



2009 ASSEMBLY BILL 267

May 12, 2009 - Introduced by Representatives BERCEAU, BENEDICT, PASCH, VAN ROY, A. OTT, BARCA, TURNER, HINTZ, ZEPNICK, JORGENSEN, STASKUNAS, MASON, LOTHIAN, VRUWINK and PARISI, cosponsored by Senators LEHMAN, TAYLOR, OLSEN, RISSER, ROBSON, DARLING and COGGS. Referred to Committee on Public Health.

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 462 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, and requiring the exercise of rule-making authority.

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), but the bill contains an exception for the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry (bone densitometry). 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 Board. The bill

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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.

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.
5 462.03 (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 Radiologists, or the Royal College of
9 Physicians and Surgeons of Canada.

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.

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.

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. 462.02 (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

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

3 **SECTION 6.** Chapter 462 of the statutes is created to read:

4 **CHAPTER 462**

5 **RADIOGRAPHERS AND LIMITED X-RAY**

6 **MACHINE OPERATORS**

7 **462.01 Definitions.** In this chapter:

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

9 (2) “Bone densitometry” means the quantitative assessment of bone mass
10 using single or dual energy X-ray absorptiometry.

11 (3) “Department” means the department of regulation and licensing.

12 (4) “Physician” means a person licensed to practice medicine and surgery
13 under s. 448.04 (1) (a) or (b).

14 (5) “Practice of radiography” means the imaging of anatomical structures,
15 produced by the combined application of X-rays to the human body and the
16 application of knowledge in the fields of anatomy, radiographic positioning, and
17 radiographic technique, and knowledge of principles of radiation protection, for the
18 purpose of medical diagnosis except that “practice of radiography” does not include
19 bone densitometry.

20 **462.02 Practice, use of title restricted.** (1) (a) Subject to sub. (2), no person
21 may use the title “radiographer,” represent himself or herself as a radiographer, or
22 engage in the practice of radiography, unless the person is granted a license under
23 s. 462.03 (2).

24 (b) A person who holds a limited X-ray machine operator permit to perform
25 radiography and who does not hold a license under s. 462.03 (2) may not perform

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1 radiography except as authorized under the permit. A limited X-ray machine
2 operator permit shall authorize the holder to perform radiography of one or more of
3 the following:

4 1. The thorax, lungs, and ribs.

5 2. The upper and lower extremities, including the pectoral girdle but excluding
6 the hip and pelvis.

7 3. The foot, ankle, and lower leg below the knee.

8 4. The cervical, thoracic, and lumbar spine.

9 **(2)** Subsection (1) does not apply to any of the following:

10 (a) A physician.

11 (b) A person enrolled as a student in a radiography program approved by the
12 board, if the person is directly supervised by a physician or a person licensed under
13 s. 462.03 (2).

14 (c) A chiropractor licensed under s. 446.02 or a person under the direct
15 supervision of such a chiropractor, if the person has successfully completed a course
16 of instruction comprising at least 48 hours of instruction approved by the
17 chiropractic examining board related to X-ray examinations.

18 (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s.
19 447.04 (2), or a person under the direct supervision of a dentist.

20 (e) A physician assistant licensed under s. 448.04 (1) (f).

21 (f) A podiatrist licensed under s. 448.63 or a person under the direct supervision
22 of such a podiatrist, if the person has successfully completed a course of instruction
23 approved by the podiatrists affiliated credentialing board related to X-ray
24 examinations under s. 448.695 (3).

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1 **462.03 Issuance of license, permit. (1) GENERAL REQUIREMENTS.** The board
2 may not grant a license or limited X-ray machine operator permit under this section
3 to a person unless all of the following apply:

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

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

7 (c) The person pays the initial credential fee determined by the department
8 under s. 440.03 (9) (a).

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

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

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

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

21 **462.04 Prescription or order required.** A person who holds a license or
22 limited X-ray machine operator permit under this chapter may not use diagnostic
23 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
24 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
25 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed

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1 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a
2 physician assistant licensed under s. 448.04 (1) (f).

3 **462.05 Renewal of license, permit. (1)** The renewal date for licenses and
4 limited X-ray machine operator permits granted under this chapter is specified in
5 s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a
6 form provided by the department and shall include the renewal fee determined by
7 the department under s. 440.03 (9) (a).

8 (2) (a) A radiographer or limited X-ray machine operator is not eligible for
9 renewal of a license or permit under sub. (1) unless the radiographer or limited X-ray
10 machine operator has complied with the continuing education requirements
11 established by the board under s. 462.06 (1) (c).

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

15 **462.06 Rule making. (1)** The board shall promulgate rules that do all of the
16 following:

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

20 (b) Establish standards for examinations under s. 462.03 (2) and (3).
21 Notwithstanding s. 462.03 (2) and (3), the rules may permit a person to satisfy the
22 examination requirement by providing the board with evidence satisfactory to the
23 board that the person holds a current registration by the American Registry of
24 Radiologic Technologists or a successor organization or is currently licensed to
25 practice radiography in another state with examination standards at least as

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1 stringent as those promulgated by the board under this paragraph. The board may
2 adopt a limited scope radiography examination administered by the American
3 Registry of Radiologic Technologists, a successor organization, or other recognized
4 national voluntary credentialing body, if the examination standards are at least as
5 stringent as those adopted by the board under this paragraph.

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

13 (2) The board may promulgate rules that establish a code of ethics for persons
14 who hold a license or limited X-ray machine operator permit under s. 462.03.

15 **462.07 Discipline.** (1) Subject to the rules promulgated under s. 440.03 (1),
16 the board may conduct investigations and hearings to determine whether a person
17 has violated this chapter or a rule promulgated under this chapter.

18 (2) Subject to the rules promulgated under s. 440.03 (1), if a person who applies
19 for or holds a license or limited X-ray machine operator permit under s. 462.03 does
20 any of the following, the board may reprimand the person or deny, limit, suspend, or
21 revoke the person's license or permit:

22 (a) Makes a material misstatement in an application for a license or permit
23 under s. 462.03 or an application for renewal of a license or permit.

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1 (b) Violates any law of this state or federal law that substantially relates to the
2 practice of radiography, violates this chapter, or violates a rule promulgated under
3 this chapter, including a provision of a code of ethics promulgated under s. 462.06 (2).

4 (c) Materially assists a person who does not hold a license or permit under s.
5 462.03 to engage in the practice of radiography.

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

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

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

SECTION 7. Nonstatutory provisions.

11 (1) EXAMINING BOARD, INITIAL TERMS. Notwithstanding the length of terms
12 specified for the members of the radiography examining board under section 15.405
13 (7e) of the statutes, as created by this act, 2 of the initial members shall be appointed
14 for terms expiring on May 1, 2011, 2 of the initial members shall be appointed for
15 terms expiring on May 1, 2012, 2 of the initial members shall be appointed for terms
16 expiring on May 1, 2013, and the remaining initial member shall be appointed for
17 a term expiring on May 1, 2014.

18 (2) EXAMINING BOARD; INITIAL RADIOGRAPHER MEMBERS. Notwithstanding section
19 15.405 (7e) (a) of the statutes, as created by this act, the initial members appointed
20 to the radiography examining board under section 15.405 (7e) (a) of the statutes, as
21 created by this act, may be persons who are engaged in the practice of radiography,
22 as defined in section 462.01 (4) of the statutes, as created by this act, and who are
23 not licensed under section 462.03 (2) of the statutes, as created by this act.

24 (3) TRANSITIONAL LICENSE OR PERMIT.
25

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1 (a) Notwithstanding section 462.03 of the statutes, as created by this act, the
2 radiography examining board shall grant a license to practice radiography to a
3 person who does all of the following:

4 1. Satisfies the requirements specified in section 462.03 (1) of the statutes, as
5 created by this act.

6 2. Presents evidence satisfactory to the board that the person has been engaged
7 in the practice of radiography, as defined in section 462.01 (4) of the statutes, as
8 created by this act, for at least 3 of the 5 years immediately preceding the date of
9 application.

10 3. Passes an examination administered by the board.

11 (b) Notwithstanding section 462.03 of the statutes, as created by this act, the
12 radiography examining board shall grant a limited X-ray machine operator permit
13 to a person who does all of the following:

14 1. Satisfies the requirements specified in section 462.03 (1) of the statutes, as
15 created by this act.

16 2. Presents evidence satisfactory to the board that the person has been engaged
17 performing radiography on a limited basis as described in section 462.02 (1) (b) of the
18 statutes, as created by this act, for at least 3 of the 5 years immediately preceding
19 the date of application.

20 3. Passes an examination administered by the board.

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

23 (4) RENEWAL; INITIAL CREDENTIAL HOLDERS. Notwithstanding section 440.08 (2)
24 (a) 39m. and 64g. of the statutes, as created by this act, an individual who is granted
25 a license or permit under subsection (3) (a) or (b) or under section 462.03 (2) or (3)

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1 of the statutes, as created by this act, on or after March 1, 2012, and before September
2 1, 2012, is not required to renew the license or permit until September 1, 2014.
3 Notwithstanding section 462.05 (2) (b) of the statutes, as created by this act, such an
4 individual is not eligible for renewal for the first time unless the individual has
5 complied with the continuing education standards established by the radiography
6 examining board under section 462.06 (1) (c) of the statutes, as created by this act.

7 (5) POSITION AUTHORIZATION INCREASE. The authorized FTE positions for the
8 department of regulation and licensing are increased by 0.5 PR position, to be funded
9 from the appropriation under section 20.165 (1) (g) of the statutes.

10 **SECTION 8. Effective dates.** This act takes effect on the day after publication
11 or on July 1, 2009, whichever is later, except as follows:

12 (1) The treatment of section 462.02 of the statutes takes effect on the first day
13 of the 25th month beginning after the effective date of this subsection.

14 (END)