

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1440 Session of 2021

INTRODUCED BY MILLARD, NEILSON, DeLUCA, PICKETT, RADER, SCHWEYER, JAMES, FRITZ, KAUFER, WHEELAND, BIZZARRO, MENTZER, GAYDOS, HARKINS, MEHAFFIE AND HELM, MAY 17, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 7, 2022

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, for
10 respiratory therapists, for perfusionist, for genetic
11 counselor and for prosthetists, orthotists, pedorthists and
12 orthotic fitters; providing for medical imaging
13 professionals, radiation therapists and radiologist
14 assistants; further providing for licenses and certificates
15 and general qualification; repealing provisions relating to
16 radiologic procedures and education and training required;
17 and making related and inconsistent repeals.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

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

23 Section 2. Definitions.

24 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

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

10 * * *

11 "Computed tomography." The process of producing sectional or
12 three-dimensional images using external ionizing radiation for
13 diagnostic or therapeutic purposes.

14 * * *

15 "Diagnostic medical sonography." The use of high-frequency
16 sound waves with specialized equipment to direct the sound waves
17 into an area of the human body to generate a diagnostic image
18 for diagnostic purposes.

19 * * *

20 "Fluoroscopy." A medical procedure that makes a real-time
21 video of the movements inside a part of the body by passing x-
22 rays through the body over a period of time.

23 * * *

24 "Ionizing radiation." Radiation that consists of alpha
25 particles, beta particles, gamma rays, x-rays, neutrons, high-
26 speed electrons, high-speed protons or other particles capable
27 of producing ions. The term does not include non-ionizing
28 radiation, including high-frequency sound waves, magnetic
29 fields, microwaves, radiofrequency signals or visible, infrared
30 or ultraviolet light.

1 * * *

2 "Licensed practitioner." An individual who is a licensed
3 physician, dentist, chiropractor or podiatrist in this
4 Commonwealth.

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

8 * * *

9 "Medical imaging." A modality used to produce images of the
10 internal structures of the human body for diagnostic,
11 interventional or therapeutic purposes through the use of
12 electromagnetic waves, sound waves, radio waves, magnetic
13 fields, ionizing radiation or radioactive materials.

14 "Medical imaging professional." An individual, other than a
15 licensed practitioner, who has undergone appropriate training
16 and testing by a certification organization to be licensed under
17 section 13.7 in the modality in which the individual practices,
18 including any of the following:

- 19 (1) Diagnostic medical sonography.
20 (2) Advanced medical sonography.
21 (3) Limited x-ray machine operations.
22 (4) Magnetic resonance imaging.
23 (5) Nuclear medicine technology.
24 (6) Radiography.

25 * * *

26 "Nuclear medicine technology." Medical imaging that utilizes
27 sealed and unsealed radioactive materials for diagnostic,
28 treatment and research purposes. The term includes any of the
29 following:

- 30 (1) The procurement, preparation and administration of

1 radiopharmaceuticals, adjunctive and imaging medications.

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

7 * * *

8 "Radiation therapist." An individual, other than a licensed
9 physician, who has undergone appropriate training and testing by
10 a certification organization to become a radiation therapist.

11 "Radiation therapy." The use of ionizing radiation for
12 treating disease.

13 "Radiography." The process of obtaining an image using
14 external ionizing radiation for diagnostic or therapeutic
15 purposes.

16 "Radiologist." A physician who is licensed in this
17 Commonwealth and is eligible for certification as a radiologist
18 or is certified by the American Board of Radiology, the American
19 Osteopathic Board of Radiology, the Royal College of Radiology
20 or the Royal College of Physicians and Surgeons of Canada as a
21 radiologist.

22 "Radiologist assistant." An individual, other than a
23 licensed physician, who has undergone appropriate
24 training and testing by a certification organization to
25 become a radiologist assistant.

26 * * *

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

1 * * *

2 Section 2. Sections 13.1(a) (3), 13.3(f) (2), 13.4(e) (2) and
3 13.5(a) (1) of the act are amended to read:

4 Section 13.1. Respiratory therapists.

5 (a) Qualifications.--An individual shall be eligible to
6 apply for licensure as a respiratory therapist if that
7 individual satisfies all of the following:

8 * * *

9 (3) Has proved to the satisfaction of the board that the
10 individual is of good moral character and is not unfit or
11 unable to practice as a respiratory therapist by reason of
12 physical or mental impairment. In assessing the moral
13 character of an applicant with a criminal conviction, the
14 board shall conduct an individualized assessment in
15 accordance with 63 Pa.C.S. § 3113 (relating to consideration
16 of criminal convictions).

17 * * *

18 Section 13.3. Perfusionist.

19 * * *

20 (f) Qualifications.--An applicant shall be licensed to
21 practice perfusion under this act if the applicant meets all of
22 the following qualifications and has otherwise complied with the
23 provisions of this act:

24 * * *

25 (2) The person is of good moral character. In assessing
26 the moral character of an applicant with a criminal
27 conviction, the board shall conduct an individualized
28 assessment in accordance with 63 Pa.C.S. § 3113 (relating to
29 consideration of criminal convictions).

30 * * *

1 Section 13.4. Genetic counselor.

2 * * *

3 (e) Qualifications.--An applicant shall be licensed to
4 practice genetic counseling under this act if the applicant
5 meets all of the following qualifications and has otherwise
6 complied with the provisions of this act:

7 * * *

8 (2) The person is of good moral character. In assessing
9 the moral character of an applicant with a criminal
10 conviction, the board shall conduct an individualized
11 assessment in accordance with 63 Pa.C.S. § 3113 (relating to
12 consideration of criminal convictions).

13 * * *

14 Section 13.5. Prosthetists, orthotists, pedorthists and
15 orthotic fitters.

16 (a) Licensure qualifications.--To qualify for licensure to
17 practice prosthetics, orthotics, pedorthics or orthotic fitting,
18 an applicant shall:

19 (1) Be of good moral character. In assessing the moral
20 character of an applicant with a criminal conviction, the
21 board shall conduct an individualized assessment in
22 accordance with 63 Pa.C.S. § 3113 (relating to consideration
23 of criminal convictions).

24 * * *

25 Section 3. The act is amended by adding a section to read:
26 Section 13.7. Medical imaging professionals, radiation
27 therapists and radiologist assistants.

28 (a) License required.--Beginning two years after the
29 effective date of this section, it shall be unlawful for an
30 individual who is not licensed under this section to perform or

1 offer to perform medical imaging or radiation therapy procedures
2 on humans for diagnostic, interventional or therapeutic purposes
3 or practice as a medical imaging professional, radiation
4 therapist or radiologist assistant.

5 (b) Medical imaging professional license.--The board shall
6 issue a license as a medical imaging professional to an
7 applicant who meets all of the following requirements:

8 (1) Is at least 18 years of age.

9 (2) Submits an application and the required fee as
10 established by the board by regulation.

11 (3) Is of good moral character. In assessing the moral
12 character of an applicant with a criminal conviction, the
13 board shall conduct an individualized assessment in
14 accordance with 63 Pa.C.S. § 3113 (relating to consideration
15 of criminal convictions).

16 (4) Has a high school diploma or its equivalent.

17 (5) Satisfactorily completes a course of study in
18 diagnostic medical sonography, magnetic resonance imaging,
19 nuclear medicine technology or radiography or an equivalent
20 course of study determined by the board.

21 (6) Passes an applicable modality or specialization
22 examination administered by a certification organization
23 approved by the board.

24 (c) Medical imaging professional scope of practice.--A
25 medical imaging professional shall only perform the functions of
26 the modality in which the medical imaging professional has
27 received education and training, and certification by a
28 certification organization. The functions under this subsection
29 shall include any of the following:

30 (1) Diagnostic medical sonography.

1 (2) Magnetic resonance imaging.

2 (3) Nuclear medicine technology.

3 (4) Radiography.

4 (d) Radiation therapist license.--The board shall issue a
5 license as a radiation therapist to an applicant who meets all
6 of the following requirements:

7 (1) Is at least 18 years of age.

8 (2) Submits an application and the required fee as
9 established by the board by regulation.

10 (3) Is of good moral character. In assessing the moral
11 character of an applicant with a criminal conviction, the
12 board shall conduct an individualized assessment in
13 accordance with 63 Pa.C.S. § 3113.

14 (4) Has a high school diploma or its equivalent.

15 (5) Satisfactorily completes a course of study in
16 radiation therapy or an equivalent course of study determined
17 by the board.

18 (6) Passes an applicable radiation therapy examination
19 administered by a certification organization approved by the
20 board.

21 (e) Radiation therapist scope of practice.--A radiation
22 therapist may use ionizing radiation to deliver radiation
23 therapy treatments, perform treatment simulation using medical
24 imaging modalities, plan treatment procedures and dosimetric <--
25 calculations as prescribed by a radiation oncologist AND EXECUTE <--
26 TREATMENT PLAN PROCEDURES AND DOSIMETRIC CALCULATIONS AS
27 PRESCRIBED BY A RADIATION ONCOLOGIST.

28 (f) Radiologist assistant license.--The board shall issue a
29 license as a radiology assistant to an applicant who meets all
30 of the following requirements:

- 1 (1) Is at least 18 years of age.
- 2 (2) Submits an application and the required fee as
3 established by the board by regulation.
- 4 (3) Is of good moral character. In assessing the moral
5 character of an applicant with a criminal conviction, the
6 board shall conduct an individualized assessment in
7 accordance with 63 Pa.C.S. § 3113.
- 8 (4) Has a high school diploma or its equivalent.
- 9 (5) Satisfactorily completes a course of study in
10 radiologist assistant or an equivalent course of study
11 determined by the board.
- 12 (6) Passes an applicable radiologist assistant
13 examination administered by a certification organization
14 approved by the board.
- 15 (7) Holds a current license, certification or
16 registration as a radiographer and radiologist assistant
17 issued by a certification organization approved by the board.
- 18 (g) Radiologist assistant scope of practice.--
- 19 (1) A radiologist assistant may perform advanced
20 diagnostic imaging procedures under the ~~direction~~ SUPERVISION <--
21 of a supervising radiologist. The procedures under this
22 subsection shall include, but are not limited to, any of the
23 following:
- 24 (i) Enteral and parenteral procedures.
- 25 (ii) Injection of diagnostic agents and physician-
26 prescribed medications.
- 27 (iii) Diagnostic and therapeutic aspirations and
28 localizations.
- 29 (iv) Radiologist directed invasive procedures.
- 30 (v) Fluoroscopy procedures.

1 ~~(2) A radiologist assistant may not interpret imaging, <--~~
2 ~~render diagnoses or prescribe medication or therapies.~~

3 ~~(3)~~ (2) A radiologist assistant and the supervising <--
4 radiologist shall establish clinical protocols in accordance
5 with this paragraph. The clinical protocols shall identify
6 and be signed by the radiologist assistant and supervising
7 radiologist. The clinical protocols shall describe the manner
8 and frequency in which the radiologist assistant regularly
9 communicates with the supervising radiologist. The clinical
10 protocols shall include procedures performed by the
11 radiologist assistant, the level of supervision provided by
12 the supervising radiologist and the location of the practice
13 designated by the supervising radiologist. THE SUPERVISING <--
14 RADIOLOGIST SHALL SUBMIT THE INITIAL CLINICAL PROTOCOLS TO
15 THE BOARD FOR REVIEW. Upon updating the clinical protocols,
16 the supervising radiologist shall submit updated clinical
17 protocols to the board for review. Nothing in this paragraph
18 shall be construed to require the clinical protocols to be
19 approved by the board.

20 (h) Current practitioners.--The board shall issue a license
21 under this section to an individual practicing as a medical
22 imaging professional, radiation therapist or radiologist
23 assistant on the effective date of this section if the
24 individual meets all of the following requirements within two
25 years of the effective date of this section:

26 (1) Is at least 18 years of age.

27 (2) Submits an application and the required fee as
28 established by the board by regulation.

29 (3) Is of good moral character. In assessing the moral
30 character of an individual with a criminal conviction, the

1 board shall conduct an individualized assessment in
2 accordance with 63 Pa.C.S. § 3113.

3 (4) Holds a current license, certification or
4 registration as a medical imaging professional, radiation
5 therapist or radiologist assistant issued by a certification
6 organization approved by the board.

7 (i) Use of title.--Only an individual who holds an active
8 license under this section may do any of the following:

9 (1) Hold oneself out as a licensed medical imaging
10 professional, radiation therapist or radiologist assistant.

11 (2) Use a title indicating the specific modality for
12 which the individual is licensed under this section.

13 (3) Use any words, symbols or abbreviations indicating
14 the specific modality for which the individual is licensed
15 under this section.

16 (j) Exemptions.--The licensure requirements under this
17 section shall not apply to any of the following:

18 (1) An individual licensed in this Commonwealth whose
19 scope of practice includes performing medical imaging or
20 radiation therapy procedures.

21 (2) Auxiliary personnel under the supervision of a
22 licensed chiropractor who is permitted to perform x-rays
23 under the act of December 16, 1986 (P.L.1646, No.188), known
24 as the Chiropractic Practice Act.

25 (3) Auxiliary personnel under the supervision of a
26 licensed dentist who is authorized to perform x-rays under
27 section 11.4 of the act of May 1, 1933 (P.L.216, No.76),
28 known as The Dental Law.

29 (4) Auxiliary personnel under the supervision of a
30 doctor of podiatric medicine who is permitted to perform x-

1 rays under section 21.2 of the act of March 2, 1956 (1955
2 P.L.1206, No.375), known as the Podiatry Practice Act.

3 (5) An individual performing sonography procedures
4 within the individual's scope of practice that is used to
5 assess information about a patient's immediate condition, is
6 limited to a focused imaging target and does not generate a
7 recorded diagnostic medical image, including an assessment of
8 any of the following:

9 (i) Fetal presentation or heartbeat.

10 (ii) Fluid in a body cavity.

11 (iii) Foreign body position or location.

12 (iv) Fetal monitoring during active labor.

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

15 (6) ~~A resident physician or~~ GRADUATE MEDICAL TRAINEE <--
16 PHYSICIAN OR A student enrolled in and attending a school or
17 college of medicine, chiropractic, podiatry, medical imaging
18 or radiation therapy who performs authorized medical imaging
19 or radiation therapy procedures on humans while under the
20 supervision of a licensed practitioner or the supervision of
21 an individual holding a license under this section in the
22 supervised modality.

23 (7) A student enrolled in a medical imaging educational
24 program recognized by the board who is employed by a medical
25 facility affiliated with the program to perform authorized
26 medical imaging procedures for which the student has a
27 demonstrated competency if the medical imaging procedures are
28 performed under the supervision of a licensed practitioner or
29 the supervision of an individual holding a license under this
30 section in the supervised modality.

1 (8) An individual employed by the Federal Government to
2 provide medical imaging or radiation therapy services while
3 in the discharge of the individual's official duties.

4 (9) An individual performing medical imaging or
5 radiation therapy procedures on nonhuman subjects or
6 cadavers.

7 (k) Authorizations and restrictions.--

8 (1) A licensee under this section may use radioactive
9 substances or equipment emitting ionizing radiation, high-
10 frequency sound waves or magnetic resonance and perform
11 medical imaging and radiation therapy procedures on humans
12 for diagnostic or therapeutic purposes only:

13 (i) with a valid prescription of an individual
14 authorized by the Commonwealth to prescribe medical
15 imaging and radiation therapy procedures;

16 (ii) under the supervision of a licensed
17 practitioner; and

18 (iii) within the scope of the license as specified
19 under this section and the regulations promulgated by the
20 board and in a modality for which the licensee has
21 received education and training.

22 (2) A licensee under this section may not make a
23 diagnostic interpretation of an image, make a diagnosis or
24 prescribe a medication or therapy.

25 (l) License renewal.--A license under this section shall be
26 subject to biennial renewal. For license renewal, a licensee
27 shall submit all of the following to the board:

28 (1) An application and the required fee as established
29 by the board by regulation.

30 (2) Proof of continuing education as determined by the

1 board by regulation.

2 (3) Proof of holding a current certification and
3 registration issued by a certification organization approved
4 by the board.

5 (m) Professional liability.--

6 (1) A licensee under this section practicing in this
7 Commonwealth shall maintain a level of professional liability
8 insurance coverage in the minimum amount of \$1,000,000 per
9 occurrence or claims made. Failure to maintain insurance
10 coverage as required shall subject the licensee to
11 disciplinary proceedings. The board shall accept from the
12 licensee as satisfactory evidence of insurance coverage any
13 of the following:

14 (i) Self-insurance.

15 (ii) Personally purchased liability insurance.

16 (iii) Professional liability insurance coverage
17 provided by the licensee's employer or similar insurance
18 coverage acceptable to the board.

19 (2) An applicant for a license under this section shall
20 provide proof that the applicant has obtained professional
21 liability insurance in accordance with paragraph (1). It is
22 sufficient if the applicant files with the application a copy
23 of a letter from the applicant's professional liability
24 insurance carrier indicating that the applicant will be
25 covered against professional liability in the required
26 amounts effective upon the issuance of the applicant's
27 license to practice in this Commonwealth under this section.
28 Upon issuance of the license, the licensee has 30 days to
29 submit to the board the certificate of insurance or a copy of
30 the policy declaration page.

1 Section 4. Section 22(b) introductory paragraph of the act
2 is amended to read:

3 Section 22. Licenses and certificates; general qualification.

4 * * *

5 (b) Qualifications.--The board shall not issue a license or
6 certificate to an applicant unless the applicant establishes
7 with evidence, verified by an affidavit or affirmation of the
8 applicant, that the applicant is of legal age, is of good moral
9 character and is not addicted to the intemperate use of alcohol
10 or the habitual use of narcotics or other habit-forming drugs
11 and that the applicant has completed the educational
12 requirements prescribed by the board and otherwise satisfies the
13 qualifications for the license or certificate contained in or
14 authorized by this act. In assessing the moral character of an
15 applicant with a criminal conviction, the board shall conduct an
16 individualized assessment in accordance with 63 Pa.C.S. § 3113
17 (relating to consideration of criminal convictions). The board
18 shall not issue a license or certificate to an applicant who has
19 been convicted of a felony under the act of April 14, 1972
20 (P.L.233, No.64), known as The Controlled Substance, Drug,
21 Device and Cosmetic Act, or of an offense under the laws of
22 another jurisdiction which, if committed in this Commonwealth,
23 would be a felony under The Controlled Substance, Drug, Device
24 and Cosmetic Act, unless:

25 * * *

26 Section 5. Section 45 of the act is repealed:

27 [Section 45. Radiologic procedures; education and training
28 required.

29 (a) Supervision.--On and after January 1, 1988, no auxiliary
30 personnel shall perform radiologic procedures on the premises of

1 a medical doctor unless such person is under the direct
2 supervision of a medical doctor and unless such person has
3 passed an examination approved by the board and administered in
4 accordance with section 812.1 of the act of April 9, 1929
5 (P.L.177, No.175), known as The Administrative Code of 1929,
6 provided that no such auxiliary personnel shall perform
7 radiologic procedures for therapeutic purposes unless the
8 medical doctor under whose direct supervision such auxiliary
9 personnel is acting is on the premises at the time the
10 radiologic procedures are performed.

11 (b) Exclusion.--The board shall have the authority, after
12 notice and hearing, to prohibit an auxiliary personnel from
13 performing radiologic procedures if the continued performance of
14 radiologic procedures by the auxiliary personnel is determined
15 by the board to pose a threat to the health, safety or welfare
16 of the public.

17 (c) Penalty.--It shall be unlawful under this act to
18 knowingly permit radiologic procedures to be performed in
19 violation of this section or in violation of the regulations
20 promulgated or orders issued in accordance with this section.

21 (d) Education and testing.--No auxiliary personnel who has
22 or obtains a license, certificate or registration issued by, or
23 on behalf of, a board within the Bureau of Professional and
24 Occupational Affairs or a comparable board of another state, or
25 who has obtained certification as the result of satisfactory
26 completion of a test and an educational course accredited by an
27 accrediting body recognized by the board, shall be required to
28 undergo any additional education or testing pursuant to this
29 section if radiologic procedures were included in the education
30 or the examination which he or she was required to complete

1 successfully in order to be eligible for such license,
2 certificate, registration or certification.

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

6 Section 6. Repeals are as follows:

7 (1) The General Assembly declares the repeals under
8 paragraph (2) are necessary to effectuate the addition of
9 section 13.7 of the act.

10 (2) The following are repealed:

11 (i) Section 16.4 of the act of October 5, 1978
12 (P.L.1109, No.261), known as the Osteopathic Medical
13 Practice Act, is repealed.

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

18 Section 7. The State Board of Medicine shall promulgate
19 final regulations necessary to implement the addition of section
20 13.7 of the act within 180 days of the effective date of this
21 section.

22 Section 8. This act shall take effect in 60 days.