The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL:	CS/SB 376
INTRODUCER:	Health Regulation Committee and Senator Flores
SUBJECT:	Radiological Personnel
DATE:	February 16, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davlantes	Stovall	HR	**Fav/CS**
2.	Bradford	Hendon	BHA	**Favorable**
3.	Bradford	Rhodes	BC	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill allows for the certification of nationally-recognized specialties of radiologic technologist which are currently not recognized in statute. The bill updates existing definitions and certification procedures to encompass emerging technologies and specialties.

This bill contains a fee not to exceed $100 that will be charged to the applicant for the certification and will cover the costs of the new certification. The department indicates the fiscal impact of the bill is insignificant and can be handled within existing resources.

SB 376 substantially amends sections 468.301, 468.302, 468.303, 468.304, 468.306, and 468.3065 of the Florida Statutes.

The effective date of the bill is July 1, 2012.

II. Present Situation:

"Radiologic technologist" is defined in s. 468.301(15), F.S., to mean a person, other than a licensed practitioner, who is qualified by education, training, or experience to use radiation on

human beings under the specific direction and general supervision of a licensed practitioner in each particular case. "Licensed practitioner" means any Florida-licensed physician, podiatrist, chiropractor, or naturopath.[1]

Florida regulations concerning radiologic technologists are found in part IV of ch. 468, F.S., and Rule chapter 64E-3, F.A.C. The Department of Health (DOH) Bureau of Radiation Control within the Division of Environmental Health is responsible for the certification and regulation of radiologic technologists.

Types and Duties of Radiologic Technologists Defined in Statute

A basic X-ray machine operator can perform general diagnostic radiographic and general fluoroscopic procedures, excluding nuclear medicine and radiation therapy procedures, under the direct supervision of a licensed practitioner.[2]

A basic X-ray machine operator-podiatric medicine can perform certain radiographic functions, excluding nuclear medicine and radiation therapy procedures, which are within the scope of practice of a podiatrist. Such an operator may only practice under the direct supervision of a licensed podiatrist.[3]

A general radiographer means anyone who is employed and certified in radiography, other than a basic X-ray machine operator or a basic X-ray machine operator-podiatric medicine.[4] General radiographers may not perform nuclear medicine procedures but are permitted to perform computed tomography (CT) examinations. They can also assist certified radiation therapy technologists with certain radiation therapy procedures after undergoing appropriate training and certification.[5]

A limited computed tomography technologist may only perform diagnostic CT examinations.[6]

A radiation therapy technologist may administer certain forms of radiation therapy (X radiation, ionizing radiation from particle accelerators, and external beam teletherapy) to human beings for therapeutic or simulation purposes.[7]

A nuclear medicine technologist may conduct measurements of radioactivity and administer radiopharmaceuticals to human beings for diagnostic and therapeutic purposes. A nuclear medicine technologist may also administer X radiation from a combination nuclear medicine-CT device if that radiation is administered as an integral part of a nuclear medicine procedure and the technologist has received device-specific training. Otherwise the technologist is not permitted to operate a CT device.[8]

[1] Sections 468.3003 and 468.301(11), F.S.
[2] Sections 468.301(1) and 468.302(3)(a), F.S.
[3] Sections 468.301(2) and 468.302(3)(c), F.S.
[4] Section 468.301(9), F.S.
[5] Sections 468.302(3)(d) and 468.302(3)(g), F.S., and Rule 64E-3.3001, F.A.C.
[6] Section 468.302(3)(e), F.S.
[7] Section 468.302(3)(f), F.S.
[8] Section 468.302(3)(g), F.S., and Rule 64E-3.0033, F.A.C.

A radiologist assistant is an advanced-level radiologic technologist who works under the supervision of a radiologist to enhance patient care by assisting the radiologist in the medical imaging environment.[9,10] Under supervision of a radiologist, a radiologist assistant may perform patient assessment, patient management, and selected clinical imaging procedures. Radiologist assistants are not certified to interpret any radiological image or to perform any nuclear medicine or radiation therapy procedures.[11,12]

Certification of Radiologic Technologists

Certification requirements for radiologic technologists are:[13]

- Pay appropriate application and examination fees.
- Be at least 18 years of age at the time of application.
- Be at least a high school graduate or hold a GED.
- Have good moral character.
- Complete an educational training program in the requested category of certification. The training program must come from a hospital or postsecondary academic institution which has been recognized and accepted by the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board and certified by the DOH.[14]
- Complete 4 hours of HIV/AIDS training.[15]
- Pass the appropriate licensing examination or meet the eligibility requirements for a certificate by endorsement.
- Submit documentation of any criminal offense of which the applicant has been found guilty, regardless of adjudication.
- Submit documentation of any final disciplinary action taken against the applicant by a licensing or regulatory body in any jurisdiction, by a national organization, or by a specialty board recognized by the DOH.

Additional certification procedures apply in certain situations:

- In lieu of completing an approved educational training program from a hospital or postsecondary academic institution, an applicant for basic X-ray machine operator certification may read *Radiography Essentials for Limited Practice, 2nd edition*, published by Elsevier Saunders, or take any substantially equivalent course which provides instruction

[9] Sections 468.301(17), F.S.
[10] A radiologist, as defined in s. 468.301(16), F.S., is a physician specializing in radiology certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.
[11] Section 468.302(3)(h), F.S.
[12] Further details on the duties of radiologist assistants can be found in Rule 64E-3.0032, F.A.C., and in the *Radiologist Assistant Role Delineation- January 2005*, published by the American Registry of Radiologic Technologists, available at http://www.acr.org/secondarymainmenucategories/quality_safety/radiologistassistant/arrtroledelineationdocumentdoc7.aspx (last visited on September 29, 2011).
[13] Section 468.304, F.S.
[14] Rules 64E-3.002(1) and 64E-3.003(1)(a), F.A.C., and s. 468.305, F.S.
[15] Rule 64E-3.003(4), F.A.C.

on all of the subjects listed in the ARRT's January 2006 edition of *Content Specifications for the Examination for the Limited Scope of Practice in Radiography*.[16,17]

- A currently certified basic X-ray machine operator applying for general radiographer certification must complete a DOH-approved educational program or a 2-year training program that takes into account the types of procedures and level of supervision usually practiced in a hospital.
- A currently certified general radiographer applying for nuclear medicine technologist certification must complete a DOH-approved educational program or a 2-year training program that takes into account the types of procedures and level of supervision usually practiced in a hospital. [18]
- A currently certified general radiographer who wishes to also assist with radiation therapy procedures must complete at least 560 hours of training following a DOH-prescribed curriculum at a radiation therapy school accredited by the Joint Review Committee on Education in Radiologic Technology.[19,20]
- A radiologist assistant currently certified by the ARRT is not required to complete the educational training program or the examination and is instead issued a certificate by endorsement.[21]
- No further limited CT certificates were awarded after October 1, 1984. Certificates issued before this time are valid if they are renewed appropriately under s. 468.309, F.S.[22]

Written examinations are offered semiannually and test applicants on patient positioning, technique, and radiation protection skills related to each category of certification. Examinations may be developed and administered by the DOH or by a contracting organization, including national organizations which certify radiologic technologists. The passing score is 65 percent for the basic X-ray machine operator examination and 75 percent for all other examinations. [23]

The DOH may issue a certificate by endorsement to practice as a radiologic technologist to an applicant who can demonstrate that he or she holds a current license or certification to practice radiologic technology in another jurisdiction and that the requirements for such license or certification are equivalent to those required for certification in Florida.[24]

All operators of radiation equipment are not required to be registered radiologic technologists (as part of the ARRT or another national or state organization), but all must be certified by the state before they may practice.[25] Radiologic technologists are not required to be certified if they are currently students under direct supervision of a licensed radiologic technologist, are employed by a United States governmental agency, or are licensed under ch. 483, F.S., to only perform

[16] Rule 64E-3.003(d), F.A.C.
[17] ARRT, *Content Specifications for the Examination for the Limited Scope of Practice in Radiography*, January 2006, available at http://www.doh.state.fl.us/mqa/rad-tech/LIM_CS_2006.pdf (last visited on September 29, 2011).
[18] Rule 64E-3.002(1), F.A.C., and ss. 468.304(3)(e)2.c.-d. and 468.305, F.S.
[19] Rule 64E-3.0031(1)(b), F.A.C.
[20] Department of Health, *Therapy Assistance by General Radiographer Training Program Curriculum*, March 2002, available at http://www.doh.state.fl.us/mqa/rad-tech/Thrpy_Assistance_Cur.pdf (last visited on September 29, 2011).
[21] Sections 468.304(3)(e)2.e., 468.306, and 468.3065(1), F.S.
[22] Section 468.304(5), F.S.
[23] Section 468.306, F.S., and Rule 64E-3.005, F.A.C.
[24] Section 468.3065(1), F.S., and Rule 64E-3.006, F.A.C.
[25] Sections 468.302(1) and 468.305, F.S.

nuclear medicine procedures.[26] Temporary certificates can also be issued by the DOH in certain situations.[27]

Renewal of Certification and Continuing Education

All radiologic technology certificates must be renewed every 2 years by submitting a renewal application and fee to the DOH.[28] Twelve classroom hours of continuing education per recertification period are also required.[29]

Certificates that have been expired for more than 2 but less than 10 years may be renewed by submitting a renewal application and fee as well as a late fee. Continuing education requirements in this case are 3 classroom hours for each 6 months for which the certificate has been expired. These classroom hours are in addition to the 12 hours that are normally required to renew a certificate. A certificate which has been expired for more than 10 years cannot be renewed. The applicant must repeat the entire certification process.[30]

Disciplinary Action

The following actions are subject to administrative fines by the DOH and probation, suspension, or revocation of certification:[31]

- Procuring or renewing a certificate via fraudulent means.
- Having a certificate suspended or revoked by a national organization, a DOH-recognized specialty board, or certification authority of another jurisdiction.
- Failing to notify the DOH within 30 days of revocation or suspension of certification by a national organization, a DOH-recognized specialty board, or certification authority of another jurisdiction.
- Being convicted, regardless of adjudication, of a crime that relates to the practice of radiologic technology or of any other crime against a person.
- Filing false reports or failing to file a report required by state or federal law. This applies only to reports filed in the capacity of the certificate holder.
- Engaging in unprofessional conduct.
- Inability to adequately practice radiologic technology due to chemical dependence or alcohol addiction.
- Failing to comply with the recommendations of the DOH's impaired practitioner program.
- Testing positive for unauthorized substances on an employment-related drug screen.
- Violating or not reporting another's violation of the rules and laws governing radiologic technologists.

[26] Sections 468.302(6) and (7), F.S.
[27] Section 468.307(2), F.S.
[28] Section 468.309, F.S. Special allowances are made for certificate holders or their spouses are who called to active military duty. The certificate holder remains in good standing throughout the period of active duty and has up to 6 months after discharge to become recertified following the normal renewal process.
[29] Rule 64E-3.008, F.A.C. Further details on the exact on the exact curricular requirements of continuing education are available in Rule 64E-3.009, F.A.C.
[30] Section 468.3095, F.S., and Rule 64E-3.010, F.A.C.
[31] Section 468.3101, F.S. Further details of minimum and maximum disciplinary actions and fines associated with each violation are found in Rule 64E-3.011, F.A.C.

- Employing an uncertified individual to practice radiologic technology in this state.

The following actions are considered misdemeanors of the second degree:[32]
- Practicing radiologic technology without the appropriate certification, including practicing with a certificate that has been suspended or revoked.
- Practicing radiologic technology by an unsupervised student or allowing this to occur.
- Obtaining certification via fraudulent means.
- Using any name or title to imply that a person is a certified radiologic technologist when he or she is not.
- Knowingly concealing violations of rules and laws governing radiologic technologists from law enforcement.
- Employing an uncertified individual to practice radiologic technology in this state.

Advisory Council on Radiation Protection

Section 468.314, F.S. establishes a sixteen-person advisory council within the DOH. This council provides recommendations to the DOH on such issues as minimum requirements for certification, a certificate holders' code of ethics, curricula for continuing education courses, the duties of each different type of radiologic technologist.

National Radiologic Technology Organizations and Certifications

Nationally, there are three main organizations which certify radiologic technologists: the American Registry of Radiologic Technologists (ARRT), the American Registry for Diagnostic Medical Sonography (ARDMS), and the Nuclear Medicine Technology Certification Board (NMTCB). The ARRT is the largest with approximately 300,000 members. Among other duties, these organizations create and administer exams in various radiologic technologist specialties to provide national standards of competency.[33]

To be eligible to take a certification examination, an applicant must graduate from an accredited educational training program and fulfill specific clinical competencies. The specific examination prerequisites vary depending on the certification organization. Policies for recertification and continuing education are also provided by each organization.[34]

The following certifications are available nationally for radiologic technologists:
From the ARRT:[35]
- Primary certifications
  - Radiography
  - Radiation Therapy

[32] Section 468.311, F.S.
[33] American Society of Radiologic Technologists, *Alphabet Soup: A Guide to Organizations in Radiologic Technology*, available at https://www.asrt.org/content/aboutasrt/alphabet_soup.aspx (last visited on September 30, 2011).
[34] For information on ARRT prerequisites, visit https://www.arrt.org/Certification (last visited on September 30, 2011). For information on ARDMS prerequisites, visit http://www.ardms.org/files/downloads/Prerequisite_Chart.pdf (last visited on September 30, 2011). For information on NMTCB prerequisites, visit http://www.nmtcb.org/about/eligReq.php (last visited on September 30, 2011).
[35] ARRT, *ARRT Certification*, available at https://www.arrt.org/Certification (last visited on September 30, 2011).

  - Nuclear Medicine Technology
  - Magnetic Resonance Imaging
  - Sonography
- Post-primary (subspecialty) certifications
  - Computed Tomography
  - Magnetic Resonance Imaging
  - Mammography
  - Quality Management
  - Sonography
  - Breast Sonography
  - Vascular Sonography
  - Cardiac-Interventional
  - Vascular-Interventional
  - Bone Densitometry
- Advanced practice certifications
  - Radiologist Assistant

From the ARDMS:[36]

- Primary certifications
  - Diagnostic Medical Sonographer
  - Diagnostic Cardiac Sonographer
  - Vascular Technologist
- Specialty certifications
  - Abdominal Sonography
  - Breast Sonography
  - Neurosonology
  - Obstetrics and Gynecology Sonography
  - Adult Echocardiography
  - Pediatric Echocardiography
  - Fetal Echocardiography

From the NMTCB:[37]

- Nuclear Medicine Technologist
- Nuclear Cardiology Technologist
- Positron Emission Tomography Technologist

Other certifications are also available from several smaller national radiologic technologist organizations.

III. Effect of Proposed Changes:

This bill allows for the certification of nationally-recognized specialties of radiologic technologist which are currently not recognized in statute.

[36] ARDMS, *Credentials and Examinations*, http://www.ardms.org/credentials_examinations/ (last visited on September 30, 2011).
[37] NMTCB, *Welcome*, http://www.nmtcb.org/root/default.php (last visited on September 30, 2011).

Section 1 amends s. 468.301, F.S., to create the term "specialty technologist" to mean a subtype of radiologic technologist subject to specific certification requirements under s. 468.304, F.S.

Section 2 amends s. 468.302, F.S., to provide guidelines for the titles and title abbreviations that specialty technologists may use to designate the various certifications they hold in Florida. The DOH is given rulemaking authority to specify these titles and title abbreviations. This section also allows the DOH, by rule, to define the duties each type of specialty technologist may perform in the state.

Section 3 amends s. 468.303, F.S., to give the DOH rulemaking authority to recognize national organizations that certify, license, or register specialty technologists under educational and examination requirements that demonstrate technical and safety competencies for the scope of practice for that specialty.

Section 4 amends s. 468.304(3), F.S., to require that an applicant for specialty technologist certification demonstrate that he or she is currently certified by or registered with a national radiologic technology organization in that specialty.

Section 5 amends s. 468.306, F.S., to provide that applicants for specialty technologist certification may only be certified by endorsement as provided in s. 468.3065, F.S. Applicants for specialty technologist certification may not be certified through the examination procedures otherwise provided under s. 468.306, F.S.

Section 6 amends s. 456.3065, F.S. to provide for certification of specialty technologists by endorsement. This means that specialty technologists who are registered with or certified by a national radiologic technology organization in some practice specialty will have that certification recognized in Florida as long as the national organization is recognized by the DOH. The application fee for a certificate by endorsement to practice as a specialty technologist may not exceed $100.

Section 7 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

A fee not to exceed $100 is to be remitted by the applicant.

B. Private Sector Impact:

Technologists seeking DOH recognition of any national certifications would be required to pay an application fee. Recognizing additional categories of specialty certification would provide employers with greater information about the competencies of a prospective employee and would also increase the quality of care delivered during specialized radiologic technology procedures by ensuring that technologists had received appropriate training before being allowed to work with patients.

C. Government Sector Impact:

The DOH anticipates a small workload increase to process applications for recognition of additional nationally-recognized certifications, which will be offset by fees for an overall insignificant fiscal impact.[38] The department indicates that this can be absorbed within its existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on January 12, 2012:
The CS eliminates the amendment of ss. 458.3003 and 468.301(4), F.S., the declaration of policy and definition of "radiation," to revert to current statutory language. The CS changes the phrase "national registry" to "national organization" throughout the bill to maintain consistency with existing statute.

[38] Department of Health, *2012 Bill Analysis, Economic Statement, and Fiscal Note for SB 376*. A copy of this document is on file with the Senate Health Regulation Committee.

Section 468.303, F.S., is amended to give the DOH rulemaking authority to recognize national organizations that certify, license, or register specialty technologists under educational and examination requirements that demonstrate technical and safety competencies for the scope of practice for that specialty.

Section 468.3065, F.S., is amended to eliminate the requirement that, in order for a nationally-licensed, -registered, or -certified specialty technologist to be issued a certificate by endorsement in Florida, criteria for licensure, certification, or registration by the national organization must be deemed substantially equivalent by the DOH to those for specialty technologists established in statute or rule.

Several technical changes are also made.

B. Amendments:

None.