

1 AN ACT relating to medical imaging and radiation therapy.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311B.010 is amended to read as follows:

4 (1) It is the declared policy of the General Assembly of Kentucky that the practice of
5 medical imaging, radiation therapy, and related occupations should be regulated and
6 controlled as provided by this chapter and by the administrative regulations of the
7 board in order to protect and safeguard the health and safety of the citizens of the
8 Commonwealth of Kentucky.

9 (2) Prior to ***the effective date of this Act, the Kentucky Board for Medical Imaging***
10 ***and Radiation Therapy exercised oversight of***~~July 12, 2012, the Cabinet for~~
11 ~~Health and Family Services has exercised effective oversight over~~ the fields of
12 medical imaging and radiation therapy ***as an independent board***, but it is the intent
13 of the General Assembly that, as of ***the effective date of this Act***~~July 12, 2012~~:

14 (a) These professions shall be governed by ***the Kentucky Board of Medical***
15 ***Licensure with the advice of*** a ~~peer-reviewed,~~ practitioner-based ***advisory***
16 ***committee***~~body~~; and

17 (b) The ***Kentucky*** Board ***of Medical Licensure*** as established in ***KRS Chapter***
18 ***311***~~this chapter~~ is the best means to carry out this purpose.

19 ➔Section 2. KRS 311B.020 is amended to read as follows:

20 As used in this chapter, unless the context clearly requires otherwise:

21 (1) "Accredited educational program" means a program that is approved by a national
22 organization acceptable to the board to provide education in medical imaging or
23 radiation therapy;

24 (2) "Actively employed" means an individual who is appropriately credentialed and
25 currently employed as an advanced imaging professional, medical imaging
26 technologist, radiation therapist, an educator or administrator in any of these
27 disciplines, or a limited X-ray machine operator;

- 1 (3) "Advanced imaging professional" means an individual who is credentialed by a
2 nationally recognized certification organization that is recognized by the board;
- 3 (4) "Authorized user" means a physician, dentist, or podiatrist identified on a
4 radioactive materials license that authorizes the medical use of radioactive materials
5 if the license was issued by:
- 6 (a) The Cabinet for Health and Family Services;
- 7 (b) The United States Nuclear Regulatory Commission; or
- 8 (c) Another United States Nuclear Regulatory Commission agreement state;
- 9 (5) "Board" means the Kentucky Board of Medical Licensure~~[Imaging and Radiation
10 Therapy];~~
- 11 (6) **"Committee" means the Medical Imaging and Radiation Therapy Advisory**
12 **Committee**~~["Credentialed" means someone who is certified and registered by an
13 appropriate national organization that is recognized by the board];~~
- 14 (7) "Continuing education" means a learning activity that is planned, organized, and
15 administered to enhance the professional knowledge and skills of a licensed
16 individual of medical imaging or radiation therapy to provide services for patients,
17 the public, or the medical profession;
- 18 (8) **"Credentialed" means someone who is certified and registered by an appropriate**
19 **national organization that is recognized by the board;**
- 20 **(9)** "Licensed practitioner" or "licensed practitioner of the healing arts" means a person
21 licensed in Kentucky to practice medicine, osteopathy, dentistry, chiropractic,
22 podiatry, or veterinary medicine;
- 23 ~~**(10)**~~**(9)** "Limited X-ray machine operator" means an individual who performs limited
24 radiographic procedures in facilities where contrast studies, fluoroscopic, nuclear
25 medicine, or radiation therapy procedures are not performed;
- 26 ~~**(11)**~~**(10)** "Medical imaging technologist" means an individual who has completed an
27 accredited educational program in radiography, nuclear medicine, or other imaging

1 modality recognized by the board and who is licensed and granted privileges under
2 this chapter. Only an individual licensed as a medical imaging technologist shall be
3 employed to perform medical imaging at a facility where contrast studies,
4 fluoroscopic, nuclear medicine, or radiation therapy procedures are performed;

5 (12)~~((11))~~ "National organization" means:

- 6 (a) The American Society of Radiologic Technologists;
- 7 (b) The Nuclear Medicine Technology Certification Board;
- 8 (c) The American Registry of Radiologic Technologists;
- 9 (d) The Society of Nuclear Medicine Technologist Section;
- 10 (e) The Joint Review Committee on Education in Radiologic Technology;
- 11 (f) The Joint Review Committee on Educational Programs in Nuclear Medicine
12 Technology;
- 13 (g) The American College of Radiology; or
- 14 (h) Another national organization recognized by the board;

15 (13)~~((12))~~ "Nuclear medicine technologist" means an individual who is authorized to
16 prepare and administer radiopharmaceuticals, pharmaceuticals, and radionuclides
17 under the direction of an authorized user to perform nuclear medicine procedures
18 for diagnostic and therapeutic purposes;

19 (14)~~((13))~~ "Post-primary certification" means an individual who has primary certification
20 and has been awarded post-primary certification by a national organization that has
21 been recognized by the board;

22 (15)~~((14))~~ "Primary certification" means an individual who has successfully completed a
23 formal educational program and certification in radiography, nuclear medicine,
24 radiation therapy, or other modality recognized by the board;

25 (16)~~((15))~~ "Radiation therapist" means an individual who:

- 26 (a) Has completed an accredited educational program in radiation therapy;
- 27 (b) Is licensed by the board; and

1 (c) Is authorized to utilize ionizing radiation-generating equipment and sources of
 2 radiation for the planning, localization, and delivery of therapeutic procedures
 3 on human beings; and

4 ~~(17)~~~~(16)~~ "Radiographer" means an individual who is authorized to use ionizing
 5 radiation-generating equipment to perform a comprehensive scope of diagnostic
 6 imaging procedures and is responsible for the operation of radiation-generating
 7 equipment, protecting the patient and staff from unnecessary radiation, and selecting
 8 the appropriate exposure to produce diagnostic images with the lowest reasonable
 9 exposure.

10 ➔Section 3. KRS 311B.030 is amended to read as follows:

11 (1) The ~~Kentucky Board for~~ Medical Imaging and Radiation Therapy Advisory
 12 Committee is hereby created to assist the board in ~~promote, preserve, and protect~~
 13 ~~the public health, safety, and welfare of the citizens of the Commonwealth of~~
 14 ~~Kentucky by~~ regulating and licensing individuals who use ionizing or nonionizing
 15 radiation as advanced imaging professionals, medical imaging technologists,
 16 radiographers, radiation therapists, nuclear medicine technologists, limited X-ray
 17 machine operators, or any combination of professions licensed under this chapter.
 18 The committee~~board~~ shall consist of nine (9) members appointed by the
 19 Governor, with the following qualifications:

20 (a) One (1) member~~Two (2) members~~ shall be a licensed
 21 radiographer~~radiographers~~ whose primary work responsibilities are related
 22 to general diagnostic radiography;

23 (b) Two (2) members shall be licensed radiographers with a post-primary
 24 certification and whose primary work responsibilities are related to that post-
 25 primary certification;

26 (c) One (1) member shall be a licensed nuclear medicine technologist;

27 (d) One (1) member shall be a licensed radiation therapist;

- 1 (e) One (1) member shall be a licensed limited X-ray machine operator;
- 2 (f) One (1) member shall be a licensed medical imaging technologist or therapist
3 who serves as an educator in an accredited program or as an administrator in a
4 medical imaging or radiation therapy department;~~and~~
- 5 (g) One (1) member shall be an individual at-large from the general public with
6 no family or business relation to health care but with an interest in the rights
7 of consumers of health services; and
- 8 **(h) One (1) member shall be the President of the Kentucky Board of Medical**
9 **Licensure or his or her designee who shall serve as an ex-officio voting**
10 **member of the committee.**
- 11 (2) All committee~~board~~ members, except the at-large member and the ex-officio
12 member, shall have at least five (5) years of experience in their respective areas of
13 certification or licensure and shall maintain active registry or certification and
14 Kentucky licensure in medical imaging or radiation therapy during the term as a
15 board member. Each committee~~board~~ member shall be a resident of Kentucky or
16 actively employed in medical imaging or radiation therapy in Kentucky, and shall
17 be in good standing~~with the board~~.
- 18 (3) (a) By May 1 of years in which terms expire, nominations of individuals for
19 appointment to the committee~~board~~ shall be submitted to the Governor and
20 may be made by citizens of the Commonwealth of Kentucky through the
21 Kentucky Society of Radiologic Technologists, the Kentucky Society of
22 Nuclear Medicine Technologists, the board, or other professional imaging or
23 radiation therapy organizations that are recognized by the board.
- 24 (b) No two (2) committee~~board~~ members shall be residents of the same county.
- 25 (c) A minimum of two (2) names per appointment shall be submitted to the
26 Governor.
- 27 (4) The Governor shall make each appointment by September 1 for terms beginning

1 November 1 of that same year. The initial terms of appointment shall be staggered
2 with five (5) members appointed for four (4) years and four (4) members appointed
3 for two (2) years. Thereafter, members shall be appointed to the committee~~[board]~~
4 for terms of four (4) years, expiring on October 31 of the fourth year. A
5 committee~~[board]~~ member may serve two (2) consecutive appointments. After a
6 second consecutive appointment, that individual may not be reappointed until at
7 least one (1) full year has passed.

8 ➔Section 4. KRS 311B.040 is amended to read as follows:

- 9 (1) The committee~~[board]~~ shall meet at least two (2) times annually and may meet at
10 other times as needed.~~[Special meetings shall be called by the chair, or by written~~
11 ~~petition of three (3) board members to the chair of the board.]~~
- 12 (2) At the first meeting each year, the committee~~[board]~~ shall elect by majority a chair
13 to preside at the meetings for a one (1) year term. A vice chair shall be elected by
14 the committee~~[board]~~ to preside over~~[board]~~ meetings in the chair's absence.
- 15 (3) The committee~~[board]~~ chair, *in consultation with the board,* shall establish an
16 agenda to conduct business for each meeting. The agenda shall be distributed to
17 committee~~[board]~~ members at least two (2) weeks prior to the scheduled meeting.
18 Specific items for consideration shall be submitted at least thirty (30) days prior to
19 the next committee~~[board]~~ meeting.
- 20 (4) A majority of the committee~~[board]~~ members shall constitute a quorum for the
21 transaction of necessary business.
- 22 (5) Vacancies shall be filled in the manner of the original appointment for the length of
23 the unexpired portion of the term only. Appointment to a vacancy for more than two
24 (2) years shall constitute a full term of appointment.
- 25 (6) Upon recommendation by a majority of the committee~~[board]~~ members and after
26 notice and a hearing, the Governor may remove any member for failure to maintain
27 the qualifications as a committee~~[board]~~ member, incompetence, neglect of duty, or

1 malfeasance in office. Any committee~~[board]~~ member removed under this
2 subsection shall be entitled to appeal the removal in the~~[-Franklin]~~ Circuit Court
3 **with jurisdiction over the committee member's place of residence.**

4 (7) There shall be no liability on the part of, and no action for damages against, any
5 current or former committee~~[board]~~ member, representative, agent, or employee of
6 the committee~~[board]~~, when the person is acting with ordinary care, is functioning
7 within the scope of committee~~[board]~~ duties, is acting without malice, and has the
8 reasonable belief that the actions taken by him or her are warranted by law.

9 (8) Each member of the committee~~[board]~~ shall receive, in addition to travel, hotel, and
10 other necessary expenses, a reasonable **per diem** amount as determined by the board
11 through the promulgation of administrative regulations for each day the member is
12 engaged in the discharge of official duties at scheduled or called meetings of the
13 committee~~[board]~~, **but the per diem amount shall not exceed one thousand two**
14 **hundred dollars (\$1,200) in any fiscal year.**

15 ➔Section 5. KRS 311B.050 is amended to read as follows:

16 The board, **in consultation with the committee,** shall:

- 17 (1) Administer and enforce this chapter. The board alone shall have this authority;
- 18 (2) Promulgate administrative regulations to administer and enforce this chapter;
- 19 (3) Issue and renew the licenses of duly qualified applicants, following procedures
20 established by the board through the promulgation of administrative regulations;
- 21 (4) Determine and enforce continuing education requirements and establish guidelines
22 for approval of continuing education;
- 23 (5) Approve accredited educational programs of imaging or radiation therapy and
24 monitor compliance with the educational standards established by the individual
25 disciplines, as recognized by the board;
- 26 (6) Designate funds for scholarships, program development, or continued education;
- 27 (7) Investigate suspected or alleged violations of this chapter, conduct hearings and

- 1 record minutes, resolve the allegations, and, if appropriate, impose sanctions or
 2 penalties; and
- 3 (8) Submit an annual report to the Governor and the Legislative Research Commission
 4 that provides information concerning the board's work regarding licensure of
 5 professionals under this chapter and that lists all hearings conducted by the board
 6 and the decisions rendered.

7 ➔Section 6. KRS 311B.060 is amended to read as follows:

8 The committee~~[board]~~ may:

- 9 (1) ~~[Hire an executive director, set compensation appropriate for the administrative
 10 responsibilities of the position, and delegate to the executive director those duties
 11 for daily operation;~~
- 12 ~~(2)~~ Appoint ad hoc committees, if necessary, to conduct the business of the
 13 committee~~[board]~~;
- 14 ~~[(3) Hire legal counsel as needed;]~~
- 15 ~~(2)~~~~[(4)]~~ Employ an administrative assistant or assistants to assist the
 16 committee~~[executive director]~~ in the completion of daily activities and
 17 responsibilities of this chapter; and
- 18 ~~(3)~~~~[(5)]~~ **With approval of the board,** employ or contract with other persons as needed
 19 to carry out the work of the committee~~[board]~~.

20 ➔Section 7. KRS 311B.100 is amended to read as follows:

- 21 (1) The following individuals are required to apply for and receive a license from the
 22 Commonwealth of Kentucky before performance of any procedures utilizing
 23 radiation for either medical imaging or radiation therapy:
- 24 (a) Advanced imaging professionals;
- 25 (b) Medical imaging technologists;
- 26 (c) Radiographers;
- 27 (d) Radiation therapists;

1 (e) Nuclear medicine technologists; and

2 (f) Limited X-ray machine operators.

3 (2) Qualifications for the above categories shall be established by the board, in
4 consultation with the committee, through the promulgation of administrative
5 regulations.

6 (3) The committee~~[board]~~ may also identify other specialties or categories of duties
7 consistent with this chapter and may refer those specialties or categories to the
8 board for licensure or certification through the promulgation of administrative
9 regulations.

10 ➔Section 8. KRS 311B.130 is amended to read as follows:

11 (1) On behalf of the board, the executive director shall receive and account for all
12 moneys collected pursuant to the provisions of this chapter, or the administrative
13 regulations promulgated pursuant to this chapter, and shall deposit all such moneys
14 into the State Treasury, to be credited to a trust and agency fund which is hereby
15 created for the purpose of defraying the costs and expenses of the administration of
16 this chapter in the manner provided for other similar licensure agencies and boards
17 of the Commonwealth.

18 (2) These moneys shall be used for the reimbursement of committee~~[board]~~ members
19 for actual and necessary expenses incurred in the performance of their official
20 duties, the compensation of all of the employees of the committee~~[board]~~, and
21 payment of all other operational expenses incurred in fulfilling the board's and the
22 committee's duties as described in this chapter and administrative regulation, and
23 are hereby appropriated for those purposes.

24 (3) No part of this fund shall revert to the general fund of the Commonwealth.

25 (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
26 fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year
27 to be used for the purposes set forth in this chapter.

- 1 (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- 2 ➔Section 9. The following KRS section is repealed:
- 3 311B.070 Executive director -- Qualifications -- Duties -- Bond.