



State of Tennessee

PUBLIC CHAPTER NO. 1029

SENATE BILL NO. 899

By Bailey

Substituted for: House Bill No. 993

By Cameron Sexton

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6, Part 2, relative to operators of medical equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-224, is amended by deleting the section in its entirety and substituting instead the following:

(a)(1) With regard to operators of radiologic imaging and radiation therapy equipment in hospitals, outpatient diagnostic centers, recuperation centers, physicians' offices, or any other setting for human subjects, the board has the authority to promulgate rules to:

(A) Establish and issue limited X-ray machine operator licenses to qualified individuals for the performance of chest, extremities, skull, sinus, and lumbar spine radiography and bone densitometry with the exclusion of the performance of fluoroscopy, computed tomography, magnetic resonance imaging, mammography, nuclear medicine, radiation therapy, mobile imaging procedures, or imaging procedures using oral and intravenous contrast media;

(B) Establish and issue full radiologic imaging or radiation therapy licenses to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or any equivalent nationally recognized radiologic imaging or radiation therapy certification organization recognized by the board;

(C) Establish the minimum educational courses, curricula, hours, and standards that are prerequisite to issuance of limited X-ray machine operator licenses;

(D) Accept the standards of nationally recognized educational organizations relative to the educational courses, curricula, hours, and standards that are prerequisite to the issuance of radiography, radiation therapy, magnetic resonance, and nuclear medicine full-scope licenses;

(E) Select the examination or examinations to be utilized for the board's limited certification examination or examinations and the prerequisites, if any, for admission to the examination or examinations. The board is authorized to enter into a contract or agreement with the chosen examination service or services or select an intermediary between the board and the examination service or services to process applicants for the examination or examinations;

(F) Establish any other criteria for issuance of licenses that are reasonably related to the safe and competent performance of radiologic imaging and radiation therapy procedures;

(G) Establish a mechanism for board accreditation of educational courses that are training individuals for limited X-ray machine operator licensure and that meet the requirements established pursuant to subdivision (a)(1)(C). The mechanism shall establish the causes and standards that are grounds for withdrawal of the course accreditation and the mechanism for that withdrawal;

(H) Establish the fees to be paid for application, licensure, renewal, and late renewal of licenses;

(I) Establish the fees to be paid for application, renewal, and late renewal of board accreditation of the providers of training programs for limited X-ray machine operators;

(J) Establish the required number of hours, types of courses, and methods of proving compliance for continuing education for limited X-ray machine operator licensees; and

(K) Accept the standards of nationally recognized credentialing agencies relative to the number of hours, types of courses, and methods of proving compliance for continuing education for radiography license holders. A licensee will not be required to duplicate the continuing education hours submitted to the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or any other certification organization recognized by the board for renewal. Submission of continued certification in good standing with any of the approved agencies with the renewal application shall be acceptable.

(2) The board may, upon application and payment of proper fees, grant a license to a person who resides in this state and has been licensed, certified, or registered to perform radiologic imaging or administer radiation therapy procedures in another jurisdiction if that jurisdiction's standards of competency are substantially equivalent to those provided by this section in accordance with rules promulgated by the board.

(b) The licenses and accreditations issued pursuant to this section must be renewed and may be retired and reactivated pursuant to procedures established by the board. A person holding a license issued pursuant to this section may be disciplined for the same causes and under the same procedures as contained in § 63-6-214 for the board of medical examiners and in § 63-9-111 for the board of osteopathic examination.

(c) The standards established by the board pursuant to subsection (a) shall be at least as stringent as any current or future mandatory federal standards.

(d)(1) No person shall perform radiologic imaging or radiation therapy procedures in hospitals, outpatient diagnostic centers, recuperation centers, physicians' offices, or any other setting on or in humans without being licensed as a physician or licensed by the board pursuant to this section. Persons enrolled in a board-recognized or independently accredited radiologic technology or radiation therapy educational program are exempt from the licensure requirements of this section only as to radiologic imaging or radiation therapy procedures performed within or under the auspices of that program. After completion of the course or program and while awaiting first opportunity to sit for the certification examination, but for no more than six (6) months, and for a period of time within which to receive the examination scores, but no more than seventy-five (75) days thereafter, such persons are exempt from the licensure requirements of this section.

(2) This section shall not apply to operators of ionizing radiation equipment who are practicing within the scope of practice of a certification or license granted by this state under this title.

(e) A person holding a license under this section may use radioactive substances or equipment emitting ionizing radiation or magnetic resonance for radiologic imaging and radiation therapy procedures on or in humans for diagnostic or therapeutic purposes only by prescription of an individual authorized by this state to prescribe radiologic imaging or radiation therapy procedures and under the supervision of a licensed practitioner.

(f) The operation of a business in which radiologic imaging or radiation therapy procedures contemplated by this section are performed that is not owned by a physician,

group of physicians, medical professional corporation, limited liability medical professional company, or an entity or facility licensed by the division of healthcare facilities is prohibited.

(g) As used in this section:

(1) "Board" means the Tennessee radiologic imaging and radiation therapy board of examiners established pursuant to Section 2 of this act;

(2) "Hospital" has the same meaning as defined in § 68-11-201;

(3) "Limited X-ray machine operator" means a person who is licensed under this section to perform, under the supervision of a licensed practitioner, static diagnostic radiography procedures or bone density procedures using equipment which emits external ionizing radiation resulting in diagnostic radiographic images of selected specific parts of the human anatomy or bone density measurements;

(4) "Mobile imaging":

(A) Means any arrangement in which radiologic imaging services are transported to various sites; and

(B) Does not include movement within a hospital or movement to a site where the equipment will be located permanently;

(5) "Outpatient diagnostic center" has the same meaning as defined in § 68-11-201;

(6) "Physician's office" means anywhere the practice of medicine as defined in § 63-6-204, or the practice of osteopathic medicine as defined in § 63-9-106, which includes the performance of radiologic imaging or radiation therapy procedures contemplated by this section, is conducted, except where that practice is conducted in or under the auspices of a facility or entity licensed by the division of healthcare facilities;

(7) "Radiation therapy" means the use or application of ionizing radiation for the purpose of treating disease or illness on or in humans;

(8) "Radiography" means the creation or acquisition of static or dynamic images of the structures of the human body using ionizing radiation from an external source by a full-scope imaging professional;

(9) "Radiologic imaging":

(A) Means the performance of any procedure or administration of any article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings. These procedures include, but are not limited to, radiography, nuclear medicine, computed tomography, fluoroscopy, magnetic resonance, and other procedures using ionizing radiation or magnetic resonance; and

(B) Does not include the use of ultrasound; and

(10) "Recuperation center" has the same meaning as defined in § 68-11-201.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) The Tennessee radiologic imaging and radiation therapy board of examiners, or for the purposes of this section and § 63-6-224, the "board", is hereby created.

(b)(1) The board shall consist of nine (9) members who shall serve staggered terms. Initial board members shall be appointed on or before October 1, 2016, as follows:

(A) The governor shall appoint:

(i) One (1) licensed radiographer who shall serve a three-year term;

(ii) One (1) licensed nuclear medicine technologist who shall serve a two-year term;

(iii) One (1) licensed radiation therapist who shall serve a one-year term;

(iv) One (1) full-time educator of a program that prepares providers licensed under § 63-6-224 who shall serve a two-year term; and

(v) One (1) licensed magnetic resonance technologist or licensed computed tomography technologist who shall serve a two-year term;

(B) The speaker of the house of representatives shall appoint:

(i) One (1) radiologist who shall serve a two-year term; and

(ii) One (1) public member who shall serve a two-year term; and

(C) The speaker of the senate shall appoint:

(i) One (1) medical physicist, diagnostic or therapeutic, who shall serve a three-year term; and

(ii) One (1) licensed physician practicing in a hospital setting who shall serve a three-year term.

(2) Upon the expiration of the terms of the initial board members, members shall be appointed by the appointing authority making the initial appointment for terms of three (3) years. Members shall serve until their successors are appointed. Successors shall be appointed by the appointing authority making the original appointment and shall be registered in the same specialty as the member of the board who the member replaces. No member may serve more than two (2) consecutive terms.

(c) Except for the public member of the board, every member of the board shall hold a valid license issued by the board in the category of license for that member's respective modality, shall be a resident of this state, and shall remain in active practice and in good standing with the board as a licensee during the member's term. The public member shall be a resident of this state and shall not be:

(1) A currently or actively licensed practitioner; or

(2) A person who administers radiation therapy procedures under this section or § 63-6-224.

(d) A vacancy shall be filled in the same manner as the original appointment and shall be filled within forty-five (45) days after the vacancy occurs. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified.

(e) The board may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a licensee shall be disqualified from participating in the official business of the board until the charges have been resolved.

(f) Each member of the board shall receive per diem and reimbursement for travel and expenses as provided in the comprehensive travel rules promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(g) The officers of the board shall be a chair, who shall be licensed under § 63-6-224; a vice chair; and other officers deemed necessary by the board to carry out this section and § 63-6-224. All officers shall be elected annually by the board for one-year terms and shall serve until their successors are elected and qualified.

(h) The board shall hold at least two (2) meetings each year to conduct business and to review the standards and rules for improving the administration of radiologic imaging and radiation therapy procedures. The board shall establish the procedures for calling, holding, and conducting regular and special meetings. A majority of board members constitutes a quorum.


(i) The board shall have the power and duty to:

- (1) Administer this section and § 63-6-224;
- (2) Issue interpretations of this section and § 63-6-224;
- (3) Adopt rules as may be necessary to implement this section and § 63-6-224;
- (4) Employ and fix the compensation of personnel that the board determines is necessary to carry out this section and § 63-6-224, and incur other expenses necessary to effectuate this section and § 63-6-224;
- (5) Examine and determine the qualifications and fitness of applicants for licensure, renewal of licensure, and reciprocal licensure;
- (6) Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary actions authorized by this section and § 63-6-224;
- (7) Set fees for licensure, license renewal, and other services deemed necessary to carry out this section and § 63-6-224;
- (8) Conduct investigations for the purpose of determining whether violations of this section and § 63-6-224, or grounds for disciplining licensees, exist;
- (9) Conduct administrative hearings in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and
- (10) Maintain a record of all proceedings and make available to licensees and other concerned parties an annual report of all board action.

SECTION 3. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.

SENATE BILL NO. 899

PASSED: April 20, 2016



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2016



BILL HASLAM, GOVERNOR