



2009 SENATE BILL 184

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

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

6 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:
7 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
8 dentistry examining board, the hearing and speech examining board, the medical
9 examining board, perfusionists examining council, respiratory care practitioners
10 examining council and council on physician assistants, the board of nursing, the

SENATE BILL 184**SECTION 1**

1 nursing home administrator examining board, the veterinary examining board, the
2 optometry examining board, the pharmacy examining board, the marriage and
3 family therapy, professional counseling, and social work examining board, and the
4 psychology examining board, and the radiography examining board shall not be
5 engaged in any profession or occupation concerned with the delivery of physical or
6 mental health care.

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

8 15.405 (7e) RADIOGRAPHY EXAMINING BOARD. There is created in the department
9 of regulation and licensing a radiography examining board consisting of the
10 following 7 members appointed for 4-year terms:

11 (a) Three members who practice radiography and who are licensed under s.
12 462.03 (2).

13 (b) One member who is a physician licensed under s. 448.04 (1) (a) and certified
14 in radiology by the American Board of Radiology, the American Osteopathic Board
15 of Radiology, the British Royal College of Radiologists, or the Royal College of
16 Physicians and Surgeons of Canada.

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

19 (d) Two public members.

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

21 440.08 (2) (a) 39m. Limited X-ray machine operator: September 1 of each
22 even-numbered year.

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

24 440.08 (2) (a) 64g. Radiographer, licensed: September 1 of each
25 even-numbered year.

SENATE BILL 184**SECTION 6**

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

5 (b) A person who holds a limited X-ray machine operator permit to perform
6 radiography and who does not hold a license under s. 462.03 (2) may not perform
7 radiography except as authorized under the permit. A limited X-ray machine
8 operator permit shall authorize the holder to perform radiography of one or more of
9 the following:

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

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

16 (a) A physician.

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

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

24 (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s.
25 447.04 (2), or a person under the direct supervision of a dentist.

SENATE BILL 184

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

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

6 **462.03 Issuance of license, permit. (1) GENERAL REQUIREMENTS.** The board
7 may not grant a license or limited X-ray machine operator permit under this section
8 to a person unless all of the following apply:

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

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

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

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

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

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

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

SENATE BILL 184**SECTION 6**

1 **462.04 Prescription or order required.** A person who holds a license or
2 limited X-ray machine operator permit under this chapter may not use diagnostic
3 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
4 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
5 under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed
6 under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), or a
7 physician assistant licensed under s. 448.04 (1) (f).

8 **462.05 Renewal of license, permit. (1)** The renewal date for licenses and
9 limited X-ray machine operator permits granted under this chapter is specified in
10 s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a
11 form provided by the department and shall include the renewal fee determined by
12 the department under s. 440.03 (9) (a).

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

17 **(b)** Paragraph (a) does not apply to a radiographer or limited X-ray machine
18 operator if the radiographer or limited X-ray machine operator is applying for
19 renewal for the first time.

20 **462.06 Rule making. (1)** The board shall promulgate rules that do all of the
21 following:

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

SENATE BILL 184

1 (b) Establish standards for examinations under s. 462.03 (2) and (3).
2 Notwithstanding s. 462.03 (2) and (3), the rules may permit a person to satisfy the
3 examination requirement by providing the board with evidence satisfactory to the
4 board that the person holds a current registration by the American Registry of
5 Radiologic Technologists or a successor organization or is currently licensed to
6 practice radiography in another state with examination standards at least as
7 stringent as those promulgated by the board under this paragraph. The board may
8 adopt a limited scope radiography examination administered by the American
9 Registry of Radiologic Technologists, a successor organization, or other recognized
10 national voluntary credentialing body, if the examination standards are at least as
11 stringent as those adopted by the board under this paragraph.

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

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

21 **462.07 Discipline. (1)** Subject to the rules promulgated under s. 440.03 (1),
22 the board may conduct investigations and hearings to determine whether a person
23 has violated this chapter or a rule promulgated under this chapter.

24 **(2)** Subject to the rules promulgated under s. 440.03 (1), if a person who applies
25 for or holds a license or limited X-ray machine operator permit under s. 462.03 does

SENATE BILL 184**SECTION 6**

1 any of the following, the board may reprimand the person or deny, limit, suspend, or
2 revoke the person's license or permit:

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

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

8 (c) Materially assists a person who does not hold a license or permit under s.
9 462.03 to engage in the practice of radiography.

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

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

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

15 **SECTION 7. Nonstatutory provisions.**

16 (1) EXAMINING BOARD, INITIAL TERMS. Notwithstanding the length of terms
17 specified for the members of the radiography examining board under section 15.405
18 (7e) of the statutes, as created by this act, 2 of the initial members shall be appointed
19 for terms expiring on May 1, 2011, 2 of the initial members shall be appointed for
20 terms expiring on May 1, 2012, 2 of the initial members shall be appointed for terms
21 expiring on May 1, 2013, and the remaining initial member shall be appointed for
22 a term expiring on May 1, 2014.

23 (2) EXAMINING BOARD; INITIAL RADIOGRAPHER MEMBERS. Notwithstanding section
24 15.405 (7e) (a) of the statutes, as created by this act, the initial members appointed
25 to the radiography examining board under section 15.405 (7e) (a) of the statutes, as

SENATE BILL 184

1 created by this act, may be persons who are engaged in the practice of radiography,
2 as defined in section 462.01 (4) of the statutes, as created by this act, and who are
3 not licensed under section 462.03 (2) of the statutes, as created by this act.

4 (3) TRANSITIONAL LICENSE OR PERMIT.

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

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

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

14 3. Passes an examination administered by the board.

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

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

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

24 3. Passes an examination administered by the board.

SENATE BILL 184**SECTION 7**

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

3 (4) RENEWAL; INITIAL CREDENTIAL HOLDERS. Notwithstanding section 440.08 (2)
4 (a) 39m. and 64g. of the statutes, as created by this act, an individual who is granted
5 a license or permit under subsection (3) (a) or (b) or under section 462.03 (2) or (3)
6 of the statutes, as created by this act, on or after March 1, 2012, and before September
7 1, 2012, is not required to renew the license or permit until September 1, 2014.
8 Notwithstanding section 462.05 (2) (b) of the statutes, as created by this act, such an
9 individual is not eligible for renewal for the first time unless the individual has
10 complied with the continuing education standards established by the radiography
11 examining board under section 462.06 (1) (c) of the statutes, as created by this act.

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

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

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

19 (END)