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SENATE BILL NO. 968

Offered January 14, 2009

Prefiled January 12, 2009

A BILL to amend and reenact §§ 54.1-2900, 54.1-2956.8:1, and 54.1-2956.8:2 of the Code of Virginia, relating to the licensure of radiologist assistants.

Patron—Blevins

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900, 54.1-2956.8:1, and 54.1-2956.8:2 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of a licensed physical therapist and the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,

INTRODUCED

SB968

59 medicines, serums or vaccines.

60 "Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of
61 human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

62 "Practice of occupational therapy" means the evaluation, analysis, assessment, and delivery of
63 education and training in activities of daily living (ADL); the design, fabrication, and application of
64 orthoses (splints); guidance in the selection and use of adaptive equipment; therapeutic activities to
65 enhance functional performance; prevocational evaluation and training; and consultation concerning the
66 adaptation of physical environments for individuals who have disabilities.

67 "Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the
68 human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level
69 through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be
70 performed in a hospital or ambulatory surgery facility accredited by an organization listed in
71 § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and
72 ankle is within the scope of practice of podiatry.

73 "Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or
74 therapeutic purposes.

75 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and
76 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease
77 prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or
78 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a
79 practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii)
80 observation and monitoring of signs and symptoms, general behavior, general physical response to
81 respiratory care treatment and diagnostic testing, including determination of whether such signs,
82 symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv)
83 implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting,
84 referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a
85 licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures,
86 pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care
87 may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed
88 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or
89 osteopathic medicine, and shall be performed under qualified medical direction.

90 "Qualified medical direction" means, in the context of the practice of respiratory care, having readily
91 accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine
92 who has specialty training or experience in the management of acute and chronic respiratory disorders
93 and who is responsible for the quality, safety, and appropriateness of the respiratory services provided
94 by the respiratory care practitioner.

95 "Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy,
96 podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.) of this title,
97 who (i) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope
98 of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is
99 delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of
100 patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures
101 which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is
102 exposed.

103 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,
104 dental hygienist or person who is otherwise authorized by the Board of Dentistry under Chapter 27
105 (§ 54.1-2700 et seq.) of this title and the regulations pursuant thereto, who performs diagnostic
106 radiographic procedures employing equipment which emits ionizing radiation which is limited to specific
107 areas of the human body.

108 "Radiologist assistant" means an individual who has met the requirements of the Board for licensure
109 as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor
110 of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate
111 the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii)
112 evaluate image quality, make initial observations, and communicate observations to the supervising
113 radiologist; (iii) administer contrast media or other medications prescribed by the supervising
114 radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure
115 consistent with the guidelines adopted by the American College of Radiology, the American Society of
116 Radiologic Technologists, and the American Registry of Radiologic Technologists.

117 "Respiratory care" means the practice of the allied health profession responsible for the direct and
118 indirect services, including inhalation therapy and respiratory therapy, in the treatment, management,
119 diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the
120 cardiopulmonary system under qualified medical direction.

§ 54.1-2956.8:1. Unlawful to practice radiologic technology without license; unlawful designation as a radiologist assistant, radiologic technologist, or radiologic technologist, limited; Board to regulate radiologist assistants and radiologic technologists.

Except as set forth herein, it shall be unlawful for a person to practice or hold himself out as practicing as a *radiologist assistant*, radiologic technologist, or radiologic technologist, limited, unless he holds a license as such issued by the Board.

In addition, it shall be unlawful for any person who is not licensed under this chapter whose licensure has been suspended or revoked, or whose licensure has lapsed and has not been renewed to use in conjunction with his name the words "*licensed radiologist assistant*," "licensed radiologic technologist" or "licensed radiologic technologist, limited" or to otherwise by letters, words, representations, or insignias assert or imply that he is licensed to practice radiologic technology.

The Board shall prescribe by regulation the qualifications governing the licensure of *radiologist assistants*, radiologic technologists, and radiologic technologists, limited. The regulations may include requirements for approved education programs, experience, examinations, and periodic review for continued competency.

The provisions of this section shall not apply to any employee of a hospital licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 acting within the scope of his employment or engagement as a radiologic technologist.

§ 54.1-2956.8:2. Requisite training and educational achievements of radiologist assistants, radiologic technologists, and radiologic technologists, limited.

The Board shall establish a testing program to determine the training and educational achievements of *radiologist assistants*, radiologic technologists, or radiologic technologists, limited, or the Board may accept other evidence such as successful completion of a national certification examination, experience, or completion of an approved training program in lieu of testing and shall establish this as a prerequisite for approval of the licensee's application.