* and under the supervision of a qualified instructor;

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

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

(e) a licensed dental hygienist or an unlicensed person working under

the supervision of a licensed dentist who has been trained by a licensed dentist on the proper use of dental radiographic equipment for the purpose of providing medical imaging for dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and amendments thereto; and

(f) a licensed physician assistant, a licensed nurse or an unlicensed person performing radiologic technology procedures who is (1) working under the supervision of a licensed practitioner or a person designated by a hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments thereto, and (2) who has been trained on the proper use of radiographic equipment for the purpose of performing radiologic technology procedures consistent with K.S.A. 65-2001, et seq., or K.S.A. 65-2801, et seq., and amendments thereto. The board shall adopt rules and regulations to assure that persons exempted from licensure under this subsection receive continuing education consistent with their practice authorized herein.

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

Sec. 3. K.S.A. 2004 Supp. 65-7306 is hereby amended to read as follows: 65-7306. The board shall waive the education and examination requirements for an applicant who, on or before July 1, 2005:

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

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

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

or

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

(2) has, at the time of application, a current valid certificate by the American registry of radiologic technologists, nuclear medicine ~~technologist~~ ~~certification board~~ or other recognized national voluntary credentialing bodies, which the board finds was issued on the basis of an examination which meets standards at least as stringent as those established by the board;

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

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

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

Sec. 4. K.S.A. 2004 Supp. 65-7310 is hereby amended to read as follows: 65-7310. (a) There is established the radiologic technology council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: The board shall appoint one member who is a physician licensed to practice medicine and surgery who is also certified as a radiologist and one member who is a member of the state board of healing arts. Members appointed by the board shall serve at the pleasure of the board. The governor shall appoint three radiologic technologists who have at least three years' experience in radiologic technology preceding the appointment and are actively engaged, in this state, in the practice of radiologic technology or the teaching of radiologic technology. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas society of radiologic technologists.

(b) The members appointed by the governor shall be appointed for terms of four years except that of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years, with successor members appointed for four years and to serve until a successor member is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(c) Radiologic technologists initially appointed to the council must be eligible for licensure under K.S.A. 2004 Supp. 65-7305, and amendments thereto. On and after ~~July~~ *October* 1, 2005, new appointees shall be licensed under the provisions of this act.

(d) The council shall meet at least once each year at a time and place of its choosing and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(e) A majority of the council constitutes a quorum. No action may be

taken by the council except by affirmative vote of the majority of the members present and voting.

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

Sec. 5. K.S.A. 2004 Supp. 65-7314 is hereby amended to read as follows: 65-7314. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

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

Sec. 6. K.S.A. 2004 Supp. 65-7315 is hereby amended to read as follows: 65-7315. On and after ~~July~~ *October* 1, 2005, any violation of this act shall constitute a class B misdemeanor.

Sec. 7. K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.