

By: Zerwas

H.B. No. 1108

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of medical radiologic technology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 601.002, Occupations Code, is amended by amending Subdivision (3) and adding Subdivisions (5-a), (10-a), (10-b), and (10-c) to read as follows:

(3) "Department" means the [~~Texas~~] Department of State Health Services.

(5-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(10-a) "Radiologist" means a physician specializing in radiology certified by or board-eligible for the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.

(10-b) "Radiologist assistant" means an advanced-level medical radiologic technologist who is certified under this chapter as a radiologist assistant.

(10-c) "Radiology practitioner assistant" means an advanced-level medical radiologic technologist who is certified under this chapter as a radiology practitioner assistant.

SECTION 2. Subchapter A, Chapter 601, Occupations Code, is amended by adding Section 601.003 to read as follows:

Sec. 601.003. REFERENCES TO BOARD. A reference in this

1 chapter to the board or Texas Board of Health with respect to
2 rulemaking means the executive commissioner. All other references
3 to the board or Texas Board of Health in this chapter mean the
4 department.

5 SECTION 3. Section 601.053, Occupations Code, is amended to
6 read as follows:

7 Sec. 601.053. MINIMUM STANDARDS. The executive
8 commissioner [~~board~~] by rule shall establish minimum standards for:

9 (1) issuing, renewing, suspending, or revoking a
10 certificate issued under this chapter;

11 (2) approving curricula and education programs to
12 train:

13 (A) individuals, registered nurses, and
14 physician assistants to perform radiologic procedures; and

15 (B) radiologist assistants and radiology
16 practitioner assistants to provide radiology services under the
17 supervision of a radiologist;

18 (3) approving instructors to teach approved curricula
19 or education programs to train:

20 (A) individuals to perform radiologic
21 procedures; and

22 (B) radiologist assistants and radiology
23 practitioner assistants to provide radiology services under the
24 supervision of a radiologist; and

25 (4) rescinding an approval described by Subdivision
26 (2) or (3).

27 SECTION 4. Sections 601.056(a) and (b), Occupations Code,

1 are amended to read as follows:

2 (a) The executive commissioner [~~board~~] with the assistance
3 of other appropriate state agencies shall identify by rule
4 radiologic procedures, other than radiologic procedures described
5 by Subsection (c), that are dangerous or hazardous and that may be
6 performed only by a practitioner or a medical radiologic
7 technologist, radiologist assistant, or radiology practitioner
8 assistant certified under this chapter.

9 (b) In adopting rules under Subsection (a), the executive
10 commissioner [~~board~~] may consider whether the radiologic procedure
11 will be performed by a registered nurse, [~~or~~] a licensed physician
12 assistant, or a radiologist assistant or radiology practitioner
13 assistant certified under this chapter.

14 SECTION 5. Section 601.058, Occupations Code, is amended to
15 read as follows:

16 Sec. 601.058. RULES RESTRICTING ADVERTISING OR COMPETITIVE
17 BIDDING. (a) The executive commissioner [~~board~~] may not adopt
18 rules restricting advertising or competitive bidding by a medical
19 radiologic technologist, radiologist assistant, or radiology
20 practitioner assistant except to prohibit false, misleading, or
21 deceptive practices.

22 (b) In its rules to prohibit false, misleading, or deceptive
23 practices, the executive commissioner [~~board~~] may not include a
24 rule that:

- 25 (1) restricts the use of any medium for advertising;
26 (2) restricts the use of a medical radiologic
27 technologist's, radiologist assistant's, or radiology practitioner

1 assistant's personal appearance or voice in an advertisement;

2 (3) relates to the size or duration of an
3 advertisement by the medical radiologic technologist, radiologist
4 assistant, or radiology practitioner assistant; or

5 (4) restricts the medical radiologic technologist's,
6 radiologist assistant's, or radiology practitioner assistant's
7 advertisement under a trade name.

8 SECTION 6. Sections 601.102(b) and (c), Occupations Code,
9 are amended to read as follows:

10 (b) The department [~~board~~] may issue to a person:

11 (1) a general certificate to perform radiologic
12 procedures; [~~or~~]

13 (2) a limited certificate that authorizes the person
14 to perform radiologic procedures only on specific parts of the
15 human body; or

16 (3) a certificate as a radiologist assistant or
17 radiology practitioner assistant.

18 (c) The department [~~board~~] may issue to a person a temporary
19 general certificate or a temporary limited certificate that
20 authorizes the person to perform radiologic procedures for a period
21 not to exceed one year. The department may issue to a person a
22 temporary certificate that authorizes the person to perform
23 radiologic procedures as a radiologist assistant or radiology
24 practitioner assistant for a period not to exceed one year.

25 SECTION 7. Subchapter C, Chapter 601, Occupations Code, is
26 amended by adding Section 601.1055 to read as follows:

27 Sec. 601.1055. RADIOLOGIST ASSISTANT OR RADIOLOGY

1 PRACTITIONER ASSISTANT CERTIFICATE. (a) A person seeking to
2 obtain certification as a radiologist assistant must:

3 (1) be a medical radiologic technologist certified
4 under this chapter;

5 (2) have a baccalaureate degree, postbaccalaureate
6 certificate, or graduate degree from an advanced academic program
7 encompassing a nationally recognized radiologist assistant
8 curriculum that incorporates a radiologist-directed clinical
9 preceptorship;

10 (3) be registered with the American Registry of
11 Radiologic Technologists; and

12 (4) be credentialed to provide radiology services
13 under the supervision of a radiologist.

14 (b) A person seeking to obtain certification as a radiology
15 practitioner assistant must:

16 (1) meet the qualifications under Subsection (a) for a
17 radiologist assistant certificate; and

18 (2) be certified as a radiology practitioner assistant
19 by the Certification Board for Radiology Practitioner Assistants.

20 (c) The executive commissioner, with the advice and consent
21 of the Texas Medical Board, by rule shall determine the scope of
22 practice of and qualifications to serve as a radiologist assistant
23 or radiology practitioner assistant. A rule adopted under this
24 subsection must be consistent with guidelines adopted by the
25 American College of Radiology, the American Society of Radiologic
26 Technologists, and the American Registry of Radiologic
27 Technologists.

1 (d) A radiologist may use the services of a radiologist
2 assistant or radiology practitioner assistant to practice under the
3 supervision of the radiologist to the extent not prohibited by this
4 chapter.

5 (e) A radiologist assistant or radiology practitioner
6 assistant may not interpret images, make diagnoses, or prescribe
7 medications or therapies.

8 SECTION 8. Section 601.108(b), Occupations Code, is amended
9 to read as follows:

10 (b) The department [~~board~~] shall prepare, recognize, or
11 administer continuing education programs for medical radiologic
12 technologists, radiologist assistants, and radiology practitioner
13 assistants in which participation is required, to the extent
14 required by the department [~~board~~], to keep the person's
15 certificate.

16 SECTION 9. Subchapter C, Chapter 601, Occupations Code, is
17 amended by adding Section 601.1091 to read as follows:

18 Sec. 601.1091. TRANSITIONAL CERTIFICATE FOR RADIOLOGY
19 PRACTITIONER ASSISTANT. (a) The department may issue a
20 transitional certificate to an applicant who seeks certification as
21 a radiology practitioner assistant and who:

22 (1) was certified as a radiology practitioner
23 assistant by the Certification Board for Radiology Practitioner
24 Assistants before June 1, 2008; and

25 (2) meets all of the requirements for certification as
26 a radiology practitioner assistant, except the applicant does not
27 have a baccalaureate degree, postbaccalaureate certificate, or

1 graduate degree from an advanced academic program encompassing a
2 nationally recognized radiologist assistant curriculum that
3 incorporates a radiologist-directed clinical preceptorship.

4 (b) A transitional certificate holder must provide to the
5 department documentation of a degree or certificate that meets the
6 requirements of Subsection (a)(2) not later than the third
7 anniversary of the date the transitional certificate was issued.
8 The department shall issue a radiology practitioner assistant
9 certificate to the transitional certificate holder if the
10 department verifies that the transitional certificate holder meets
11 the requirements for a radiology practitioner assistant
12 certificate under this chapter.

13 (c) The department may not issue a transitional certificate
14 under this section that is valid for more than three years.

15 (d) The executive commissioner may establish a fee for a
16 transitional certificate in an amount reasonable and necessary to
17 cover the cost of issuing the certificate.

18 (e) This section expires September 1, 2015.

19 SECTION 10. Section 601.002(2), Occupations Code, is
20 repealed.

21 SECTION 11. This Act takes effect September 1, 2011.