

BILL ANALYSIS

Senate Research Center

C.S.S.B. 943
By: Nelson
Health & Human Services
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Committee Report (Substituted)

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 boards of health care providers supervising and providing radiologic procedures, including the Texas State Board of Medical Examiners, the Texas Board of Chiropractic Examiners, and the Texas State Board of Podiatric Medical Examiners. C.S.S.B. 943 also requires these entities to adopt standards for mandatory training guidelines for certain persons who administer radiation for medical purposes under a physician's direction.

PURPOSE

As proposed, C.S.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 3 (Sections 5.04(b) and 5.045(b), Subchapter E, Article 4495b, V.T.C.S.); to the Texas Board of Chiropractic Examiners in SECTION 5 (Sections 13c(b) and 13d(b), Article 4512b, V.T.C.S.); and to the Texas State Board of Podiatric Medical Examiners in SECTION 6 (Articles 4577(b) and 4578(b), V.T.C.S.) 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 Section 2.05, Article 4512m, V.T.C.S., to authorize the Texas Board of Health (TBH), when adopting minimum standards for certifying medical radiologic technologists, to establish criteria for issuing certificates to a person licensed by the Nuclear Medicine Technologist Certification Board, rather than the American Registry of Clinical Radiography Technologists. Provides 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. Requires the Texas Department of Health (TDH) to exempt certain applicants, including a rural health

clinic, from the requirements of Subsection (f) if the applicant shows a hardship in employing a person certified under this Act or trained as required by Subsection (f). Sets forth the persons exempt from the requirements and guidelines adopted under various provisions of this section. Makes conforming changes.

SECTION 3. 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 "radiologic procedure." Requires the Texas State Board of Medical Examiners (TBME), with the advice of TDH 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 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 "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 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.

SECTION 4. Amends Section 13a(a), Article 4512b, V.T.C.S., to make a conforming change.

SECTION 5. Amends Article 4512b, V.T.C.S., by adding Sections 13c and 13d, as follows:

Sec. 13c. DANGEROUS OR HAZARDOUS RADIOLOGIC PROCEDURES. Defines "radiologic procedure." Requires the Texas Board of Chiropractic Examiners (TBCE), with the advice of TDH and other appropriate state agencies, by rule, to identify radiologic procedures that are dangerous or hazardous and that may only be performed by a chiropractor or certified medical radiologic technologist. Requires the provisions of Section 5.04, Article 4495b, V.T.C.S., to apply in lieu of this section when the procedure is performed in a hospital.

Sec. 13d. TRAINING GUIDELINES FOR RADIOLOGIC PROCEDURES. Defines "radiologic procedure." Requires TBCE to adopt minimum standards for mandatory training guidelines for certain persons who intentionally administer radiation under the direction of a chiropractor. Requires the guidelines to permit a person to comply with the guidelines by completing a course of instruction under a chiropractor who employs or supervises the person and by passing a written examination. Sets forth the persons who are exempt from this section. Authorizes TBCE to establish and collect fees necessary to recover the costs of administering this section.

SECTION 6. Amends Chapter 11, Title 71, V.T.C.S., by adding Articles 4577 and 4578, as follows:

Art. 4577. DANGEROUS OR HAZARDOUS RADIOLOGIC PROCEDURES. Defines "radiologic procedure." Requires the Texas State Board of Podiatric Medical Examiners (TBPME), with the advice of TDH and other appropriate state agencies, by rule, to identify radiologic procedures that are dangerous or hazardous and that may only be performed by a podiatrist or a certified medical radiologic technologist. Requires the provisions of Section 5.04, Article 4495b, V.T.C.S., to apply in lieu of this article when the procedure is performed in a hospital.

Art. 4578. TRAINING GUIDELINES FOR RADIOLOGIC PROCEDURES. Defines "radiologic procedure." Requires TBPME to adopt minimum standards for mandatory training guidelines for certain persons who intentionally administer radiation under the

direction of a podiatrist. Requires the guidelines to permit a person to comply by completing a course of instruction under a podiatrist who employs or supervises the person and by passing a written examination. Establishes the persons exempt from the requirements of this article. Authorizes TBPME to establish and collect fees necessary to recover the costs of administering this article.

SECTION 7. (a) Effective date: September 1, 1997.

(b) Provides that rules adopted before the effective date of this Act by TBH under Section 2.05(f), Article 4512m, V.T.C.S., remain in effect after the effective date of this Act except to the extent the rules conflict with a provision of this Act.

(c) Requires TBME to adopt rules under Section 5.04, Article 4495b, V.T.C.S., not later than January 1, 1998. Requires TBCE to adopt rules under Section 13c, Article 4512b, V.T.C.S., not later than January 1, 1998. Requires TBPME to adopt rules under Article 4577, V.T.C.S., not later than January 1, 1998.

(d) Requires TBME to adopt mandatory training guidelines under Section 5.045, Article 4495b, V.T.C.S., not later than June 1, 1998. Requires a person to complete the training under the guidelines not later than a certain date.

(e) Requires TBCE to adopt mandatory training guidelines under Section 13d, Article 4512b, V.T.C.S., not later than June 1, 1998. Requires a person to complete the training under the guidelines not later than a certain date.

(f) Requires TBPME to adopt mandatory training guidelines under Article 4578, V.T.C.S., not later than June 1, 1998. Requires a person to complete the training under the guidelines not later than a certain date.

SECTION 8. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Deletes former SECTION 2.

SECTION 2.

Amends Section 2.05, Article 4512m, V.T.C.S., to authorize TBH to establish criteria for issuing a certificate to a person licensed by the Nuclear Medicine Technologist Certification Board, rather than the American Registry of Radiologic Technologists. Reinstates the provision establishing that this section does not apply to certain radiologic procedures. Requires TDH to exempt a rural health clinic from the requirements of Subsection (f) under certain circumstances. Establishes the persons exempt from the requirements of various provisions of this section.

SECTION 3.

Amends Section 5.04, Article 4495b, V.T.C.S., to delete the definition of "practitioner" and remove all references to practitioner. Requires TBH, with the advice, rather than assistance, of various state agencies, to identify dangerous radiologic procedures.

Amends Section 5.05, Article 4495b, V.T.C.S., to change the terms under which certain persons are exempt from complying with the requirements of this section.

SECTION 5.

Amends Article 4512b, V.T.C.S., to add Sections 13c and 13d, to establish provisions regarding dangerous radiologic procedures and training guidelines relating to chiropractors.

SECTION 6.

Amends Chapter 11, Title 71, V.T.C.S., to establish provisions regarding dangerous radiologic procedures and training guidelines relating to podiatrists.

Deletes former SECTION 5.

SECTION 7.

Amends the provisions regarding the adoption of rules and mandatory training guidelines under this Act.