
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1440 Session of
2021

INTRODUCED BY MILLARD, NEILSON, DeLUCA, PICKETT, RADER,
SCHWEYER, JAMES, FRITZ, KAUFER, WHEELAND AND BIZZARRO,
MAY 17, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 17, 2021

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; provided penalties;
9 and making repeals," further providing for definitions and
10 for State Board of Medicine; providing for medical imaging
11 professionals, radiation therapists, radiologist assistants
12 and related fields; repealing provisions relating to
13 radiologic procedures and education and training required;
14 and making related and inconsistent repeals.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 2 of the act of December 20, 1985
18 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
19 amended by adding definitions to read:

20 Section 2. Definitions.

21 The following words and phrases when used in this act shall
22 have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

1 * * *

2 "Accredited program." A program in medical imaging or
3 radiation therapy that is accredited by an accrediting agency
4 recognized and approved by the United States Department of
5 Education.

6 * * *

7 "Certification organization." A national organization that
8 specializes in the certification and registration of medical
9 imaging or radiation therapy technical personnel and is
10 accredited by the National Commission for Certifying Agencies,
11 the American National Standards Institute or another
12 accreditation organization recognized by the board.

13 * * *

14 "Computed tomography." The process of producing sectional or
15 three-dimensional images using external ionizing radiation for
16 diagnostic or therapeutic purposes.

17 * * *

18 "Diagnostic medical sonography." The use of high-frequency
19 sound waves with specialized equipment to direct the sound waves
20 into an area of the human body to generate a diagnostic image
21 for diagnostic or therapeutic purposes.

22 * * *

23 "Fluoroscopy." The exposure of a patient to x-rays in a
24 fluoroscopy mode, including positioning the patient and
25 fluoroscopy equipment and the selection of exposure factors.

26 * * *

27 "Ionizing radiation." Radiation that consists of alpha
28 particles, beta particles, gamma rays, x-rays, neutrons, high-
29 speed electrons, high-speed protons or other particles capable
30 of producing ions. The term does not include non-ionizing

1 radiation, including high-frequency sound waves, magnetic
2 fields, microwaves, radiofrequency signals or visible, infrared
3 or ultraviolet light.

4 * * *

5 "Licensed practitioner." An individual who is licensed to
6 practice medicine, dentistry, podiatry or osteopathy in this
7 Commonwealth.

8 "Limited x-ray machine operator." An individual who is
9 licensed to perform only x-ray procedures that do not involve
10 the administration or utilization of contrast media on selected
11 specific parts of the human anatomy under the supervision of a
12 licensed practitioner.

13 "Magnetic resonance imaging." The creation or acquisition of
14 images generated by using radiofrequency signals within a
15 magnetic field for diagnostic or therapeutic purposes.

16 * * *

17 "Medical imaging." A modality used to produce images of the
18 internal structures of the human body for diagnostic,
19 interventional or therapeutic purposes through the use of
20 electromagnetic waves, sound waves, radio waves, magnetic
21 fields, ionizing radiation or radioactive materials.

22 "Medical imaging, radiation therapy or radiologist assistant
23 license." A license to use radioactive substances or equipment
24 emitting high-frequency sound waves, ionizing radiation,
25 magnetic fields or radiofrequency signals for medical imaging or
26 radiation therapy procedures on humans for diagnostic or
27 therapeutic purposes in this Commonwealth in accordance with
28 section 13.7.

29 "Medical imaging professional." An individual, other than a
30 physician, an osteopathic physician or a podiatrist, who has

1 undergone appropriate training and testing by a certification
2 organization to become a medical imaging licensee in the
3 modality in which the individual's practices, including any of
4 the following:

5 (1) Diagnostic medical sonography.

6 (2) Advanced medical sonography.

7 (3) Fluoroscopy.

8 (4) Limited x-ray machine operations.

9 (5) Magnetic resonance imaging.

10 (6) Nuclear medicine technology.

11 (7) Radiography.

12 * * *

13 "Mobile imaging." An arrangement in which medical imaging
14 services are transported to various sites. The term does not
15 include movement within a hospital or movement to a site where
16 the equipment will be located permanently.

17 * * *

18 "Nuclear medicine technology." Medical imaging that utilizes
19 sealed and unsealed radioactive materials for diagnostic,
20 treatment and research purposes. The term includes any of the
21 following:

22 (1) The procurement, preparation and administration of
23 radiopharmaceuticals, adjunctive and imaging medications.

24 (2) The combination of nuclear medicine instrumentation
25 with computed tomography, magnetic resonance imaging or other
26 modalities to produce a three-dimensional image with or
27 without adjunctive and imaging medications to enhance the
28 evaluation of physiological processes at a molecular level.

29 * * *

30 "Radiation therapist." An individual, other than a physician

1 or an osteopathic physician, who has undergone appropriate
2 training and testing by a certification organization to become a
3 radiation therapist.

4 "Radiation therapy." The use of ionizing radiation for
5 treating disease.

6 "Radiography." The process of obtaining an image using
7 external ionizing radiation for diagnostic or therapeutic
8 purposes.

9 "Radiologist." A physician who is licensed in this
10 Commonwealth and is board-eligible for certification as a
11 radiologist or is certified by the American Board of Radiology,
12 the American Osteopathic Board of Radiology, the Royal College
13 of Radiology or the Royal College of Physicians and Surgeons of
14 Canada as a radiologist.

15 "Radiologist assistant." An individual, other than a
16 physician or an osteopathic physician, who meets all of the
17 following criteria:

18 (1) The individual has undergone appropriate training
19 and testing by a certification organization to become a
20 radiologist assistant.

21 (2) The individual works under the supervision of a
22 radiologist.

23 (3) The individual does not interpret imaging, render
24 diagnoses or prescribe medications or therapies.

25 * * *

26 "Specialization." A medical specialty area or type of
27 equipment used within a medical imaging or radiation therapy
28 modality, which has a corresponding certification from a
29 certification organization recognized by the board.

30 * * *

1 Section 2. Section 3(a) and (b) of the act are amended to
2 read:

3 Section 3. State Board of Medicine.

4 (a) Establishment.--The State Board of Medicine shall
5 consist of the commissioner or his designee, the Secretary of
6 Health or his designee, two members appointed by the Governor
7 who shall be persons representing the public at large and seven
8 members appointed by the Governor, six of whom shall be medical
9 doctors with unrestricted licenses to practice medicine and
10 surgery in this Commonwealth for five years immediately
11 preceding their appointment and one who shall be a nurse
12 midwife, physician assistant, certified registered nurse
13 practitioner, respiratory therapist, licensed athletic trainer
14 [or], perfusionist or a medical imaging professional, radiation
15 therapist or radiologist assistant licensed or certified under
16 the laws of this Commonwealth. All professional and public
17 members of the board shall be appointed by the Governor, with
18 the advice and consent of a majority of the members elected to
19 the Senate.

20 (b) Terms of office.--The term of each professional and
21 public member of the board shall be four years or until his or
22 her successor has been appointed and qualified, but not longer
23 than six months beyond the four-year period. In the event that
24 any of said members shall die or resign or otherwise become
25 disqualified during his or her term, a successor shall be
26 appointed in the same way and with the same qualifications and
27 shall hold office for the unexpired term. No member shall be
28 eligible for appointment to serve more than two consecutive
29 terms. The Governor shall assure that nurse midwives, physician
30 assistants, certified registered nurse practitioners,

1 perfusionists [and], respiratory therapists and medical imaging
2 professionals, radiation therapists or radiologist assistants
3 are appointed to four-year terms on a rotating basis so that, of
4 every [four] five appointments to a four-year term, one is a
5 nurse midwife, one is a physician assistant, one is a certified
6 registered nurse practitioner [and], one is a respiratory
7 therapist and one is a medical imaging professional, radiation
8 therapist or radiologist assistant.

9 * * *

10 Section 3. The act is amended by adding a section to read:

11 Section 13.7. Medical imaging professionals, radiation
12 therapists, radiologist assistants and related
13 fields.

14 (a) Functions.--A medical imaging professional, radiation
15 therapist or radiologist assistant shall perform the functions
16 of the modality in which the medical imaging professional,
17 radiation therapist or radiologist assistant is licensed and any
18 related specializations. The functions under this subsection
19 shall include any of the following:

20 (1) Diagnostic medical sonography.

21 (2) Magnetic resonance imaging.

22 (3) Nuclear technology medicine.

23 (4) Radiation therapy.

24 (5) Radiography.

25 (6) Radiologist assistant.

26 (b) License required.--On or after January 1, 2024, an
27 individual who is not licensed under this section may not
28 perform or offer to perform medical imaging or radiation therapy
29 procedures on humans for diagnostic, interventional or
30 therapeutic purposes. A person, practice or business entity may

1 not knowingly employ an individual who does not hold a license
2 under this section or is not exempt from the license
3 requirements under this section to perform medical imaging or
4 radiation therapy procedures on humans for diagnostic or
5 therapeutic purposes.

6 (c) License standards.--The board shall issue a license to
7 an individual who meets the standards established for
8 certification by a certification organization. The board shall
9 issue a license for two years and may renew the license upon the
10 completion of the license renewal requirements, including
11 continuing education requirements approved by the board.

12 (d) License requirements.--

13 (1) An individual seeking to obtain a license for a
14 medical imaging or radiation therapy modality shall comply
15 with all of the following requirements:

16 (i) The individual shall at least be 18 years of age
17 at the time of application.

18 (ii) The individual shall have a high school diploma
19 or pass an approved equivalency test.

20 (iii) The individual shall satisfactorily complete a
21 course of study in diagnostic medical sonography,
22 magnetic resonance imaging, nuclear medicine technology,
23 radiation therapy or radiography or an equivalent course
24 of study determined by the board.

25 (iv) The individual shall pass an applicable
26 modality or specialization examination administered by a
27 certification organization. If an individual holds a
28 current certification and registration in a medical
29 imaging or radiation therapy modality on the effective
30 date of this section, the board shall deem that the

1 individual has met the requirements under this
2 subparagraph.

3 (v) The individual shall pay applicable license
4 fees.

5 (2) In addition to the requirements for a medical
6 imaging or radiation therapist license under paragraph (1),
7 an individual seeking to obtain a license as a radiologist
8 assistant shall comply with all of the following
9 requirements:

10 (i) The individual shall hold a current license as a
11 radiographer and be currently certified and registered as
12 a radiographer by the American Registry of Radiologic
13 Technologists.

14 (ii) The individual shall hold a current
15 certification and registration as a radiologist assistant
16 by the American Registry of Radiologic Technologists or
17 as a radiology practitioner assistant by the
18 Certification Board of Radiology Practitioner Assistants.

19 (iii) The individual shall submit clinical protocols
20 signed by the supervising radiologist to the board
21 specifying procedures that are performed by the
22 individual, the levels of radiologist supervision and the
23 location of practice designated by the supervising
24 radiologist. The individual shall submit updated
25 protocols under this subparagraph biennially to the board
26 and consistent with license renewal.

27 (e) Scope of practice and limitations.--

28 (1) A radiologist assistant scope of practice shall be
29 consistent with the Radiologist Assistant Practice Standards
30 published by the American Society of Radiologic Technologists

1 published on the effective date of this section. An
2 individual licensed as a radiologist assistant may not
3 interpret images, make diagnoses or prescribe medications or
4 therapies.

5 (2) The board shall establish by regulation the scope of
6 practice, education, certification, continuing education and
7 licensure standards for an individual performing, under the
8 supervision of a physician, a medical imaging modality and
9 any related specializations, including any of the following:

10 (i) Diagnostic medical sonography.

11 (ii) Advanced medical sonography.

12 (iii) Fluoroscopy.

13 (iv) Limited x-ray machine operations.

14 (v) Magnetic resonance imaging.

15 (vi) Nuclear medicine technology.

16 (vii) Radiography.

17 (viii) Radiologist assistant.

18 (3) The board shall establish by regulation the scope of
19 practice, education, continuing education and licensure
20 standards for an individual performing radiation therapist
21 duties under the supervision of a physician.

22 (4) In establishing the scope of practice, education,
23 continuing education and licensure standards under paragraph
24 (3), the board may review and adopt the current standards of
25 the certification organization of each medical imaging and
26 radiation therapy modality.

27 (5) An individual licensed as a fluoroscopy operator
28 shall only perform fluoroscopy within the scope of the
29 license issued to the individual and may not perform computed
30 tomography, diagnostic medical sonography, magnetic resonance

1 imaging, mammography, mobile imaging, nuclear medicine
2 technology, radiography or radiation therapy procedures.

3 (6) An individual licensed as a limited x-ray machine
4 operator shall perform tasks or procedures only within the
5 scope of the specific permit issued to the individual by the
6 board for a particular area of the human anatomy and may not
7 perform procedures involving the administration and
8 utilization of contrast media or perform computed tomography,
9 diagnostic medical sonography, fluoroscopy, magnetic
10 resonance imaging, mammography, mobile imaging, nuclear
11 medicine technology or radiation therapy.

12 (7) A licensee under this section may use radioactive
13 substances or equipment emitting ionizing radiation, high-
14 frequency sound waves or magnetic resonance and perform
15 medical imaging and radiation therapy procedures on humans
16 for diagnostic or therapeutic purposes only:

17 (i) with a valid prescription of a person authorized
18 by the Commonwealth to prescribe medical imaging and
19 radiation therapy procedures;

20 (ii) under the supervision of a licensed
21 practitioner; and

22 (iii) within the scope of the license as specified
23 under this chapter and under regulations adopted by the
24 board and in a modality for which the licensee is
25 licensed.

26 (8) A licensee under this section may not make a
27 diagnostic interpretation of an image, make a diagnosis or
28 prescribe a medication or therapy.

29 (f) Current certification.--An individual currently
30 registered and certified by a certification organization on the

1 effective date of this section shall immediately qualify for a
2 license under this section.

3 (g) Use of title.--An individual may not indicate or
4 otherwise imply that an individual is certified or licensed to
5 perform medical imaging or radiation therapy procedures in a
6 medical imaging modality unless the individual is currently
7 licensed in the medical imaging modality to perform medical
8 imaging or radiation therapy procedures.

9 (h) Fluoroscopy and computed tomography.--

10 (1) An applicant for a fluoroscopy operator license
11 shall be a physician assistant licensed in this Commonwealth
12 who meets all of the following requirements:

13 (i) The applicant shall complete 40 hours of
14 didactic education in radiation safety, radiation
15 protection, equipment operation, image acquisition and
16 patient positioning.

17 (ii) The applicant shall complete 40 hours of
18 clinical education supervised by a radiologist or
19 radiographer.

20 (iii) The applicant shall successfully complete the
21 fluoroscopy examination of a certification organization.

22 (2) An individual who is licensed as a fluoroscopy
23 operator in this Commonwealth shall only perform fluoroscopy
24 within the scope of the individual's license and may not
25 perform computed tomography, diagnostic medical sonography,
26 magnetic resonance imaging, mammography, mobile imaging,
27 nuclear medicine technology, radiography or radiation
28 therapy.

29 (3) On and after October 1, 2025, a licensee under this
30 section who performs computed tomography for diagnostic

1 purposes shall receive a certification in computed tomography
2 by the American Registry of Radiologic Technologists, Nuclear
3 Medicine Technologist Certification Board or other
4 certification organization.

5 (i) Limitation or expansion of practice.--Nothing in this
6 section relating to medical imaging or radiation therapy shall
7 be construed to limit or expand the practice of a licensed
8 practitioner.

9 (j) Exemptions.--This section shall not apply to any of the
10 following:

11 (1) A licensed practitioner performing medical imaging
12 or radiation therapy procedures.

13 (2) A dental hygienist currently licensed in this
14 Commonwealth.

15 (3) A dental assistant currently licensed in this
16 Commonwealth

17 (4) A resident physician or student enrolled in and
18 attending a school or college of medicine, chiropractic,
19 podiatry, medical imaging or radiation therapy who performs
20 authorized medical imaging or radiation therapy procedures on
21 humans while under the supervision of a licensed practitioner
22 or the supervision of an individual holding a license under
23 this section in the supervised modality. In accordance with
24 the regulations established by the board under this section,
25 a student enrolled in a medical imaging educational program
26 recognized by the board may be employed by a medical facility
27 affiliated with the educational program to perform authorized
28 medical imaging procedures for which the student has a
29 demonstrated competency if the medical imaging procedures are
30 performed under the supervision of a licensed practitioner or

1 the supervision of an individual holding a license under this
2 section in the supervised modality.

3 (5) A licensed chiropractor or an individual under the
4 supervision of a chiropractor who is permitted to perform x-
5 rays under the act of December 16, 1986 (P.L.1646, No.188),
6 known as the Chiropractic Practice Act.

7 (6) An individual who is employed by the Federal
8 Government to perform medical imaging or radiation therapy
9 procedures associated with the employment.

10 (7) An individual performing sonography procedures
11 within the individual's scope of practice that is used to
12 assess information about a patient's immediate condition, is
13 limited to a focused imaging target and does not generate a
14 recorded diagnostic medical image, including assessment of
15 any of the following:

16 (i) Fetal presentation or heartbeat.

17 (ii) Fluid in a body cavity.

18 (iii) Foreign body position or location.

19 (iv) Fetal monitoring during active labor.

20 (v) An anatomical landmark or blood vessel for
21 vascular access or administration of anesthesia.

22 (8) An individual performing medical imaging or
23 radiation therapy procedures on nonhuman subjects or
24 cadavers.

25 (k) License renewal and maintenance.--

26 (1) A license under this section shall be subject to
27 biennial renewal. If at the time of application for renewal,
28 the applicant for license renewal has verified, by oath or
29 affirmation, that the applicant is not in violation of this
30 section, has complied with board's regulations under this

1 section and has paid the license renewal fee, the board shall
2 renew the applicant's license under this section.

3 (2) A licensee under this section shall maintain current
4 certification and registration by a certification
5 organization throughout the licensure period and shall not be
6 required to duplicate the continuing education hours
7 submitted to the certification organization. The board may
8 require a licensee under this section to submit evidence of
9 current certification and registration by a certification
10 organization, which shall be deemed equivalent to the
11 continuing education requirements established by the board.

12 (3) As a condition of license renewal under this
13 section, an individual licensed as fluoroscopy operator or
14 limited x-ray machine operator shall complete continuing
15 education requirements established by the board.

16 (1) Advisory committees.--

17 (1) The board shall establish an ad hoc advisory
18 committee consisting of medical imaging professionals,
19 radiation therapists and radiologist assistants to assist the
20 board in promulgating the initial regulations for licensee
21 qualifications, standards and scope of practice for each
22 modality and specialization under this paragraph.

23 (2) The advisory committee under paragraph (1) shall
24 consist, at a minimum, of the following members:

25 (i) A radiologist licensed in this Commonwealth.

26 (ii) A radiographer.

27 (iii) A diagnostic medical sonographer.

28 (iv) A nuclear medicine technologist.

29 (v) A magnetic resonance imaging technologist.

30 (vi) A radiation therapist.

1 (vii) A radiologist assistant.

2 (viii) A licensee in one of the modalities under
3 this section who is also a full-time educator in an
4 accredited program in medical imaging or radiation
5 therapy.

6 (3) The chairperson of the board shall preside over
7 meetings of the advisory committee under paragraph (1). The
8 chairperson shall appoint members of the advisory committee
9 under paragraph (1), schedule meetings and provide notice to
10 advisory committee members. Members of the advisory committee
11 under paragraph (1) shall be appointed from nominations
12 submitted by associations or organizations in this
13 Commonwealth representing medical imaging professionals,
14 radiation therapists and radiologist assistants.

15 Section 4. Section 45 of the act is repealed:

16 [Section 45. Radiologic procedures; education and training
17 required.]

18 (a) Supervision.--On and after January 1, 1988, no auxiliary
19 personnel shall perform radiologic procedures on the premises of
20 a medical doctor unless such person is under the direct
21 supervision of a medical doctor and unless such person has
22 passed an examination approved by the board and administered in
23 accordance with section 812.1 of the act of April 9, 1929
24 (P.L.177, No.175), known as The Administrative Code of 1929,
25 provided that no such auxiliary personnel shall perform
26 radiologic procedures for therapeutic purposes unless the
27 medical doctor under whose direct supervision such auxiliary
28 personnel is acting is on the premises at the time the
29 radiologic procedures are performed.

30 (b) Exclusion.--The board shall have the authority, after

1 notice and hearing, to prohibit an auxiliary personnel from
2 performing radiologic procedures if the continued performance of
3 radiologic procedures by the auxiliary personnel is determined
4 by the board to pose a threat to the health, safety or welfare
5 of the public.

6 (c) Penalty.--It shall be unlawful under this act to
7 knowingly permit radiologic procedures to be performed in
8 violation of this section or in violation of the regulations
9 promulgated or orders issued in accordance with this section.

10 (d) Education and testing.--No auxiliary personnel who has
11 or obtains a license, certificate or registration issued by, or
12 on behalf of, a board within the Bureau of Professional and
13 Occupational Affairs or a comparable board of another state, or
14 who has obtained certification as the result of satisfactory
15 completion of a test and an educational course accredited by an
16 accrediting body recognized by the board, shall be required to
17 undergo any additional education or testing pursuant to this
18 section if radiologic procedures were included in the education
19 or the examination which he or she was required to complete
20 successfully in order to be eligible for such license,
21 certificate, registration or certification.

22 (e) Definition.--As used in this section, the term
23 "radiologic procedures" means the use of ionizing radiation for
24 diagnostic or therapeutic purposes.]

25 Section 5. Repeals are as follows:

26 (1) The General Assembly declares the repeals under
27 paragraph (2) are necessary to effectuate the addition of
28 section 13.7 of the act.

29 (2) The following are repealed:

30 (i) Section 16.4 of the act of October 5, 1978

1 (P.L.1109, No.261), known as the Osteopathic Medical
2 Practice Act, is repealed.

3 (ii) Section 21.2 of the act of March 2, 1956 (1955
4 P.L.1206, No.375), known as the Podiatry Practice Act,
5 repealed insofar as it is inconsistent with the addition
6 of section 13.7 of the act.

7 Section 6. This act shall take effect immediately.