

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1440 Session of
2021

INTRODUCED BY MILLARD, NEILSON, DeLUCA, PICKETT, RADER,
SCHWEYER, JAMES, FRITZ, KAUFER, WHEELAND, BIZZARRO, MENTZER,
GAYDOS, HARKINS AND MEHAFFIE, MAY 17, 2021

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 24, 2022

AN ACT

Amending the act of December 20, 1985 (P.L.457, No.112),
entitled "An act relating to the right to practice medicine
and surgery and the right to practice medically related acts;
reestablishing the State Board of Medical Education and
Licensure as the State Board of Medicine and providing for
its composition, powers and duties; providing for the
issuance of licenses and certificates and the suspension and
revocation of licenses and certificates; provided penalties;
and making repeals," ~~further providing for definitions and
for State Board of Medicine; providing for medical imaging
professionals, radiation therapists, radiologist assistants
and related fields; repealing provisions relating to
radiologic procedures and education and training required;
and making related and inconsistent repeals.~~ FURTHER
PROVIDING FOR DEFINITIONS, FOR RESPIRATORY THERAPISTS, FOR
PERFUSIONIST, FOR GENETIC COUNSELOR AND FOR PROSTHETISTS,
ORTHOTISTS, PEDORTHISTS AND ORTHOTIC FITTERS; PROVIDING FOR
MEDICAL IMAGING PROFESSIONALS, RADIATION THERAPISTS AND
RADIOLOGIST ASSISTANTS; FURTHER PROVIDING FOR LICENSES AND
CERTIFICATES AND GENERAL QUALIFICATION; REPEALING PROVISIONS
RELATING TO RADIOLOGIC PROCEDURES AND EDUCATION AND TRAINING
REQUIRED; AND MAKING RELATED AND INCONSISTENT REPEALS.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Section 2 of the act of December 20, 1985
(P.L.457, No.112), known as the Medical Practice Act of 1985, is
amended by adding definitions to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

~~* * *~~

~~"Accredited program." A program in medical imaging or radiation therapy that is accredited by an accrediting agency recognized and approved by the United States Department of Education.~~

~~* * *~~

~~"Certification organization." A national organization that specializes in the certification and registration of medical imaging or radiation therapy technical personnel and is accredited by the National Commission for Certifying Agencies, the American National Standards Institute or another accreditation organization recognized by the board.~~

~~* * *~~

~~"Computed tomography." The process of producing sectional or three-dimensional images using external ionizing radiation for diagnostic or therapeutic purposes.~~

~~* * *~~

~~"Diagnostic medical sonography." The use of high-frequency sound waves with specialized equipment to direct the sound waves into an area of the human body to generate a diagnostic image for diagnostic or therapeutic purposes.~~

~~* * *~~

~~"Fluoroscopy." The exposure of a patient to x-rays in a fluoroscopy mode, including positioning the patient and fluoroscopy equipment and the selection of exposure factors.~~

"FLUOROSCOPY." A MEDICAL PROCEDURE THAT MAKES A REAL-TIME VIDEO OF THE MOVEMENTS INSIDE A PART OF THE BODY BY PASSING X-RAYS THROUGH THE BODY OVER A PERIOD OF TIME.

* * *

"Ionizing radiation." Radiation that consists of alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons or other particles capable of producing ions. The term does not include non-ionizing radiation, including high-frequency sound waves, magnetic fields, microwaves, radiofrequency signals or visible, infrared or ultraviolet light.

* * *

"Licensed practitioner." An individual who is licensed to practice medicine, dentistry, podiatry or osteopathy in this Commonwealth.

"Limited x-ray machine operator." An individual who is licensed to perform only x-ray procedures that do not involve the administration or utilization of contrast media on selected specific parts of the human anatomy under the supervision of a licensed practitioner. A LICENSED PHYSICIAN, DENTIST, CHIROPRACTOR OR PODIATRIST IN THIS COMMONWEALTH.

"Magnetic resonance imaging." The creation or acquisition of images generated by using radiofrequency signals within a magnetic field for diagnostic or therapeutic purposes.

* * *

"Medical imaging." A modality used to produce images of the internal structures of the human body for diagnostic, interventional or therapeutic purposes through the use of electromagnetic waves, sound waves, radio waves, magnetic

fields, ionizing radiation or radioactive materials.

"Medical imaging, radiation therapy or radiologist assistant license." A license to use radioactive substances or equipment emitting high frequency sound waves, ionizing radiation, magnetic fields or radiofrequency signals for medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes in this Commonwealth in accordance with section 13.7.

"Medical imaging professional." An individual, other than a physician, an osteopathic physician or a podiatrist LICENSED PRACTITIONER, who has undergone appropriate training and testing by a certification organization to become a medical imaging licensee BE LICENSED UNDER SECTION 13.7 in the modality in which the individual's INDIVIDUAL practices, including any of the following:

- (1) Diagnostic medical sonography.
- (2) Advanced medical sonography.
- (3) Fluoroscopy.
- (4) Limited x ray machine operations.
- (5) Magnetic resonance imaging.
- (6) Nuclear medicine technology.
- (7) Radiography.

* * *

"Mobile imaging." An arrangement in which medical imaging services are transported to various sites. The term does not include movement within a hospital or movement to a site where the equipment will be located permanently.

- (3) LIMITED X-RAY MACHINE OPERATIONS.
- (4) MAGNETIC RESONANCE IMAGING.

(5) NUCLEAR MEDICINE TECHNOLOGY.

(6) RADIOGRAPHY.

* * *

"Nuclear medicine technology." Medical imaging that utilizes sealed and unsealed radioactive materials for diagnostic, treatment and research purposes. The term includes any of the following:

(1) The procurement, preparation and administration of radiopharmaceuticals, adjunctive and imaging medications.

(2) The combination of nuclear medicine instrumentation with computed tomography, magnetic resonance imaging or other modalities to produce a three-dimensional image with or without adjunctive and imaging medications to enhance the evaluation of physiological processes at a molecular level.

* * *

"Radiation therapist." An individual, other than a ~~physician or an osteopathic physician~~ LICENSED PHYSICIAN, who has undergone appropriate training and testing by a certification organization to become a radiation therapist.

"Radiation therapy." The use of ionizing radiation for treating disease.

"Radiography." The process of obtaining an image using external ionizing radiation for diagnostic or therapeutic purposes.

"Radiologist." A physician who is licensed in this Commonwealth and is ~~board-eligible~~ ELIGIBLE for certification as a radiologist or is certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the Royal College of Radiology or the Royal College of Physicians

and Surgeons of Canada as a radiologist.

"Radiologist assistant." An individual, other than a physician or an osteopathic physician, who meets all of the following criteria:

(1) The individual has undergone appropriate training and testing by a certification organization to become a radiologist assistant.

(2) The individual works under the supervision of a radiologist.

(3) The individual does not interpret imaging, render diagnoses or prescribe medications or therapies. LICENSED PHYSICIAN, WHO HAS UNDERGONE APPROPRIATE TRAINING AND TESTING BY A CERTIFICATION ORGANIZATION TO BECOME A RADIOLOGIST ASSISTANT.

* * *

"Specialization." A medical specialty area or type of equipment used within a medical imaging or radiation therapy modality, which has a corresponding certification from a certification organization recognized by the board.

* * *

Section 2. Section 3(a) and (b) of the act are amended to read:

Section 3. State Board of Medicine.

(a) Establishment. The State Board of Medicine shall consist of the commissioner or his designee, the Secretary of Health or his designee, two members appointed by the Governor who shall be persons representing the public at large and seven members appointed by the Governor, six of whom shall be medical doctors with unrestricted licenses to practice medicine and

~~surgery in this Commonwealth for five years immediately preceding their appointment and one who shall be a nurse midwife, physician assistant, certified registered nurse practitioner, respiratory therapist, licensed athletic trainer [or], perfusionist or a medical imaging professional, radiation therapist or radiologist assistant licensed or certified under the laws of this Commonwealth. All professional and public members of the board shall be appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate.~~

~~(b) Terms of office. The term of each professional and public member of the board shall be four years or until his or her successor has been appointed and qualified, but not longer than six months beyond the four year period. In the event that any of said members shall die or resign or otherwise become disqualified during his or her term, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive terms. The Governor shall assure that nurse midwives, physician assistants, certified registered nurse practitioners, perfusionists [and], respiratory therapists and medical imaging professionals, radiation therapists or radiologist assistants are appointed to four year terms on a rotating basis so that, of every [four] five appointments to a four year term, one is a nurse midwife, one is a physician assistant, one is a certified registered nurse practitioner [and], one is a respiratory therapist and one is a medical imaging professional, radiation therapist or radiologist assistant.~~

~~* * *~~

~~Section 3. The act is amended by adding a section to read:~~
~~Section 13.7. Medical imaging professionals, radiation~~
~~therapists, radiologist assistants and related~~
~~fields.~~

~~(a) Functions. A medical imaging professional, radiation~~
~~therapist or radiologist assistant shall perform the functions~~
~~of the modality in which the medical imaging professional,~~
~~radiation therapist or radiologist assistant is licensed and any~~
~~related specializations. The functions under this subsection~~
~~shall include any of the following:~~

- ~~(1) Diagnostic medical sonography.~~
- ~~(2) Magnetic resonance imaging.~~
- ~~(3) Nuclear technology medicine.~~
- ~~(4) Radiation therapy.~~
- ~~(5) Radiography.~~
- ~~(6) Radiologist assistant.~~

~~(b) License required. On or after January 1, 2024, an~~
~~individual who is not licensed under this section may not~~
~~perform or offer to perform medical imaging or radiation therapy~~
~~procedures on humans for diagnostic, interventional or~~
~~therapeutic purposes. A person, practice or business entity may~~
~~not knowingly employ an individual who does not hold a license~~
~~under this section or is not exempt from the license~~
~~requirements under this section to perform medical imaging or~~
~~radiation therapy procedures on humans for diagnostic or~~
~~therapeutic purposes.~~

~~(c) License standards. The board shall issue a license to~~
~~an individual who meets the standards established for~~

~~certification by a certification organization. The board shall issue a license for two years and may renew the license upon the completion of the license renewal requirements, including continuing education requirements approved by the board.~~

~~(d) License requirements.~~

~~(1) An individual seeking to obtain a license for a medical imaging or radiation therapy modality shall comply with all of the following requirements:~~

~~(i) The individual shall at least be 18 years of age at the time of application.~~

~~(ii) The individual shall have a high school diploma or pass an approved equivalency test.~~

~~(iii) The individual shall satisfactorily complete a course of study in diagnostic medical sonography, magnetic resonance imaging, nuclear medicine technology, radiation therapy or radiography or an equivalent course of study determined by the board.~~

~~(iv) The individual shall pass an applicable modality or specialization examination administered by a certification organization. If an individual holds a current certification and registration in a medical imaging or radiation therapy modality on the effective date of this section, the board shall deem that the individual has met the requirements under this subparagraph.~~

~~(v) The individual shall pay applicable license fees.~~

~~(2) In addition to the requirements for a medical imaging or radiation therapist license under paragraph (1),~~

~~an individual seeking to obtain a license as a radiologist assistant shall comply with all of the following requirements:~~

~~(i) The individual shall hold a current license as a radiographer and be currently certified and registered as a radiographer by the American Registry of Radiologic Technologists.~~

~~(ii) The individual shall hold a current certification and registration as a radiologist assistant by the American Registry of Radiologic Technologists or as a radiology practitioner assistant by the Certification Board of Radiology Practitioner Assistants.~~

~~(iii) The individual shall submit clinical protocols signed by the supervising radiologist to the board specifying procedures that are performed by the individual, the levels of radiologist supervision and the location of practice designated by the supervising radiologist. The individual shall submit updated protocols under this subparagraph biennially to the board and consistent with license renewal.~~

~~(c) Scope of practice and limitations.--~~

~~(1) A radiologist assistant scope of practice shall be consistent with the Radiologist Assistant Practice Standards published by the American Society of Radiologic Technologists published on the effective date of this section. An individual licensed as a radiologist assistant may not interpret images, make diagnoses or prescribe medications or therapies.~~

~~(2) The board shall establish by regulation the scope of~~

~~practice, education, certification, continuing education and licensure standards for an individual performing, under the supervision of a physician, a medical imaging modality and any related specializations, including any of the following:~~

~~(i) Diagnostic medical sonography.~~

~~(ii) Advanced medical sonography.~~

~~(iii) Fluoroscopy.~~

~~(iv) Limited x-ray machine operations.~~

~~(v) Magnetic resonance imaging.~~

~~(vi) Nuclear medicine technology.~~

~~(vii) Radiography.~~

~~(viii) Radiologist assistant.~~

~~(3) The board shall establish by regulation the scope of practice, education, continuing education and licensure standards for an individual performing radiation therapist duties under the supervision of a physician.~~

~~(4) In establishing the scope of practice, education, continuing education and licensure standards under paragraph (3), the board may review and adopt the current standards of the certification organization of each medical imaging and radiation therapy modality.~~

~~(5) An individual licensed as a fluoroscopy operator shall only perform fluoroscopy within the scope of the license issued to the individual and may not perform computed tomography, diagnostic medical sonography, magnetic resonance imaging, mammography, mobile imaging, nuclear medicine technology, radiography or radiation therapy procedures.~~

~~(6) An individual licensed as a limited x-ray machine operator shall perform tasks or procedures only within the~~

~~scope of the specific permit issued to the individual by the board for a particular area of the human anatomy and may not perform procedures involving the administration and utilization of contrast media or perform computed tomography, diagnostic medical sonography, fluoroscopy, magnetic resonance imaging, mammography, mobile imaging, nuclear medicine technology or radiation therapy.~~

~~(7) A licensee under this section may use radioactive substances or equipment emitting ionizing radiation, high-frequency sound waves or magnetic resonance and perform medical imaging and radiation therapy procedures on humans for diagnostic or therapeutic purposes only:~~

~~(i) with a valid prescription of a person authorized by the Commonwealth to prescribe medical imaging and radiation therapy procedures;~~

~~(ii) under the supervision of a licensed practitioner; and~~

~~(iii) within the scope of the license as specified under this chapter and under regulations adopted by the board and in a modality for which the licensee is licensed.~~

~~(8) A licensee under this section may not make a diagnostic interpretation of an image, make a diagnosis or prescribe a medication or therapy.~~

~~(f) Current certification.—An individual currently registered and certified by a certification organization on the effective date of this section shall immediately qualify for a license under this section.~~

~~(g) Use of title.—An individual may not indicate or~~

~~otherwise imply that an individual is certified or licensed to perform medical imaging or radiation therapy procedures in a medical imaging modality unless the individual is currently licensed in the medical imaging modality to perform medical imaging or radiation therapy procedures.~~

~~(h) Fluoroscopy and computed tomography.~~

~~(1) An applicant for a fluoroscopy operator license shall be a physician assistant licensed in this Commonwealth who meets all of the following requirements:~~

~~(i) The applicant shall complete 40 hours of didactic education in radiation safety, radiation protection, equipment operation, image acquisition and patient positioning.~~

~~(ii) The applicant shall complete 40 hours of clinical education supervised by a radiologist or radiographer.~~

~~(iii) The applicant shall successfully complete the fluoroscopy examination of a certification organization.~~

~~(2) An individual who is licensed as a fluoroscopy operator in this Commonwealth shall only perform fluoroscopy within the scope of the individual's license and may not perform computed tomography, diagnostic medical sonography, magnetic resonance imaging, mammography, mobile imaging, nuclear medicine technology, radiography or radiation therapy.~~

~~(3) On and after October 1, 2025, a licensee under this section who performs computed tomography for diagnostic purposes shall receive a certification in computed tomography by the American Registry of Radiologic Technologists, Nuclear~~

~~Medicine Technologist Certification Board or other certification organization.~~

~~(i) Limitation or expansion of practice. Nothing in this section relating to medical imaging or radiation therapy shall be construed to limit or expand the practice of a licensed practitioner.~~

~~(j) Exemptions. This section shall not apply to any of the following:~~

~~(1) A licensed practitioner performing medical imaging or radiation therapy procedures.~~

~~(2) A dental hygienist currently licensed in this Commonwealth.~~

~~(3) A dental assistant currently licensed in this Commonwealth.~~

~~(4) A resident physician or student enrolled in and attending a school or college of medicine, chiropractic, podiatry, medical imaging or radiation therapy who performs authorized medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or the supervision of an individual holding a license under this section in the supervised modality. In accordance with the regulations established by the board under this section, a student enrolled in a medical imaging educational program recognized by the board may be employed by a medical facility affiliated with the educational program to perform authorized medical imaging procedures for which the student has a demonstrated competency if the medical imaging procedures are performed under the supervision of a licensed practitioner or the supervision of an individual holding a license under this~~

~~section in the supervised modality.~~

~~(5) A licensed chiropractor or an individual under the supervision of a chiropractor who is permitted to perform x-rays under the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act.~~

~~(6) An individual who is employed by the Federal Government to perform medical imaging or radiation therapy procedures associated with the employment.~~

~~(7) An individual performing sonography procedures within the individual's scope of practice that is used to assess information about a patient's immediate condition, is limited to a focused imaging target and does not generate a recorded diagnostic medical image, including assessment of any of the following:~~

~~(i) Fetal presentation or heartbeat.~~

~~(ii) Fluid in a body cavity.~~

~~(iii) Foreign body position or location.~~

~~(iv) Fetal monitoring during active labor.~~

~~(v) An anatomical landmark or blood vessel for vascular access or administration of anesthesia.~~

~~(8) An individual performing medical imaging or radiation therapy procedures on nonhuman subjects or cadavers.~~

~~(k) License renewal and maintenance.~~

~~(1) A license under this section shall be subject to biennial renewal. If at the time of application for renewal, the applicant for license renewal has verified, by oath or affirmation, that the applicant is not in violation of this section, has complied with board's regulations under this~~

~~section and has paid the license renewal fee, the board shall renew the applicant's license under this section.~~

~~(2) A licensee under this section shall maintain current certification and registration by a certification organization throughout the licensure period and shall not be required to duplicate the continuing education hours submitted to the certification organization. The board may require a licensee under this section to submit evidence of current certification and registration by a certification organization, which shall be deemed equivalent to the continuing education requirements established by the board.~~

~~(3) As a condition of license renewal under this section, an individual licensed as fluoroscopy operator or limited x ray machine operator shall complete continuing education requirements established by the board.~~

~~(1) Advisory committees.—~~

~~(1) The board shall establish an ad hoc advisory committee consisting of medical imaging professionals, radiation therapists and radiologist assistants to assist the board in promulgating the initial regulations for licensee qualifications, standards and scope of practice for each modality and specialization under this paragraph.~~

~~(2) The advisory committee under paragraph (1) shall consist, at a minimum, of the following members:~~

~~(i) A radiologist licensed in this Commonwealth.~~

~~(ii) A radiographer.~~

~~(iii) A diagnostic medical sonographer.~~

~~(iv) A nuclear medicine technologist.~~

~~(v) A magnetic resonance imaging technologist.~~

~~(vi) A radiation therapist.~~

~~(vii) A radiologist assistant.~~

~~(viii) A licensee in one of the modalities under this section who is also a full time educator in an accredited program in medical imaging or radiation therapy.~~

~~(3) The chairperson of the board shall preside over meetings of the advisory committee under paragraph (1). The chairperson shall appoint members of the advisory committee under paragraph (1), schedule meetings and provide notice to advisory committee members. Members of the advisory committee under paragraph (1) shall be appointed from nominations submitted by associations or organizations in this Commonwealth representing medical imaging professionals, radiation therapists and radiologist assistants.~~

SECTION 2. SECTIONS 13.1(A) (3), 13.3(F) (2), 13.4(E) (2) AND 13.5(A) (1) OF THE ACT ARE AMENDED TO READ:

SECTION 13.1. RESPIRATORY THERAPISTS.

(A) QUALIFICATIONS.--AN INDIVIDUAL SHALL BE ELIGIBLE TO APPLY FOR LICENSURE AS A RESPIRATORY THERAPIST IF THAT INDIVIDUAL SATISFIES ALL OF THE FOLLOWING:

* * *

(3) HAS PROVED TO THE SATISFACTION OF THE BOARD THAT THE INDIVIDUAL IS OF GOOD MORAL CHARACTER AND IS NOT UNFIT OR UNABLE TO PRACTICE AS A RESPIRATORY THERAPIST BY REASON OF PHYSICAL OR MENTAL IMPAIRMENT. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION

OF CRIMINAL CONVICTIONS).

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SECTION 13.3. PERFUSIONIST.

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(F) QUALIFICATIONS.--AN APPLICANT SHALL BE LICENSED TO PRACTICE PERFUSION UNDER THIS ACT IF THE APPLICANT MEETS ALL OF THE FOLLOWING QUALIFICATIONS AND HAS OTHERWISE COMPLIED WITH THE PROVISIONS OF THIS ACT:

* * *

(2) THE PERSON IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS).

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SECTION 13.4. GENETIC COUNSELOR.

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(E) QUALIFICATIONS.--AN APPLICANT SHALL BE LICENSED TO PRACTICE GENETIC COUNSELING UNDER THIS ACT IF THE APPLICANT MEETS ALL OF THE FOLLOWING QUALIFICATIONS AND HAS OTHERWISE COMPLIED WITH THE PROVISIONS OF THIS ACT:

* * *

(2) THE PERSON IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS).

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SECTION 13.5. PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND

ORTHOTIC FITTERS.

(A) LICENSURE QUALIFICATIONS.--TO QUALIFY FOR LICENSURE TO PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING, AN APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS).

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SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 13.7. MEDICAL IMAGING PROFESSIONALS, RADIATION THERAPISTS AND RADIOLOGIST ASSISTANTS.

(A) LICENSE REQUIRED.--BEGINNING TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL WHO IS NOT LICENSED UNDER THIS SECTION TO PERFORM OR OFFER TO PERFORM MEDICAL IMAGING OR RADIATION THERAPY PROCEDURES ON HUMANS FOR DIAGNOSTIC, INTERVENTIONAL OR THERAPEUTIC PURPOSES OR PRACTICE AS A MEDICAL IMAGING PROFESSIONAL, RADIATION THERAPIST OR RADIOLOGIST ASSISTANT.

(B) MEDICAL IMAGING PROFESSIONAL LICENSE.--THE BOARD SHALL ISSUE A LICENSE AS A MEDICAL IMAGING PROFESSIONAL TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

- (1) IS AT LEAST 18 YEARS OF AGE.
- (2) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS ESTABLISHED BY THE BOARD BY REGULATION.
- (3) IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN

ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS).

(4) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

(5) SATISFACTORILY COMPLETES A COURSE OF STUDY IN DIAGNOSTIC MEDICAL SONOGRAPHY, MAGNETIC RESONANCE IMAGING, NUCLEAR MEDICINE TECHNOLOGY OR RADIOGRAPHY OR AN EQUIVALENT COURSE OF STUDY DETERMINED BY THE BOARD.

(6) PASSES AN APPLICABLE MODALITY OR SPECIALIZATION EXAMINATION ADMINISTERED BY A CERTIFICATION ORGANIZATION APPROVED BY THE BOARD.

(C) MEDICAL IMAGING PROFESSIONAL SCOPE OF PRACTICE.--A MEDICAL IMAGING PROFESSIONAL SHALL ONLY PERFORM THE FUNCTIONS OF THE MODALITY IN WHICH THE MEDICAL IMAGING PROFESSIONAL HAS RECEIVED EDUCATION AND TRAINING, AND CERTIFICATION BY A CERTIFICATION ORGANIZATION. THE FUNCTIONS UNDER THIS SUBSECTION SHALL INCLUDE ANY OF THE FOLLOWING:

(1) DIAGNOSTIC MEDICAL SONOGRAPHY.

(2) MAGNETIC RESONANCE IMAGING.

(3) NUCLEAR MEDICINE TECHNOLOGY.

(4) RADIOGRAPHY.

(D) RADIATION THERAPIST LICENSE.--THE BOARD SHALL ISSUE A LICENSE AS A RADIATION THERAPIST TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(1) IS AT LEAST 18 YEARS OF AGE.

(2) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS ESTABLISHED BY THE BOARD BY REGULATION.

(3) IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN

ACCORDANCE WITH 63 PA.C.S. § 3113.

(4) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

(5) SATISFACTORILY COMPLETES A COURSE OF STUDY IN RADIATION THERAPY OR AN EQUIVALENT COURSE OF STUDY DETERMINED BY THE BOARD.

(6) PASSES AN APPLICABLE RADIATION THERAPY EXAMINATION ADMINISTERED BY A CERTIFICATION ORGANIZATION APPROVED BY THE BOARD.

(E) RADIATION THERAPIST SCOPE OF PRACTICE.--A RADIATION THERAPIST MAY USE IONIZING RADIATION TO DELIVER RADIATION THERAPY TREATMENTS, PERFORM TREATMENT SIMULATION USING MEDICAL IMAGING MODALITIES, PLAN TREATMENT PROCEDURES AND DOSIMETRIC CALCULATIONS AS PRESCRIBED BY A RADIATION ONCOLOGIST.

(F) RADIOLOGIST ASSISTANT LICENSE.--THE BOARD SHALL ISSUE A LICENSE AS A RADIOLOGY ASSISTANT TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(1) IS AT LEAST 18 YEARS OF AGE.

(2) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS ESTABLISHED BY THE BOARD BY REGULATION.

(3) IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113.

(4) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

(5) SATISFACTORILY COMPLETES A COURSE OF STUDY IN RADIOLOGIST ASSISTANT OR AN EQUIVALENT COURSE OF STUDY DETERMINED BY THE BOARD.

(6) PASSES AN APPLICABLE RADIOLOGIST ASSISTANT EXAMINATION ADMINISTERED BY A CERTIFICATION ORGANIZATION

APPROVED BY THE BOARD.

(7) HOLDS A CURRENT LICENSE, CERTIFICATION OR REGISTRATION AS A RADIOGRAPHER AND RADIOLOGIST ASSISTANT ISSUED BY A CERTIFICATION ORGANIZATION APPROVED BY THE BOARD.

(G) RADIOLOGIST ASSISTANT SCOPE OF PRACTICE.--

(1) A RADIOLOGIST ASSISTANT MAY PERFORM ADVANCED DIAGNOSTIC IMAGING PROCEDURES UNDER THE DIRECTION OF A SUPERVISING RADIOLOGIST. THE PROCEDURES UNDER THIS SUBSECTION SHALL INCLUDE, BUT ARE NOT LIMITED TO, ANY OF THE FOLLOWING:

(I) ENTERAL AND PARENTERAL PROCEDURES.

(II) INJECTION OF DIAGNOSTIC AGENTS AND PHYSICIAN-PRESCRIBED MEDICATIONS.

(III) DIAGNOSTIC AND THERAPEUTIC ASPIRATIONS AND LOCALIZATIONS.

(IV) RADIOLOGIST DIRECTED INVASIVE PROCEDURES.

(V) FLUOROSCOPY PROCEDURES.

(2) A RADIOLOGIST ASSISTANT MAY NOT INTERPRET IMAGING, RENDER DIAGNOSES OR PRESCRIBE MEDICATION OR THERAPIES.

(3) A RADIOLOGIST ASSISTANT AND THE SUPERVISING RADIOLOGIST SHALL ESTABLISH CLINICAL PROTOCOLS IN ACCORDANCE WITH THIS PARAGRAPH. THE CLINICAL PROTOCOLS SHALL IDENTIFY AND BE SIGNED BY THE RADIOLOGIST ASSISTANT AND SUPERVISING RADIOLOGIST. THE CLINICAL PROTOCOLS SHALL DESCRIBE THE MANNER AND FREQUENCY IN WHICH THE RADIOLOGIST ASSISTANT REGULARLY COMMUNICATES WITH THE SUPERVISING RADIOLOGIST. THE CLINICAL PROTOCOLS SHALL INCLUDE PROCEDURES PERFORMED BY THE RADIOLOGIST ASSISTANT, THE LEVEL OF SUPERVISION PROVIDED BY THE SUPERVISING RADIOLOGIST AND THE LOCATION OF THE PRACTICE DESIGNATED BY THE SUPERVISING RADIOLOGIST. UPON UPDATING THE

CLINICAL PROTOCOLS, THE SUPERVISING RADIOLOGIST SHALL SUBMIT
UPDATED CLINICAL PROTOCOLS TO THE BOARD FOR REVIEW. NOTHING
IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE THE CLINICAL
PROTOCOLS TO BE APPROVED BY THE BOARD.

(H) CURRENT PRACTITIONERS.--THE BOARD SHALL ISSUE A LICENSE
UNDER THIS SECTION TO AN INDIVIDUAL PRACTICING AS A MEDICAL
IMAGING PROFESSIONAL, RADIATION THERAPIST OR RADIOLOGIST
ASSISTANT ON THE EFFECTIVE DATE OF THIS SECTION IF THE
INDIVIDUAL MEETS ALL OF THE FOLLOWING REQUIREMENTS WITHIN TWO
YEARS OF THE EFFECTIVE DATE OF THIS SECTION:

(1) IS AT LEAST 18 YEARS OF AGE.

(2) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS
ESTABLISHED BY THE BOARD BY REGULATION.

(3) IS OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL
CHARACTER OF AN INDIVIDUAL WITH A CRIMINAL CONVICTION, THE
BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN
ACCORDANCE WITH 63 PA.C.S. § 3113.

(4) HOLDS A CURRENT LICENSE, CERTIFICATION OR
REGISTRATION AS A MEDICAL IMAGING PROFESSIONAL, RADIATION
THERAPIST OR RADIOLOGIST ASSISTANT ISSUED BY A CERTIFICATION
ORGANIZATION APPROVED BY THE BOARD.

(I) USE OF TITLE.--ONLY AN INDIVIDUAL WHO HOLDS AN ACTIVE
LICENSE UNDER THIS SECTION MAY DO ANY OF THE FOLLOWING:

(1) HOLD ONESELF OUT AS A LICENSED MEDICAL IMAGING
PROFESSIONAL, RADIATION THERAPIST OR RADIOLOGIST ASSISTANT.

(2) USE A TITLE INDICATING THE SPECIFIC MODALITY FOR
WHICH THE INDIVIDUAL IS LICENSED UNDER THIS SECTION.

(3) USE ANY WORDS, SYMBOLS OR ABBREVIATIONS INDICATING
THE SPECIFIC MODALITY FOR WHICH THE INDIVIDUAL IS LICENSED

UNDER THIS SECTION.

(J) EXEMPTIONS.--THE LICENSURE REQUIREMENTS UNDER THIS SECTION SHALL NOT APPLY TO ANY OF THE FOLLOWING:

(1) AN INDIVIDUAL LICENSED IN THIS COMMONWEALTH WHOSE SCOPE OF PRACTICE INCLUDES PERFORMING MEDICAL IMAGING OR RADIATION THERAPY PROCEDURES.

(2) AUXILIARY PERSONNEL UNDER THE SUPERVISION OF A LICENSED CHIROPRACTOR WHO IS PERMITTED TO PERFORM X-RAYS UNDER THE ACT OF DECEMBER 16, 1986 (P.L.1646, NO.188), KNOWN AS THE CHIROPRACTIC PRACTICE ACT.

(3) AUXILIARY PERSONNEL UNDER THE SUPERVISION OF A LICENSED DENTIST WHO IS AUTHORIZED TO PERFORM X-RAYS UNDER SECTION 11.4 OF THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS THE DENTAL LAW.

(4) AUXILIARY PERSONNEL UNDER THE SUPERVISION OF A DOCTOR OF PODIATRIC MEDICINE WHO IS PERMITTED TO PERFORM X-RAYS UNDER SECTION 21.2 OF THE ACT OF MARCH 2, 1956 (1955 P.L.1206, NO.375), KNOWN AS THE PODIATRY PRACTICE ACT.

(5) AN INDIVIDUAL PERFORMING SONOGRAPHY PROCEDURES WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE THAT IS USED TO ASSESS INFORMATION ABOUT A PATIENT'S IMMEDIATE CONDITION, IS LIMITED TO A FOCUSED IMAGING TARGET AND DOES NOT GENERATE A RECORDED DIAGNOSTIC MEDICAL IMAGE, INCLUDING AN ASSESSMENT OF ANY OF THE FOLLOWING:

(I) FETAL PRESENTATION OR HEARTBEAT.

(II) FLUID IN A BODY CAVITY.

(III) FOREIGN BODY POSITION OR LOCATION.

(IV) FETAL MONITORING DURING ACTIVE LABOR.

(V) AN ANATOMICAL LANDMARK OR BLOOD VESSEL FOR

VASCULAR ACCESS OR ADMINISTRATION OF ANESTHESIA.

(6) A RESIDENT PHYSICIAN OR STUDENT ENROLLED IN AND ATTENDING A SCHOOL OR COLLEGE OF MEDICINE, CHIROPRACTIC, PODIATRY, MEDICAL IMAGING OR RADIATION THERAPY WHO PERFORMS AUTHORIZED MEDICAL IMAGING OR RADIATION THERAPY PROCEDURES ON HUMANS WHILE UNDER THE SUPERVISION OF A LICENSED PRACTITIONER OR THE SUPERVISION OF AN INDIVIDUAL HOLDING A LICENSE UNDER THIS SECTION IN THE SUPERVISED MODALITY.

(7) A STUDENT ENROLLED IN A MEDICAL IMAGING EDUCATIONAL PROGRAM RECOGNIZED BY THE BOARD WHO IS EMPLOYED BY A MEDICAL FACILITY AFFILIATED WITH THE PROGRAM TO PERFORM AUTHORIZED MEDICAL IMAGING PROCEDURES FOR WHICH THE STUDENT HAS A DEMONSTRATED COMPETENCY IF THE MEDICAL IMAGING PROCEDURES ARE PERFORMED UNDER THE SUPERVISION OF A LICENSED PRACTITIONER OR THE SUPERVISION OF AN INDIVIDUAL HOLDING A LICENSE UNDER THIS SECTION IN THE SUPERVISED MODALITY.

(8) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT TO PROVIDE MEDICAL IMAGING OR RADIATION THERAPY SERVICES WHILE IN THE DISCHARGE OF THE INDIVIDUAL'S OFFICIAL DUTIES.

(9) AN INDIVIDUAL PERFORMING MEDICAL IMAGING OR RADIATION THERAPY PROCEDURES ON NONHUMAN SUBJECTS OR CADAVERS.

(K) AUTHORIZATIONS AND RESTRICTIONS.--

(1) A LICENSEE UNDER THIS SECTION MAY USE RADIOACTIVE SUBSTANCES OR EQUIPMENT EMITTING IONIZING RADIATION, HIGH-FREQUENCY SOUND WAVES OR MAGNETIC RESONANCE AND PERFORM MEDICAL IMAGING AND RADIATION THERAPY PROCEDURES ON HUMANS FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES ONLY:

(I) WITH A VALID PRESCRIPTION OF AN INDIVIDUAL

AUTHORIZED BY THE COMMONWEALTH TO PRESCRIBE MEDICAL
IMAGING AND RADIATION THERAPY PROCEDURES;

(II) UNDER THE SUPERVISION OF A LICENSED
PRACTITIONER; AND

(III) WITHIN THE SCOPE OF THE LICENSE AS SPECIFIED
UNDER THIS SECTION AND THE REGULATIONS PROMULGATED BY THE
BOARD AND IN A MODALITY FOR WHICH THE LICENSEE HAS
RECEIVED EDUCATION AND TRAINING.

(2) A LICENSEE UNDER THIS SECTION MAY NOT MAKE A
DIAGNOSTIC INTERPRETATION OF AN IMAGE, MAKE A DIAGNOSIS OR
PRESCRIBE A MEDICATION OR THERAPY.

(L) LICENSE RENEWAL.--A LICENSE UNDER THIS SECTION SHALL BE
SUBJECT TO BIENNIAL RENEWAL. FOR LICENSE RENEWAL, A LICENSEE
SHALL SUBMIT ALL OF THE FOLLOWING TO THE BOARD:

(1) AN APPLICATION AND THE REQUIRED FEE AS ESTABLISHED
BY THE BOARD BY REGULATION.

(2) PROOF OF CONTINUING EDUCATION AS DETERMINED BY THE
BOARD BY REGULATION.

(3) PROOF OF HOLDING A CURRENT CERTIFICATION AND
REGISTRATION ISSUED BY A CERTIFICATION ORGANIZATION APPROVED
BY THE BOARD.

(M) PROFESSIONAL LIABILITY.--

(1) A LICENSEE UNDER THIS SECTION PRACTICING IN THIS
COMMONWEALTH SHALL MAINTAIN A LEVEL OF PROFESSIONAL LIABILITY
INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000 PER
OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN INSURANCE
COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO
DISCIPLINARY PROCEEDINGS. THE BOARD SHALL ACCEPT FROM THE
LICENSEE AS SATISFACTORY EVIDENCE OF INSURANCE COVERAGE ANY

OF THE FOLLOWING:

(I) SELF-INSURANCE.

(II) PERSONALLY PURCHASED LIABILITY INSURANCE.

(III) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED BY THE LICENSEE'S EMPLOYER OR SIMILAR INSURANCE COVERAGE ACCEPTABLE TO THE BOARD.

(2) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL PROVIDE PROOF THAT THE APPLICANT HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE IN ACCORDANCE WITH PARAGRAPH (1). IT IS SUFFICIENT IF THE APPLICANT FILES WITH THE APPLICATION A COPY OF A LETTER FROM THE APPLICANT'S PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING THAT THE APPLICANT WILL BE COVERED AGAINST PROFESSIONAL LIABILITY IN THE REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF THE APPLICANT'S LICENSE TO PRACTICE IN THIS COMMONWEALTH UNDER THIS SECTION. UPON ISSUANCE OF THE LICENSE, THE LICENSEE HAS 30 DAYS TO SUBMIT TO THE BOARD THE CERTIFICATE OF INSURANCE OR A COPY OF THE POLICY DECLARATION PAGE.

SECTION 4. SECTION 22 (B) INTRODUCTORY PARAGRAPH OF THE ACT IS AMENDED TO READ:

SECTION 22. LICENSES AND CERTIFICATES; GENERAL QUALIFICATION.

* * *

(B) QUALIFICATIONS.--THE BOARD SHALL NOT ISSUE A LICENSE OR CERTIFICATE TO AN APPLICANT UNLESS THE APPLICANT ESTABLISHES WITH EVIDENCE, VERIFIED BY AN AFFIDAVIT OR AFFIRMATION OF THE APPLICANT, THAT THE APPLICANT IS OF LEGAL AGE, IS OF GOOD MORAL CHARACTER AND IS NOT ADDICTED TO THE INTEMPERATE USE OF ALCOHOL OR THE HABITUAL USE OF NARCOTICS OR OTHER HABIT-FORMING DRUGS AND THAT THE APPLICANT HAS COMPLETED THE EDUCATIONAL

REQUIREMENTS PRESCRIBED BY THE BOARD AND OTHERWISE SATISFIES THE QUALIFICATIONS FOR THE LICENSE OR CERTIFICATE CONTAINED IN OR AUTHORIZED BY THIS ACT. IN ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS). THE BOARD SHALL NOT ISSUE A LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS BEEN CONVICTED OF A FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, UNLESS:

* * *

Section 4 5. Section 45 of the act is repealed:

[Section 45. Radiologic procedures; education and training required.

(a) Supervision.--On and after January 1, 1988, no auxiliary personnel shall perform radiologic procedures on the premises of a medical doctor unless such person is under the direct supervision of a medical doctor and unless such person has passed an examination approved by the board and administered in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, provided that no such auxiliary personnel shall perform radiologic procedures for therapeutic purposes unless the medical doctor under whose direct supervision such auxiliary personnel is acting is on the premises at the time the radiologic procedures are performed.

(b) Exclusion.--The board shall have the authority, after notice and hearing, to prohibit an auxiliary personnel from performing radiologic procedures if the continued performance of radiologic procedures by the auxiliary personnel is determined by the board to pose a threat to the health, safety or welfare of the public.

(c) Penalty.--It shall be unlawful under this act to knowingly permit radiologic procedures to be performed in violation of this section or in violation of the regulations promulgated or orders issued in accordance with this section.

(d) Education and testing.--No auxiliary personnel who has or obtains a license, certificate or registration issued by, or on behalf of, a board within the Bureau of Professional and Occupational Affairs or a comparable board of another state, or who has obtained certification as the result of satisfactory completion of a test and an educational course accredited by an accrediting body recognized by the board, shall be required to undergo any additional education or testing pursuant to this section if radiologic procedures were included in the education or the examination which he or she was required to complete successfully in order to be eligible for such license, certificate, registration or certification.

(e) Definition.--As used in this section, the term "radiologic procedures" means the use of ionizing radiation for diagnostic or therapeutic purposes.]

Section 5 6. Repeals are as follows:

(1) The General Assembly declares the repeals under paragraph (2) are necessary to effectuate the addition of section 13.7 of the act.

(2) The following are repealed:

(i) Section 16.4 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, is repealed.

(ii) Section 21.2 of the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act, repealed insofar as it is inconsistent with the addition of section 13.7 of the act.

Section 7. The State Board of Medicine shall promulgate final regulations necessary to implement the addition of section 13.7 of the act within 180 days of the effective date of this section.

Section ~~6~~ 8. This act shall take effect ~~immediately~~. IN 60 DAYS.