

1-1 By: Shapiro S.B. No. 821  
1-2 (In the Senate - Filed February 12, 2009; March 4, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 30, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 30, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 821 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of medical radiologic technology.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Section 601.002, Occupations Code, is amended by  
1-13 adding Subdivisions (10-a) and (10-b) to read as follows:  
1-14 (10-a) "Radiologist" means a physician specializing  
1-15 in radiology certified by or board-eligible for the American Board  
1-16 of Radiology, the American Osteopathic Board of Radiology, the  
1-17 British Royal College of Radiology, or the Canadian College of  
1-18 Physicians and Surgeons. This definition does not alter or affect  
1-19 the term "chiropractic radiologist."  
1-20 (10-b) "Radiologist assistant" means an  
1-21 advanced-level medical radiologic technologist certified under  
1-22 this chapter, other than a practitioner, who is registered with the  
1-23 American Registry of Radiologic Technologists and credentialed to  
1-24 provide radiology services under the supervision of a radiologist.  
1-25 SECTION 2. Section 601.053, Occupations Code, is amended to  
1-26 read as follows:  
1-27 Sec. 601.053. MINIMUM STANDARDS. The board by rule shall  
1-28 establish minimum standards for:  
1-29 (1) issuing, renewing, suspending, or revoking a  
1-30 certificate issued under this chapter;  
1-31 (2) approving curricula and education programs to  
1-32 train:  
1-33 (A) individuals, registered nurses, and  
1-34 physician assistants to perform radiologic procedures; and  
1-35 (B) radiologist assistants to provide radiology  
1-36 services under the supervision of a radiologist;  
1-37 (3) approving instructors to teach approved curricula  
1-38 or education programs to train:  
1-39 (A) individuals to perform radiologic  
1-40 procedures; and  
1-41 (B) radiologist assistants to provide radiology  
1-42 services under the supervision of a radiologist; and  
1-43 (4) rescinding an approval described by Subdivision  
1-44 (2) or (3).  
1-45 SECTION 3. Subsections (a) and (b), Section 601.056,  
1-46 Occupations Code, are amended to read as follows:  
1-47 (a) The board with the assistance of other appropriate state  
1-48 agencies shall identify by rule radiologic procedures, other than  
1-49 radiologic procedures described by Subsection (c), that are  
1-50 dangerous or hazardous and that may be performed only by a  
1-51 practitioner or a medical radiologic technologist or radiologist  
1-52 assistant certified under this chapter.  
1-53 (b) In adopting rules under Subsection (a), the board may  
1-54 consider whether the radiologic procedure will be performed by a  
1-55 registered nurse or a licensed physician assistant or a radiologist  
1-56 assistant certified under this chapter.  
1-57 SECTION 4. Section 601.058, Occupations Code, is amended to  
1-58 read as follows:  
1-59 Sec. 601.058. RULES RESTRICTING ADVERTISING OR COMPETITIVE  
1-60 BIDDING. (a) The board may not adopt rules restricting  
1-61 advertising or competitive bidding by a medical radiologic  
1-62 technologist or radiologist assistant except to prohibit false,  
1-63 misleading, or deceptive practices.

2-1 (b) In its rules to prohibit false, misleading, or deceptive  
2-2 practices, the board may not include a rule that:

2-3 (1) restricts the use of any medium for advertising;

2-4 (2) restricts the use of a medical radiologic  
2-5 technologist's or radiologist assistant's personal appearance or  
2-6 voice in an advertisement;

2-7 (3) relates to the size or duration of an  
2-8 advertisement by the medical radiologic technologist or  
2-9 radiologist assistant; or

2-10 (4) restricts the medical radiologic technologist's or  
2-11 radiologist assistant's advertisement under a trade name.

2-12 SECTION 5. Subchapter C, Chapter 601, Occupations Code, is  
2-13 amended by adding Section 601.1055 to read as follows:

2-14 Sec. 601.1055. RADIOLOGIST ASSISTANT CERTIFICATE. (a) A  
2-15 person seeking to obtain certification as a radiologist assistant  
2-16 must:

2-17 (1) hold a general certificate to perform radiologic  
2-18 procedures;

2-19 (2) have completed an advanced academic program  
2-20 encompassing a nationally recognized radiologist assistant  
2-21 curriculum that:

2-22 (A) culminates in the award of a baccalaureate  
2-23 degree, postbaccalaureate certificate, or graduate degree; and

2-24 (B) incorporates a radiologist-directed clinical  
2-25 preceptorship;

2-26 (3) be certified in advanced cardiac life support; and

2-27 (4) be registered with the American Registry of  
2-28 Radiologic Technologists and credentialed as a radiologist  
2-29 assistant to provide radiology services under the supervision of a  
2-30 radiologist.

2-31 (b) The board, with the advice and consent of the Texas  
2-32 Medical Board, by rule shall determine the scope of practice of and  
2-33 qualifications to serve as a radiologist assistant. A rule adopted  
2-34 under this subsection must be consistent with guidelines adopted by  
2-35 the American College of Radiology, the American Society of  
2-36 Radiologic Technologists, and the American Registry of Radiologic  
2-37 Technologists.

2-38 (c) A radiologist may use the services of a radiologist  
2-39 assistant to practice under the supervision of the radiologist to  
2-40 the extent not prohibited by this chapter.

2-41 (d) A radiologist assistant may not interpret images, make  
2-42 diagnoses, or prescribe medications or therapies.

2-43 SECTION 6. Subsections (b) and (c), Section 601.102,  
2-44 Occupations Code, are amended to read as follows:

2-45 (b) The board may issue to a person:

2-46 (1) a general certificate to perform radiologic  
2-47 procedures; ~~or~~

2-48 (2) a limited certificate that authorizes the person  
2-49 to perform radiologic procedures only on specific parts of the  
2-50 human body; or

2-51 (3) a certificate as a radiologist assistant.

2-52 (c) The board may issue to a person a temporary general  
2-53 certificate or a temporary limited certificate that authorizes the  
2-54 person to perform radiologic procedures for a period not to exceed  
2-55 one year. The board may issue to a person a temporary certificate  
2-56 that authorizes the person to perform radiologic procedures as a  
2-57 radiologist assistant for a period not to exceed one year.

2-58 SECTION 7. Subsection (b), Section 601.108, Occupations  
2-59 Code, is amended to read as follows:

2-60 (b) The board shall prepare, recognize, or administer  
2-61 continuing education programs for medical radiologic technologists  
2-62 and radiologist assistants in which participation is required, to  
2-63 the extent required by the board, to keep the person's certificate.

2-64 SECTION 8. This Act takes effect September 1, 2009.