



Legislative Fiscal Bureau

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October 28, 2009

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 267 and Senate Bill 184: Regulation of Radiography

Assembly Bill 267 (AB 267) and Senate Bill 184 (SB 184) are companion bills which would create a professional credential for radiographers and establish an examining board for the oversight of radiography within the Department of Regulation and Licensing (DRL).

Assembly Bill 267 was introduced on May 12, 2009, and was referred to Assembly Committee on Public Health. On September 8, 2009, the Assembly Committee on Public Health recommended passage on a 7-0 vote and the bill was referred to the Joint Committee on Finance.

Senate Bill 184 was introduced on May 4, 2009, and was referred to the Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue. On September 23, 2009, the Senate Committee recommended passage on a 7-0 vote and the bill was referred to the Joint Committee on Finance on October 22, 2009.

CURRENT LAW

No provision.

SUMMARY OF BILLS

The bills would create a license requirement for radiographers and limited x-ray machine operators. The bills would specify a renewal date of September 1, of each even-numbered year and require DRL to develop a renewal form. Further, the bills would prohibit individuals who are not licensed radiographers from using the title "radiographer," practice radiography, or representing themselves as radiographers. Under AB 267 and SB 184, a licensed radiographer or a certified x-ray machine operator would have to meet the following requirements: (a) be at least 18 years of age; (b) hold a high school diploma or its equivalent; (c) pay the initial application fee; (d) submit an application to DRL; and (e) subject to anti-discrimination statutes, the person could not have an

arrest or conviction record. The applicant would be required to pass an examination administered by a newly created Radiography Examining Board (REB) and provide satisfactory evidence that they have meet the education requirements.

Under the bills, an individual would not have to be licensed to practice radiography, if they were one of the following: (a) a student under a REB approved program and were supervised by a physician or a licensed radiographer; (b) a physician; (c) a chiropractor or a certified radiological technician; (d) a dentist, a dental hygienist, or a person who is directly supervised by a dentist; (e) a physician assistant; or (f) a podiatrist or a person supervised by a podiatrist who has successfully completed a course of instruction related to x-ray examinations.

Under the bills, a limited x-ray machine operator permit would allow an individual to perform radiography of the following: (a) the thorax, lungs, and ribs; (b) the upper and lower extremities, including the pectoral girdle but excluding the hip and pelvis; (c) the foot, ankle, and leg below the knee; and (d) the cervical, thoracic and lumbar spine.

A person with a radiography license or an x-ray operator permit could not use diagnostic x-ray equipment on humans for diagnostic purposes unless authorized by a prescription or an order of a licensed physician, dentist, podiatrist, chiropractor, advanced practice nurse, or physician assistant.

The bills would create a Radiography Examining Board within DRL consisting of seven members appointed to four-year terms, including: (a) three members who are licensed radiographers; (b) one licensed physician who is certified in radiology by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiologists, or the Royal College of Physicians and Surgeons of Canada; (c) one member who is a radiologic physicist certified by the American Board of Radiology; and (d) two public members. The bills would prohibit members of the REB from engaging in any profession or occupation concerned with the delivery of physical or mental health care.

Under the bills, REB would have to promulgate rules that establish standards for courses of study in radiography that are at least as stringent as standards adopted by the Joint Review Committee on Education in Radiologic Technology or a successor organization. The Board would also have to establish standards for examinations of radiographers and limited x-ray machine operators. The rules could permit an applicant to bypass the examination if the applicant provides evidence of holding a current registration by the American Registry of Radiologic Technicians or a successor organization or is licensed to practice radiography in another state that has examination requirements that are at least as stringent as those established by REB. Under the bills, the REB could adopt an examination offered by the American Registry of Radiologic Technicians or a successor organization or other recognized national voluntary credentialing bodies as long as the examination standards are at least as stringent as those adopted by the Board. The Board would also have to promulgate rules for continuing education standards for radiographer and limited x-ray operator credential renewals. Standards developed by the American Registry of Radiologic Technicians or a successor organization could be used as long as those standards are at least equivalent to those passed by the Board. Under the bills, the REB could promulgate rules that establish a code of ethics for radiographers and limited x-ray

operators.

Under AB 267 and SB 184, the Podiatrists Affiliated Credentialing Board would be required to establish rules specifying the course of instruction related to x-ray examinations by persons under podiatrist supervision. The Podiatrists Affiliated Credentialing Board would have to consult with the REB as well as examine the laws and rules of other states in promulgating these rules. Based on these rules the Podiatrists Affiliated Credentialing Board would be required to approve specific courses.

Renewal applicants would have to meet the continuing education requirements established by the REB, except that no continuing education requirements would apply for the first renewal of a radiographer or limited x-ray machine operator.

Under AB 267 and SB 184, the REB could conduct investigations and hearings to determine whether individuals have violated statutes or rules relating to radiography. Individuals that hold a radiography license or limited x-ray machine operator permit could have their credential denied, limited, suspended, or revoked for the following: (a) making a material misstatement on the initial or renewal application; (b) violating state or federal laws or state radiography administrative rules that substantially relate to the practice of radiography; (c) materially assisting a person who does not hold a radiographer or limited x-ray operator credential to practice radiography; (d) advertising, practicing, or attempting to practice under another person's name; (e) engaging in unprofessional conduct as defined by administrative rule; or (f) subject to state fair employment laws, being arrested or convicted of an offense substantially related to the practice of radiography.

The bills defines *bone densitometry* as the quantitative assessment of bone mass using a single or dual energy x-ray absorptiometry, and *practice of radiography* as 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, radiological positioning, and radiological technique and knowledge of principles of radiation protection for the purpose of medical diagnosis. Under the bills, the practice of radiography would not include bone densitometry.

Non-statutory provisions. Under the bills, the initial terms of the REB would include two members with terms ending on May 1, 2011, two with terms ending May 1, 2012, two with terms ending May 1, 2013, and one ending on May 1, 2014. The initial radiographer members would not be subject to the requirement that they have a credential in radiography.

Under the bills, radiographer licenses must be provided by the REB to applicants who meet the following requirements: (a) are at least 18 years of age; (b) present evidence to the Board that they have engaged in the practice of radiography for at least three of the previous five years immediately preceding the date of application; and (c) pass an examination administered by the Board.

Limited-x-ray machine operators would be provided permits if they meet the following requirements: (a) are at least 18 years of age; (b) present evidence to the Board that they have engaged in the practice of x-ray machine operation for at least three of the previous five years immediately preceding the date of application; and (c) pass an examination administered by the Board.

Under the bills, non-statutory provisions relating to granting credentials to current radiographers or limited x-ray machine operators would not apply after the 1st day of the 25th month beginning after the effective date. Individuals that are granted credentials, on or after March 1, 2012 and before September 1, 2012, would not be required to renew their license until September 1, 2014, however that individual would have to meet the continuing education requirements established by the REB by that 2014 renewal date.

The bills would provide 0.5 PR position under DRL's general program operations appropriation. No additional appropriation authority is provided. Neither bill specifies the position classification, or the duties of the position.

Provisions of the bills would be effective on the day after publication, except that the restrictions on the practice of radiography and limited x-ray operator and the use of the title "radiographer" would not apply until the 1st day of the 25th month beginning after the effective date.

FISCAL EFFECT

Neither bill provides additional funding to DRL, but would authorize 0.5 PR position under DRL's general program operation.

The Department estimates that approximately 6,000 individuals would seek credentials under the provisions of the bills. Initial applicants would pay a fee of \$75, which would result in additional revenues of \$450,000. Of this amount 90% (\$405,000 PR-Rev) would be deposited into DRL's general program operations appropriation and 10% would be deposited into the general fund (\$45,000), though funding would not be received until after the restrictions on the practice of radiography and x-ray operators occurred (25 months after publication). Initial applications would not be received until the 2011-13 biennium, with renewals first occurring in the summer of 2014 (due date of September 1, 2014). The renewal fee would be established by rule.

The Department estimates that there would be one-time costs of \$105,800 related to establishing rules, developing applications, adding applications and general information on-line, developing an examination, and review and approval of individuals that claim to have sufficient working experience (three of previous five years of operation), for radiographers and limited x-ray operators.

The Department also estimates that there would be on-going costs of \$118,300 PR related to Board operations (\$13,400), credentialing services (\$12,000), legal counsel (\$14,200), examinations (\$6,200), enforcement (\$57,500), and supplies and services for 1.0 FTE positions (\$15,000).

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