

2009 DRAFTING REQUEST

Bill

Received: **03/09/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-1832**

By/Representing: **Michael Browne**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lehman@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Regulation of x-ray machine operators

Instructions:

Redraft 2007 AB 800 plus exception for bone density testing

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 03/12/2009	nmatzke 03/16/2009		_____			State
/1	csundber 04/03/2009	nmatzke 04/03/2009	jfrantze 03/17/2009	_____	sbasford 03/17/2009		State
/2			rschluet 04/03/2009	_____	cduerst 04/03/2009 mbarman 04/28/2009	mbarman 04/28/2009	

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*at
intro*

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/?	csundber	1 ^{nwn} 3/12	<i>Jo</i> 3/17	<i>Jo/ph</i> 3/17			

FE Sent For:

<END>

Sundberg, Christopher

From: Browne, Michael
Sent: Monday, March 09, 2009 3:31 PM
To: Sundberg, Christopher
Subject: RE: Suggested bone densitometry exemption text

I don't believe it has been redrafted for this session so latest version from 07 is the place to start.

-----Original Message-----

From: Sundberg, Christopher
Sent: Monday, March 09, 2009 3:23 PM
To: Browne, Michael
Subject: RE: Suggested bone densitometry exemption text

Quick question: has this been redrafted for the 2009 session yet, or am I going to be working off the last version of the Hines bill from last session, 07-1263/8?

CS

-----Original Message-----

From: Browne, Michael
Sent: Monday, March 09, 2009 3:11 PM
To: Sundberg, Christopher
Subject: RE: Suggested bone densitometry exemption text

Yes, please redraft with the new exception language.

Thanks.

Mike

-----Original Message-----

From: Sundberg, Christopher
Sent: Monday, March 09, 2009 3:04 PM
To: Browne, Michael
Subject: RE: Suggested bone densitometry exemption text

Looks fine to me. Do you want a redraft now incorporating the exception language?

CS

-----Original Message-----

From: Browne, Michael
Sent: Friday, March 06, 2009 10:24 AM
To: Sundberg, Christopher
Subject: FW: Suggested bone densitometry exemption text

Chris -

Here's the suggested language from the bone folks ...

Mike

-----Original Message-----

From: Michael Blumenfeld [mailto:mblumenfeld@mblumenfeld.com]
Sent: Friday, March 06, 2009 10:22 AM
To: Browne, Michael
Subject: Suggested bone densitometry exemption text

Attached please find suggested exemption language regarding bone densitometry. Chris may want to put it somewhere else, but this is their suggestion.

Please contact me if you require additional information.

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

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

**CHAPTER 461
RADIOGRAPHERS AND LIMITED X-RAY
MACHINE OPERATORS**

461.01 Definitions. In this chapter:

- (1) "Board" means the radiography examining board.
- (2) "Department" means the department of regulation and licensing.
- (3) "Physician" means a person licensed to practice medicine and surgery under s. 448.04 (1) (a) or (b).
- (4) "Practice of radiography" means the imaging of anatomical structures, produced by the combined application of X-rays to the human body and the application of knowledge in the fields of anatomy, radiographic positioning, and radiographic technique, and knowledge of principles of radiation protection, for the purpose of medical diagnosis, but does not include bone densitometry.
- (5) "Bone Densitometry" means the quantitative assessment of bone mass using single- or dual-energy X-ray absorptiometry.

461.02 Practice, use of title restricted.

(1) (a) Subject to sub. (2), no person may use the title "radiographer," represent himself or herself as a radiographer, or engage in the practice of radiography, unless the person is granted a license under s. 461.03 (2).

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

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

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

- (a) A physician.

fr. 3/12/09 wanted: soon

9 10
2007 - 2008 LEGISLATURE

2331/1
LRB-2463/8
CTS:wp:pg
nwn

RWNR

PWF

(d-note)

9
2007 ASSEMBLY BILL 800

February 13, 2008 - Introduced by Representatives HINES, BERCEAU, BIES, HAHN, HINTZ, KREUSER, MASON, A. OTT, PARISI, STASKUNAS, TOWNSEND, TURNER and VAN ROY, cosponsored by Senators LEHMAN, DARLING, MILLER, OLSEN and RISSER. Referred to Committee on Public Health.

SAV
X-ref ✓

regen

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 and

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

→

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

ASSEMBLY BILL 800

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.

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:

ASSEMBLY BILL 800

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 Radiologists or the Canadian College of
9 Physicians and Surgeons of Canada Royal

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

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2331/lins
CTS:.....

1 **Insert 4-8:**

2 (2) "Bone densitometry" means the quantitative assessment of bone mass

3 using single or dual energy X-ray absorptiometry. ✓

ASSEMBLY BILL 800

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.

except that "practice of radiography" does not include bone densitometry

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:

INS
4-8

ASSEMBLY BILL 800

- 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) ^{Subsection} 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).✓

podiatrists affiliated credentialing

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.✓

ASSEMBLY BILL 800

initial credential

determined by the department under s. 440.03 (9) (a)

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

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

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

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

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

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

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

licensed under s. 448.04 (1) (a)

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

ASSEMBLY BILL 800

1 form provided by the department and shall include the renewal fee specified in s.

2 440.08 (2) (a). 440.03 (9) (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.

ASSEMBLY BILL 800

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.

ASSEMBLY BILL 800

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[✓].

4 SECTION 7. Nonstatutory provisions.

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^e, 2 of the initial members shall be appointed for
9 terms expiring on May 1, 2010¹¹, 2 of the initial members shall be appointed for terms
10 expiring on May 1, 2011², and the remaining initial member shall be appointed for a
11 term expiring on May 1, 2012³.

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

ASSEMBLY BILL 800

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.

check A.R.s

standards

ASSEMBLY BILL 800

1 (5) The authorized FTE positions for the department of regulation and
2 licensing are increased by 0.5 PR position, to be funded from the appropriation under
3 section 20.165 (1) (g) of the statutes. ✓

4 **SECTION 8. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The treatment of section 461.02 of the statutes takes effect on the first day
7 of the 25th month beginning after the effective date of this subsection. ✓

8 (END)

or on July 1,
2009, whichever
is later

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2331/1dn

CTS:f:....

nwn

Date

Senator Lehman:

Please review this draft carefully to ensure it is consistent with your intent. Note that I have added a delayed effective date to ensure that the fee provisions in the bill mesh with the new methodology for determining initial credential and credential renewal fees that take effect July 1, 2009. ✓ Contact me if you have any questions. ✓

Christopher T. Sundberg

Legislative Attorney

Phone: (608) 266-9739

E-mail:

christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2331/1dn
CTS:nwn:jf

March 17, 2009

Senator Lehman:

Please review this draft carefully to ensure it is consistent with your intent. Note that I have added a delayed effective date to ensure that the fee provisions in the bill mesh with the new methodology for determining initial credential and credential renewal fees that take effect July 1, 2009. Contact me if you have any questions.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov



2009 BILL

SA ✓

Regen.

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

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

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

25 (3) TRANSITIONAL LICENSE OR PERMIT.

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

(CS)
RENEWAL; INITIAL CREDENTIAL HOLDERS.

BILL

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

7 (5) The authorized FTE positions for the department of regulation and
 8 licensing are increased by 0.5 PR position, to be funded from the appropriation under
 9 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.

(END)

(CS)

POSITION AUTHORIZATION INCREASE

Barman, Mike

From: Stromme, Denise
Sent: Tuesday, April 28, 2009 4:23 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2331/2 Topic: Regulation of x-ray machine operators

Please Jacket LRB 09-2331/2 for the SENATE.