**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1233 Certification of Radiologic Personnel
**SPONSOR(S):** Garcia
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2642

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|---|---|---|
| 1) Healthcare Council | | Owen | Gormley |
| 2) | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |

**SUMMARY ANALYSIS**

HB 1233 provides that a postsecondary academic institution licensed by the Florida Commission for Independent Education to offer a general radiologic technology program and accredited by the Accrediting Bureau of Health Education Schools is an accredited postsecondary academic institution.

The bill does not appear to have a fiscal impact on the state or local government.

The bill is effective July 1, 2008.

## FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

**Present Situation**

A person may not use radiation or otherwise practice radiologic technology on a human being unless he or she possesses a license or is certified by the Department of Health.[1] The term "radiation" encompasses x-rays and gamma rays, alpha and beta particles, high-speed electrons, neutrons, and other nuclear particles.

Scope of Practice

The State of Florida currently regulates several types of individuals who use radiological techniques in health care:

- Basic x-ray machine operator
  - May perform general diagnostic radiographic and general fluoroscopic procedures, specifically excluding nuclear medicine and radiation therapy procedures, under the direct supervision and control of a licensed practitioner in that practitioner's office or in a hospital.[2]
- Basic x-ray machine operator-podiatric medicine
  - May perform only podiatric radiographic procedures under the direct supervision and control of a licensed podiatric physician.[3]
- General radiographer
  - May assist with managing patients undergoing radiation therapy treatments if additional training and skills in radiation therapy are received and if that assistance is provided to a person registered with the American Registry of Radiologic Technologists (ARRT) and licensed under chapter 458 or chapter 459.[4]
- Nuclear medicine technologist
  - May conduct in vivo and in vitro measurements of radioactivity and administer radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.
  - May administer X radiation from a combination nuclear medicine-computed tomography device if that radiation is administered as an integral part of a nuclear medicine procedure that uses an automated computed tomography protocol for the purposes of attenuation correction and anatomical localization and the person has received device-specific training on the combination device.[5]
- Radiation therapy technologist
  - May administer only X radiation and ionizing radiation emitted from particle accelerators and external beam teletherapy from sealed sources of radioactive material to human beings for therapeutic or simulation purposes.[6]
- Radiologist assistant
  - Works under the supervision of a radiologist to perform patient assessment, patient management, and selected clinical imaging procedures.[7]

[1] Section 468.302, F.S.
[2] Section 468.302(3)(a), F.S.
[3] Section 468.302(3)(c), F.S.
[4] Section 468.302(3)(d), F.S.
[5] Section 468.302(3)(g), F.S.
[6] Section 368.302(3)(f), F.S.

Department of Health Rule

According to s. 468.303, F.S., the DOH has the authority to make rules necessary to carry out the provisions of the Radiologic Personnel Certification Act.

DOH rule currently defines an approved radiologic technology education program as one that is recognized and accepted by one of two national registries for the radiologic technology profession: American Registry of Radiologic Technologists (ARRT), or Nuclear Medicine Technology Certification Board (NMTCB).[8] This rule was adopted and went into effect on March 4, 2008.

The previous rule stated that an approved educational or training program was one approved by an accrediting agency recognized and currently approved by the United States Department of Education or its successors.

Approved Educational or Training Programs

ARRT and NMTCB both require radiologic technology educational programs located in Florida to be accredited by an approved body. Accrediting bodies approved by AART and NMTCB include:

- The Joint Review Committee on Education in Radiologic Technology (JRCERT)
  - For radiography or radiation therapy programs
- The Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCEPNM)
  - For nuclear medicine programs

Education or training programs located in an institution that is institutionally-accredited by the Southern Association of Colleges and Schools (SACS), Commission on Colleges, are also approved by ARRT and NMTCB.

The DOH educational requirements are consistent with the Florida Department of Education (DOE) 2007-2008 Health Science Career Education curriculum frameworks for radiologic technology programs. For example, the curriculum framework for Radiography lists the JRCERT and SACS as the required accrediting bodies for the educational program.[9] According to the DOE curriculum framework, persons who complete a program based on the framework will be eligible to take the ARRT's national registry exam.

According to the DOH, there are currently 66 radiologic technology programs in Florida that meet the department's accreditation requirements. Of these, 47 are radiography programs, 13 are nuclear medicine programs, and 6 are radiation therapy programs.

Certification by Examination/Endorsement

Once a person has graduated from an approved postsecondary institution, he or she is eligible to seek state certification. Florida provides two avenues of certification for radiologic technology professionals: certification by examination or certification by endorsement.

All applicants desiring certification must: [10]

- Pay the Department of Health (DOH) a non-refundable initial examination fee of $150
- Submit a completed DOH certification application
- Be at least 18 years old at the time of application
- Possess a high school diploma or GED or equivalent
- Be of good moral character

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[7] AART Radiologist Assistant Role Delineation, January 2005.
[8] Rule 64E-3.002(1), F.A.C.
[9] Florida Department of Education, Curriculum Framework, Radiography, http://www.fldoe.org/workforce/dwdframe/0708/ho/pdf/17020900.pdf (last visited April 16, 2008).
[10] Section 468.304, F.S.

- Pass a certification examination
- Submit a criminal background history report
- Submit documentation of any final disciplinary action taken against the applicant by a licensing or regulatory board, a national organization, or a specialty board
- Successfully complete an educational program or course of study or training program that is approved by DOH.
    - For those applying to become general radiographers, nuclear medicine technologists, and radiation therapists, the requirement for an educational program means they must successfully complete a two-year accredited radiologic technology program.
    - Those applying to become basic x-ray machine operators must successfully complete the study guide which is available for purchase and provided by the DOH.

The DOH contracts with the ARRT for all of its examination services. Once the applicant is approved for examination, their information is forwarded to ARRT and the registry contacts the applicant with the appropriate testing information.

Another way an applicant may become certified is by endorsement. An applicant for certification as a radiologist assistant must seek certification by endorsement, demonstrating that he or she holds a current certificate or registration as a radiologist assistant granted by the ARRT.[11] An applicant for certification to practice radiologic technology may seek certification by endorsement if he or she meets all of the requirements listed above and holds a current certificate, license, or registration to practice radiologic technology, including those currently registered by a national registry such as ARRT or NMTCB, if the requirements for such designation are substantially equivalent to Florida's certificate requirements.[12]

The state ARRT certification examination must not be confused with the national ARRT certification examination. A graduate of an approved postsecondary institution may seek registration with a national registry (ARRT or NMTCB). To do so, the graduate must take the registry's national certification examination. An individual who is registered with ARRT or NMTCB must also have an active Florida certificate to practice radiologic technology in the state. A person with current ARRT or NMTCB licensure may apply for Florida certification by endorsement, as long as he or she meets all other requirements.

American Registry of Radiologic Technologists (ARRT)
The ARRT recognizes and accepts post-secondary educational programs throughout the country. The ARRT also certifies persons in the field of radiologic technology. A person is certified by ARRT after completing educational preparation standards, complying with ethics standards, and passing a national certification examination. The ARRT also registers those persons who have achieved ARRT certification. ARRT registrants are those who, having already fulfilled the requirements for initial certification, continue to meet the requirements for annual registration. The ARRT annually registers the certificates of individuals who meet the following three criteria: agree to comply with the ARRT Rules and Regulations; continue to comply with the ARRT Standards of Ethics; and meet the continuing education requirements for renewal of registration.[13]

Nuclear Medicine Technology Certification Board (NMTCB)
The standards established by the NMTCB include educational requirements, practical experience, and successful completion of an appropriate competency-based examination. The NMTCB certifies individuals whom have developed the requisite body of knowledge to practice nuclear medicine technology, and registers those individuals who meet these criteria. The work of the NMTCB is accomplished by technologists, scientists, and physicians.[14]

[11] Section 468.3065(1), F.S.
[12] Section 468.3065(2), F.S.
[13] The American Registry of Radiologic Technologists, "Certification vs. Registration", http://www.arrt.org/index.html?content=certification/certwhat.htm (last visited April 16, 2008).
[14] The Nuclear Medicine Technology Certification Board, "About NMTCB", http://www.nmtcb.org/ (last visited April 16, 2008).

Joint Review Committee on Education in Radiologic Technology (JRCERT)
The JRCERT is the only agency recognized by the United States Department of Education to accredit educational programs in radiography and radiation therapy. Programs accredited by the JRCERT must demonstrate that they are in substantial compliance with the relevant JRCERT accreditation standards: standards for an accredited educational program in radiologic sciences (radiography and radiation therapy), standards for an accredited educational program in magnetic resonance, or standards for an accredited educational program in medical dosimetry.[15]

Southern Association of Colleges and Schools, Commission on Colleges (SACS)
The Commission on Colleges of the Southern Association of Colleges and Schools is the recognized regional accrediting body in the eleven U.S. Southern states (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia) and in Latin America for those institutions of higher education that award associate, baccalaureate, master's or doctoral degrees. The Commission on Colleges is the representative body of the College Delegate Assembly and is charged with carrying out the accreditation process.[16]

Accrediting Bureau of Health Education Schools (ABHES)
ABHES is recognized by the United States Secretary of Education for the accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, or academic associate degrees and programs offered by distance delivery.

ABHES accredits programmatically for the three programs identified above being taught in both public and private institutions. It also accredits institutionally outside of the allied health area, providing the institutions retain predominance in allied health.[17]

ABHES accreditation is not accepted by the national radiologic technology registries (ARRT and NMTCB) and is therefore not currently accepted by DOH.

**Effect of Proposed Changes**

The bill amends s. 468.304, F.S., to provide that, for purposes of the required education for state certification, a postsecondary academic institution licensed by the Florida Commission for Independent Education to offer a general radiologic technology program and accredited by the Accrediting Bureau of Health Education Schools (ABHES) is an accredited postsecondary institution.

C. SECTION DIRECTORY:

Section 1: Amends s. 468.304, F.S., relating to certification.

Section 2: Provides an effective date of July 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

[15] The Joint Review Committee on Education in Radiologic Technology, http://www.jrcert.org/ (last visited April 16, 2008).
[16] The Southern Association of Colleges and Schools, Commission on Colleges, http://www.sacscoc.org/ (last visited April 16, 2008).
[17] The Accrediting Bureau of Health Education Schools, http://www.abhes.org/ (last visited April 16, 2008).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The department appears to have sufficient rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

## IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES