

BILL ANALYSIS

Senate Research Center

S.B. 943
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Health & Human Services
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As Filed

DIGEST

The 74th Legislature expanded the power of the Texas Board of Health (TBH), upon recommendation from the Medical Radiological Technologist (MRT) Advisory Committee, by giving it statutory authority over all personnel, including registered nurses and physician assistants, who perform radiologic procedures; and granting it the authority to determine dangerous procedures. In addition, the MRT Advisory Committee was given the authority to mandate training requirements for these personnel and to determine what procedures these personnel may or may not perform. During the interim, TBH rejected rules from the MRT Advisory Committee that would have limited access to necessary radiologic procedures while also raising the cost for such procedures. The MRT Advisory Committee was asked by TBH to develop consensus rules; however, the committee again recommended proposed rules that limited access to care and raised costs.

This legislation would shift the authority to identify dangerous and hazardous radiologic procedures and regulate the radiologic procedures which a registered nurse or a licensed physician assistant may perform from TBH to the respective licensing board of health care providers supervising and providing radiologic procedures. Additionally, this bill changes the composition of the MRT Advisory Board to include representatives from all health care professions involved in the provision of radiologic procedures, in an effort to encourage greater collaboration in the approach to rulemaking. S.B. 943 also requires the Texas State Board of Medical Examiners to adopt standards for mandatory training guidelines for certain persons who administer radiation for medical purposes under a physician's direction.

PURPOSE

As proposed, S.B. 943 provides for the regulation of medical radiologic technologists and other persons who perform radiologic procedures.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Medical Examiners in SECTION 4 (Sections 5.04(b) and 5.045(b), Subchapter E, Article 4495b, V.T.C.S.) and to the Texas Board of Health in SECTION 6(c) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.03, Article 4512m, V.T.C.S. (Medical Radiologic Technologist Certification Act), by adding Subdivision (17), to define "physician assistant."

SECTION 2. Amends Subchapter B, Article 4512m, V.T.C.S., by adding Section 2.041, as follows:

Sec. 2.041. ADVISORY COMMITTEE. Requires an advisory committee established by the Texas Board of Health (TBH) under Section 11.016, Health and Safety Code, to consist of persons having certain qualifications.

SECTION 3. Amends Section 2.05, Article 4512m, V.T.C.S., to provide that this subsection does not apply to a person who administers radiation to another person for medical purposes if the person, before September 1, 1998, had at least one year of experience in performing radiologic procedures under the direction, supervision, and authority of a practitioner. Deletes the provisions requiring

TBH, by rule, with the assistance of other appropriate state agencies, to identify dangerous radiologic procedures that may only be performed by certain technologists. Establishes that a person who performs a radiologic procedure in compliance with the procedures adopted under Section 5.04, Article 4495b, V.T.C.S. (Medical Practice Act) does not have to comply with the requirements adopted under Subsections (a)(2)-(4) or Subsection (f). Makes conforming changes.

SECTION 4. Amends Subchapter E, Article 4495b, V.T.C.S., by adding Sections 5.04 and 5.045, as follows:

Sec. 5.04. DANGEROUS OR HAZARDOUS RADIOLOGIC PROCEDURES. Defines "practitioner" and "radiologic procedure." Requires the Texas State Board of Medical Examiners (TBME), with the assistance of the Texas Department of Health and other appropriate state agencies, by rule, to identify radiologic procedures that are dangerous or hazardous and that may only be performed by a physician, practitioner, or certified medical radiologic technologist. Provides that this section does not apply to certain radiologic procedures. Requires the TBME, in adopting rules, to consider whether the radiologic procedure will be performed by a registered nurse or a licensed physician assistant.

Sec. 5.045. TRAINING GUIDELINES FOR RADIOLOGIC PROCEDURES. Defines "practitioner" and "radiologic procedure." Sets forth the terms by which TBME is required to adopt minimum standards for mandatory training guidelines for a person, other than a physician, a practitioner, or a medical radiologic technologist, who intentionally administers radiation to another person for medical purposes under the direction, supervision, and authority of a physician. Establishes the persons exempt from the requirements of this section. Authorizes TBME to establish and collect fees necessary to recover the costs of administering this section, and authorizes the fees to be used only to administer this section.

SECTION 5. Repealer: Sections 2.03(1) and 2.04, Article 4512m, V.T.C.S. (Creation of Medical Radiologic Technologist Advisory Board).

SECTION 6. (a) Effective date: September 1, 1997.

(b) Provides that a member of the Medical Radiologic Technologist Advisory Board serving immediately before the effective date of this Act expires on that date and that advisory board is abolished. Sets forth the terms by which TBH is required to appoint an advisory board.

(c) Provides that rules adopted before the effective date of this Act by TBH under Section 2.05(f), Article 4512m, V.T.C.S., are repealed. Requires TBH to adopt new rules under that section after the date the new members of the advisory board have begun to serve.

(d) Requires TBME to adopt rules under Section 5.04, Article 4495b, V.T.C.S., not later than January 1, 1998.

(e) Requires TBME to adopt mandatory training guidelines under Section 5.045, Article 4495b, V.T.C.S., not later than a certain date.

SECTION 7. Emergency clause.