

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health Care Committee

BILL: PCS/SB 1366

INTRODUCER: Health Care Committee and Senator Atwater

SUBJECT: Radiologist Assistants

DATE: March 20, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HE	Pre-meeting
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill specifies certification requirements for radiologist assistants and regulation by the Department of Health (DOH). The regulatory provisions governing radiologic personnel under part IV, chapter 468, F.S., are revised to include radiologist assistants. "Radiologist assistant" is defined to mean a person, other than a licensed practitioner, who is qualified by education and certification, as defined in s. 468.302, F.S., as 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.

This bill substantially amends sections 468.3001, 468.301, 468.302, 468.304, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.311, 468.3115, and 468.314, Florida Statutes.

II. Present Situation:

Radiology

A radiologist is a licensed medical or osteopathic physician who is trained to diagnose diseases by obtaining and interpreting medical images through the use of imaging techniques such as X-rays, ultrasound, computed tomography, and magnetic resonance imaging. A radiologist must have graduated from an accredited medical school, passed a national licensing examination, and completed a residency of at least 4 years. Such health care practitioners are usually board-certified to practice in the field of radiology by the American Board of Radiology or the American Osteopathic Board of Radiology. Chapter 458, F.S., governs the practice of medicine and ch. 459, F.S., governs the practice of osteopathic medicine.

A radiologic technologist is trained to operate radiographic equipment to produce images. The radiologic technologist may explain the imaging procedure to the patient and assist in positioning the patient for imaging specific areas of the patient's body as prescribed by the referring physician. A radiologic technologist may use radiation on human beings under the specific direction and general supervision of a licensed practitioner as defined in part IV, ch. 468, F.S.

Radiologic technologists are licensed by DOH under part IV, ch. 468, F.S., which provides definitions, requirements for the use of radiation, certification requirements, standards for certification of categories of radiological personnel, examinations, certification by endorsement requirements, and powers and duties of the Advisory Council on Radiation Protection. "Licensed practitioner" is defined to mean a person who is licensed or otherwise authorized by law to practice medicine, podiatric medicine, chiroprody, osteopathic medicine, naturopathy, or chiropractic medicine.

The Advisory Council on Radiation Protection consists of 15 persons appointed by the Secretary of Health. The council must be comprised of: a certified radiologic technologist-radiographer, a certified radiologic technologist-nuclear medicine, a certified radiologic technologist-therapy, a basic X-ray machine operator or a licensed practitioner who employs such an operator, a board-certified radiologist, a board-certified nuclear medicine physician, a certified health physicist, a representative from the administration of a hospital affiliated with a radiologic technology educational program, an expert in environmental radiation matters, a chiropractic radiologist, a board-certified podiatric physician, a board-certified radiological physicist, a board-certified therapeutic radiologist or board-certified radiation oncologist, and two persons, neither of whom has ever been certified as a radiologic technologist or been a member of any closely related profession.

Radiologist Assistants

Radiologist assistants are recognized as a relatively new category of radiographer and are licensed in five states.¹ Radiologist assistants are advanced-level radiologic technologists who work under the supervision of a radiologist.² They enhance patient care by extending the capacity of the radiologist in the diagnostic-imaging environment. Their role falls between the traditional roles of the radiologist and the radiographer. Radiologist assistants are experienced radiographers who have obtained additional education and certification.³ Candidates for a radiologist assistant certification must: be certified and registered in radiography by the American Registry of Radiologic Technologists (ARRT); complete at least 1 year of full-time clinical experience (or equivalent) following radiography certification; have obtained a baccalaureate degree; and have completed a radiologist assistant educational program.⁴

¹ Arkansas, Iowa, Minnesota, Mississippi, New Mexico, and Tennessee.

² Source: American Society of Radiologic Technologists.

³ Source: American Society of Radiologic Technologists.

⁴ Source: American Registry of Radiologic Technologists.

In 2005, radiologist assistant educational programs were available at six universities.⁵ Before enrolling in a radiologist assistant program, an individual must be certified as a radiographer by ARRT. Radiologist assistant programs are established at the baccalaureate degree or higher and include a clinical preceptorship. Graduates of a radiologist assistant program may sit for the radiologist assistant certification examination, which is offered by ARRT. The national certifying examination for radiologist assistants is administered by AART.

III. Effect of Proposed Changes:

Section 1. Amends s. 468.3001, F.S., relating to the “Radiologic Technologist Certification Act” to revise the title of the Act to “Radiologic Personnel Certification Act,” to reflect the licensure of certified radiologist assistants under the Act, in part IV, ch. 468, F.S.

Section 2. Amends s. 468.301, F.S., to define “certificateholder” to mean any person who holds a certificate under this part, which authorizes that person to use radiation on human beings. “Radiologist” is defined to mean a physician specializing in radiology who is certified by or board-eligible for the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons. “Radiologist assistant” is defined to mean a person, other than a licensed practitioner, who is qualified by education and certification, as defined in s. 468.302, F.S., as 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. A statutory cross-reference within the definition of “radiologic technologist” is revised to conform to changes in part IV, ch. 468, F.S., created with the licensure of radiologist assistants.

Section 3. Amends s. 468.302, F.S., relating to requirements for the use of radiation, to authorize a person who holds a certificate as a radiologist assistant to use the title “Certified Radiologist Assistant” or the letters “CRA” after his or her name. The bill makes substantive changes to conform the existing provisions in the section to reflect the licensure of certified radiologist assistants. The bill authorizes a certified radiologist assistant to perform duties as defined by the department by rule, which must be consistent with guidelines adopted by specified national radiological organizations. A certified radiologist assistant may not interpret images, make diagnoses, or prescribe medications or therapies. Exceptions to part IV, ch. 468, F.S., are revised to conform to the licensure of certified radiologist assistants under part IV, ch. 468, F.S.

Section 4. Amends s. 468.304, F.S., relating to certification requirements for categories of radiologic technologists, to require any person applying for certification as a radiologist assistant to be a general radiographer certificateholder who has completed an advanced educational program encompassing a nationally recognized curriculum for training radiologist assistants which grants a baccalaureate degree or a postbaccalaureate certificate, or graduate degree that incorporates a radiologist-directed clinical preceptorship.

Section 5. Amends s. 468.306, F.S., relating to examinations of general radiographers and radiologic technologists, to make a technical change to clarify that the examination requirements

⁵ Source: American Society of Radiologic Technologists (Loma Linda University, University of Medicine and Dentistry of New Jersey, Midwestern State University, Virginia Commonwealth University, University of North Carolina at Chapel Hill, and University of Arkansas for Medical Services).

under the section apply to all applicants, except those certified through endorsement under s. 468.3065, F.S. However, an applicant for a radiologist assistant's certification may be certified only in accordance with s. 468.3065(1), F.S.

Section 6. Amends s. 468.3065, F.S., relating to certification by endorsement provisions for radiologic technologists, to create a new subsection (1) to require DOH to issue a certificate by endorsement to practice as a radiologist assistant to any applicant who remits a nonrefundable fee no greater than \$50 and who demonstrates to DOH that he or she holds a current certificate or registration as a radiologist assistant granted by ARRT.

Section 7. Amends s. 468.307, F.S., relating to requirements for the display of radiologic technologists certificates, to revise the existing provisions to conform to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S. The term, "radiologic technologists," is replaced with "certificateholders" which reflects both radiologic technologists and radiologist assistants who are licensed under the part.

Section 8. Amends s. 468.309, F.S., relating to the renewal of radiologic technologist certificates, to revise the existing provisions to conform to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S. The term, "radiologic technologist," is replaced with "certificateholder" which reflects both radiologic technologists and radiologist assistants who are licensed under the part.

Section 9. Amends s. 468.3095, relating to procedures for the reactivation of an inactive status license for radiologic technologists, to revise the existing provisions to conform to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S. The term, "radiologic technologist," is replaced with "certificateholder" which reflects both radiologic technologists and radiologist assistants who are licensed under the part. The bill clarifies that a certificate that has been inactive or expired for 10 years or more automatically becomes void and may not be reactivated, renewed, or used to practice radiologic technology.

Section 10. Amends s. 468.3101, F.S., relating to disciplinary violations for radiologic technologists, to revise the existing violations to conform to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S.

Section 11. Amends s. 468.311, F.S., relating to criminal violations for the practice of radiologic technology, to make substantive changes to conform the existing violations to reflect the licensure of certified radiologist assistants. The following acts are prohibited: performance of the duties of a radiologist assistant without holding an active certificate; willful performance of the duties of a radiologist assistant by a student without a direct supervisor being present; using any name or title or any other name implying that a person is certified to perform the duties of a radiologist assistant; and employing, for the purpose of applying ionizing radiation to any human being, an individual who is not certified under pt. IV, ch. 468, F.S.

Section 12. Amends s. 468.3115, F.S., relating to injunctive relief, to add the performance of the duties of a radiologist assistant in violation of pt. IV, ch. 468, F.S., to the prohibited acts, which are declared a nuisance under this section. This change conforms to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S.

Section 13. Amends s. 468.314, F.S., relating to the Advisory Council on Radiation Protection, to add a certified radiologist assistant to the list of persons who the Secretary of Health may appoint to the council. Other minor substantive changes are made to the section to conform to the licensure of certified radiologist assistants.

Section 14. Provides an effective date of July 31, 2006.

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 Art. VII, s. 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 Art. I, s. 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 Art. III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Radiologist assistant applicants for certification by endorsement must pay a nonrefundable application fee no greater than \$50.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health will incur costs to enforce regulatory provisions relating to the certification of radiologist assistants.

VI. Technical Deficiencies:

On page 11, lines 13-16, the bill clarifies that a certificate that has been inactive or expired for 10 years or more automatically becomes null and void and may not be reactivated, renewed, or used to practice radiologic technology. The bill needs to revise this provision to conform to the licensure of certified radiologist assistants under pt. IV, ch. 468, F.S.

VII. Related Issues:

The bill requires any person applying for certification as a radiologist assistant to be a general radiographer certificateholder who has completed an advanced educational program encompassing a nationally recognized curriculum for training radiologist assistants, which grants a baccalaureate degree or a postbaccalaureate certificate, or graduate degree that incorporates a radiologist-directed clinical preceptorship. In effect, this duplicates the requirements for certification as a radiologist assistant granted by AART, and would require an applicant who does not hold current certification as a general radiographer in any state to have that certification in order to be certified in Florida as a radiologist assistant.

Endorsement by licensure allows a person who holds a license to practice as a radiologist assistant in another jurisdiction to become certified in Florida and to practice if at the time of certification in that other jurisdiction the certification standards were equivalent to or more stringent than those in Florida. Under the bill, the certification requirements for radiologist assistants appear to be limited to the educational and clinical requirements for certification by AART but do not expressly require a state or national examination for certification as a radiologist assistant. The bill would require applicants seeking Florida certification as a radiologist assistant by endorsement to hold current certification or registration as a radiologist assistant granted by AART. Although the certification requirements for a person seeking certification in Florida as a radiologist assistant appear to be inconsistent in the bill, the bill limits all radiologist assistant applicants to the endorsement requirements. It is unclear whether the radiologist assistant applicants in Florida will be subject to an examination or whether the examination given by AART as part of its private certification standards would be substituted for an examination of the applicant's skills as a radiologist assistant.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
