



## 2007 SENATE BILL 474

February 12, 2008 - Introduced by Senators LEHMAN, DARLING, MILLER, OLSEN and RISSER, cosponsored by Representatives HINES, BERCEAU, BIES, HAHN, HINTZ, KREUSER, MASON, A. OTT, PARISI, STASKUNAS, TOWNSEND, TURNER and VAN ROY. Referred to Committee on Health, Human Services, Insurance, and Job Creation.

1     **AN ACT** *to amend* 15.08 (1m) (b); and *to create* 15.405 (7e), 440.08 (2) (a) 39m.,  
2           440.08 (2) (a) 64g., 448.695 (3) and chapter 461 of the statutes; **relating to:**  
3           licenses and limited X-ray machine operator permits to engage in the practice  
4           of radiography, creating a radiography examining board, granting rule-making  
5           authority, requiring the exercise of rule-making authority, and providing a  
6           penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill regulates the practice of radiography, defined in the bill as the imaging of anatomical structures by application of X-rays to the human body using knowledge in certain technical fields for the purpose of medical diagnosis. Under the bill, no person may practice radiography except a person who holds a license or who holds a limited X-ray machine operator permit (limited permit). A limited permit authorizes the holder to perform radiography of one or more of four portions of the body specified in the bill. A license or limited permit is granted by a seven-member Radiography Examining Board (board), created in the bill. The license or limited permit requirement does not apply to a physician, chiropractor, dentist, dental hygienist, or podiatrist, to a person who is directly supervised by a chiropractor and who has completed a training program approved by the Chiropractic Examining Board, or to a person who is directly supervised by a podiatrist and who has completed a training program approved by the Podiatrists Affiliated Credentialing

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Board. The bill prohibits the use of diagnostic X-ray equipment on humans for diagnostic purposes without a prescription or order by a physician, dentist, podiatrist, chiropractor, advanced practice nurse prescriber, or physician assistant.

Under the bill, the board may grant a license or limited permit to a person who is at least 18 years of age, holds a high school diploma or equivalent, pays a fee, passes an examination, and completes specified educational requirements. To obtain a license, a person must complete an approved course of study in radiography. To obtain a limited permit, a person must complete an appropriate course of study.

The bill directs the board to promulgate rules that establish standards for courses of study, for examinations, and for continuing education. The board may promulgate a code of ethics for licensees and limited permit holders, and may deny, limit, revoke, or suspend a license or limited permit held by persons who commit specified infractions. The bill also provides for licensure or issuance of a limited permit to a person currently practicing radiography who passes an examination administered by the board.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2           15.08 (**1m**) (b) The public members of the chiropractic examining board, the  
3 dentistry examining board, the hearing and speech examining board, the medical  
4 examining board, perfusionists examining council, respiratory care practitioners  
5 examining council and council on physician assistants, the board of nursing, the  
6 nursing home administrator examining board, the veterinary examining board, the  
7 optometry examining board, the pharmacy examining board, the marriage and  
8 family therapy, professional counseling, and social work examining board, and the  
9 psychology examining board, and the radiography examining board shall not be  
10 engaged in any profession or occupation concerned with the delivery of physical or  
11 mental health care.

12           **SECTION 2.** 15.405 (7e) of the statutes is created to read:

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1           15.405 **(7e)** RADIOGRAPHY EXAMINING BOARD. There is created in the department  
2 of regulation and licensing a radiography examining board consisting of the  
3 following 7 members appointed for 4-year terms:

4           (a) Three members who practice radiography and who are licensed under s.  
5 461.03 (2).

6           (b) One member who is a physician licensed under s. 448.04 (1) (a) and certified  
7 in radiology by the American Board of Radiology, the American Osteopathic Board  
8 of Radiology, the British Royal College of Radiology, or the Canadian College of  
9 Physicians and Surgeons.

10          (c) One member who is a radiologic physicist certified by the American Board  
11 of Radiology.

12          (d) Two public members.

13          **SECTION 3.** 440.08 (2) (a) 39m. of the statutes is created to read:

14          440.08 **(2)** (a) 39m. Limited X-ray machine operator: September 1 of each  
15 even-numbered year; \$53.

16          **SECTION 4.** 440.08 (2) (a) 64g. of the statutes is created to read:

17          440.08 **(2)** (a) 64g. Radiographer, licensed: September 1 of each  
18 even-numbered year; \$53.

19          **SECTION 5.** 448.695 (3) of the statutes is created to read:

20          448.695 **(3)** The affiliated credentialing board shall promulgate rules  
21 specifying the requirements for a course of instruction related to X-ray examinations  
22 by persons under the direct supervision of a podiatrist under s. 461.02 (2) (f). In  
23 promulgating the rules, the affiliated credentialing board shall consult with the  
24 radiography examining board and shall examine laws and rules in other states. The

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1 affiliated credentialing board shall approve courses that meet the requirements set  
2 forth in the rules.

3 **SECTION 6.** Chapter 461 of the statutes is created to read:

4 **CHAPTER 461**

5 **RADIOGRAPHERS AND LIMITED X-RAY**

6 **MACHINE OPERATORS**

7 **461.01 Definitions.** In this chapter:

8 (1) “Board” means the radiography examining board.

9 (2) “Department” means the department of regulation and licensing.

10 (3) “Physician” means a person licensed to practice medicine and surgery  
11 under s. 448.04 (1) (a) or (b).

12 (4) “Practice of radiography” means the imaging of anatomical structures,  
13 produced by the combined application of X-rays to the human body and the  
14 application of knowledge in the fields of anatomy, radiographic positioning, and  
15 radiographic technique, and knowledge of principles of radiation protection, for the  
16 purpose of medical diagnosis.

17 **461.02 Practice, use of title restricted.** (1) (a) Subject to sub. (2), no person  
18 may use the title “radiographer,” represent himself or herself as a radiographer, or  
19 engage in the practice of radiography, unless the person is granted a license under  
20 s. 461.03 (2).

21 (b) A person who holds a limited X-ray machine operator permit to perform  
22 radiography and who does not hold a license under s. 461.03 (2) may not perform  
23 radiography except as authorized under the permit. A limited X-ray machine  
24 operator permit shall authorize the holder to perform radiography of one or more of  
25 the following:

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- 1           1. The thorax, lungs, and ribs.
- 2           2. The upper and lower extremities, including the pectoral girdle but excluding
- 3           the hip and pelvis.
- 4           3. The foot, ankle, and lower leg below the knee.
- 5           4. The cervical, thoracic, and lumbar spine.

6           **(2)** Sub. (1) does not apply to any of the following:

- 7           (a) A physician.
- 8           (b) A person enrolled as a student in a radiography program approved by the
- 9           board, if the person is directly supervised by a physician or a person licensed under
- 10          s. 461.03 (2).
- 11          (c) A chiropractor licensed under s. 446.02 or a person under the direct
- 12          supervision of such a chiropractor, if the person has successfully completed a course
- 13          of instruction comprising at least 48 hours of instruction approved by the
- 14          chiropractic examining board related to X-ray examinations.
- 15          (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s.
- 16          447.04 (2), or a person under the direct supervision of a dentist.
- 17          (e) A physician assistant licensed under s. 448.04 (1) (f).
- 18          (f) A podiatrist licensed under s. 448.63 or a person under the direct supervision
- 19          of such a podiatrist, if the person has successfully completed a course of instruction
- 20          approved by the podiatric examining board related to X-ray examinations under s.
- 21          448.695 (3).

22           **461.03 Issuance of license, permit. (1) GENERAL REQUIREMENTS.** The board

23           may not grant a license or limited X-ray machine operator permit under this section

24           to a person unless all of the following apply:

- 25          (a) The person is at least 18 years of age.

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1 (b) The person holds a high school diploma or its equivalent, as determined by  
2 the board.

3 (c) The person pays the fee specified in s. 440.05 (1).

4 (d) The person submits an application on a form provided by the department.

5 (e) Subject to ss. 111.321, 111.322, and 111.335, the person does not have an  
6 arrest or conviction record.

7 **(2) LICENSE.** Subject to sub. (1), the board shall grant a license to practice  
8 radiography to a person who passes an examination administered by the board and  
9 submits evidence satisfactory to the board that the person has completed a course  
10 of study in radiography that has been approved by the board or an equivalent course  
11 of study, as determined by the board.

12 **(3) PERMIT.** Subject to sub. (1), the board shall grant a limited X-ray machine  
13 operator permit to perform radiography to a person who passes an examination  
14 administered by the board and submits evidence satisfactory to the board that the  
15 person has completed an appropriate course of study, as determined by the board.

16 **461.04 Prescription or order required.** A person who holds a license or  
17 limited X-ray machine operator permit under this chapter may not use diagnostic  
18 X-ray equipment on humans for diagnostic purposes unless authorized to do so by  
19 prescription or order of a physician, a dentist licensed under s. 447.04 (1), a podiatrist  
20 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced  
21 practice nurse certified under s. 441.16 (2), or a physician assistant licensed under  
22 s. 448.04 (1) (f).

23 **461.05 Renewal of license, permit. (1)** The renewal date for licenses and  
24 limited X-ray machine operator permits granted under this chapter is specified in  
25 s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a

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1 form provided by the department and shall include the renewal fee specified in s.  
2 440.08 (2) (a).

3 (2) (a) A radiographer or limited X-ray machine operator is not eligible for  
4 renewal of a license or permit under sub. (1) unless the radiographer or limited X-ray  
5 machine operator has complied with the continuing education requirements  
6 established by the board under s. 461.06 (1) (c).

7 (b) Paragraph (a) does not apply to a radiographer or limited X-ray machine  
8 operator if the radiographer or limited X-ray machine operator is applying for  
9 renewal for the first time.

10 **461.06 Rule making.** (1) The board shall promulgate rules that do all of the  
11 following:

12 (a) Establish standards for courses of study in radiography. The standards  
13 shall be no less stringent than the standards adopted by the Joint Review Committee  
14 on Education in Radiologic Technology or a successor organization.

15 (b) Establish standards for examinations under s. 461.03 (2) and (3).  
16 Notwithstanding s. 461.03 (2) and (3), the rules may permit a person to satisfy the  
17 examination requirement by providing the board with evidence satisfactory to the  
18 board that the person holds a current registration by the American Registry of  
19 Radiologic Technologists or a successor organization or is currently licensed to  
20 practice radiography in another state with examination standards at least as  
21 stringent as those promulgated by the board under this paragraph. The board may  
22 adopt a limited scope radiography examination administered by the American  
23 Registry of Radiologic Technologists, a successor organization, or other recognized  
24 national voluntary credentialing body, if the examination standards are at least as  
25 stringent as those adopted by the board under this paragraph.

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1 (c) Establish continuing education standards for renewal of licenses and  
2 limited X-ray machine operator permits issued under this chapter. The standards  
3 adopted under this paragraph may recognize current certification by the American  
4 Registry of Radiologic Technologists or a successor organization as evidence of  
5 compliance with the continuing education standards established under this  
6 paragraph, if the continuing education requirements for such certification are no less  
7 stringent than those adopted by the board under this paragraph.

8 (2) The board may promulgate rules that establish a code of ethics for persons  
9 who hold a license or limited X-ray machine operator permit under s. 461.03.

10 **461.07 Discipline.** (1) Subject to the rules promulgated under s. 440.03 (1),  
11 the board may conduct investigations and hearings to determine whether a person  
12 has violated this chapter or a rule promulgated under this chapter.

13 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies  
14 for or holds a license or limited X-ray machine operator permit under s. 461.03 does  
15 any of the following, the board may reprimand the person or deny, limit, suspend, or  
16 revoke the person's license or permit:

17 (a) Makes a material misstatement in an application for a license or permit  
18 under s. 461.03 or an application for renewal of a license or permit.

19 (b) Violates any law of this state or federal law that substantially relates to the  
20 practice of radiography, violates this chapter, or violates a rule promulgated under  
21 this chapter, including a provision of a code of ethics promulgated under s. 461.06 (2).

22 (c) Materially assists a person who does not hold a license or permit under s.  
23 461.03 to engage in the practice of radiography.

24 (d) Advertises, practices, or attempts to practice under another person's name.

25 (e) Engages in unprofessional conduct, as defined by the board by rule.



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1 (f) Subject to ss. 111.321, 111.322, and 111.335, is arrested for or convicted of  
2 an offense the circumstances of which substantially relate to the practice of  
3 radiology.

**SECTION 7. Nonstatutory provisions.**

4  
5 (1) EXAMINING BOARD, INITIAL TERMS. Notwithstanding the length of terms  
6 specified for the members of the radiography examining board under section 15.405  
7 (7e) of the statutes, as created by this act, 2 of the initial members shall be appointed  
8 for terms expiring on May 1, 2009, 2 of the initial members shall be appointed for  
9 terms expiring on May 1, 2010, 2 of the initial members shall be appointed for terms  
10 expiring on May 1, 2011, and the remaining initial member shall be appointed for a  
11 term expiring on May 1, 2012.

12 (2) EXAMINING BOARD; INITIAL RADIOGRAPHER MEMBERS. Notwithstanding section  
13 15.405 (7e) (a) of the statutes, as created by this act, the initial members appointed  
14 to the radiography examining board under section 15.405 (7e) (a) of the statutes, as  
15 created by this act, may be persons who are engaged in the practice of radiography,  
16 as defined in section 461.01 (4) of the statutes, as created by this act, and who are  
17 not licensed under section 461.03 (2) of the statutes, as created by this act.

18 (3) TRANSITIONAL LICENSE OR PERMIT.

19 (a) Notwithstanding section 461.03 of the statutes, as created by this act, the  
20 radiography examining board shall grant a license to practice radiography to a  
21 person who does all of the following:

22 1. Satisfies the requirements specified in section 461.03 (1) of the statutes, as  
23 created by this act.

24 2. Presents evidence satisfactory to the board that the person has been engaged  
25 in the practice of radiography, as defined in section 461.01 (4) of the statutes, as

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1 created by this act, for at least 3 of the 5 years immediately preceding the date of  
2 application.

3 3. Passes an examination administered by the board.

4 (b) Notwithstanding section 461.03 of the statutes, as created by this act, the  
5 radiography examining board shall grant a limited X-ray machine operator permit  
6 to a person who does all of the following:

7 1. Satisfies the requirements specified in section 461.03 (1) of the statutes, as  
8 created by this act.

9 2. Presents evidence satisfactory to the board that the person has been engaged  
10 performing radiography on a limited basis as described in section 461.02 (1) (b) of the  
11 statutes, as created by this act, for at least 3 of the 5 years immediately preceding  
12 the date of application.

13 3. Passes an examination administered by the board.

14 (c) This subsection does not apply after the first day of the 25th month  
15 beginning after the effective date of this paragraph.

16 (4) Notwithstanding section 440.08 (2) (a) 39m. and 64g. of the statutes, as  
17 created by this act, an individual who is granted a license or permit under subsection  
18 (3) (a) or (b) or under section 461.03 (2) or (3) of the statutes, as created by this act,  
19 on or after March 1, 2010, and before September 1, 2010, is not required to renew the  
20 license or permit until September 1, 2012. Notwithstanding section 461.05 (2) (b) of  
21 the statutes, as created by this act, such an individual is not eligible for renewal for  
22 the first time unless the individual has complied with the continuing education  
23 requirements established by the radiography examining board under section 461.06  
24 (1) (c) of the statutes, as created by this act.

