

BILL ANALYSIS

Senate Research Center
2009S0805-1

C.S.S.B. 821
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Department of State Health Services (DSHS) regulates individuals who perform work as radiologic technologists (RT), who can work for any type of medical doctor, including radiologists, and are not required to possess any specialized training. Radiologist assistants (assistants), on the other hand, are certified by the American Registry of Radiologic Technologists to perform advanced radiologic procedures under the supervision of a radiologist. While there is some overlap between assistants and RTs, only assistants have received advanced-level training.

The licensing of assistants will help the state to achieve patient protection, consumer protection, truth in public information, and public confidence due to the adoption of education standards and of an ethical code.

C.S.S.B. 821 requires DSHS to establish minimum standards for approving curricula and education programs to include radiologist assistants to provide radiology services under the supervision of a radiologist. C.S.S.B. 821 also creates a radiologist assistant certificate that provides licensing requirements of an assistant.

[**Note:** While the statutory reference in this bill is to the Texas Board of Health, the governing body of the Texas Department of Health (TDH), the following amendments affect the executive commissioner of the Texas Health and Human Services Commission and the Texas Department of State Health Services, respectively, as the successor entities.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is modified in SECTION 2 (Section 601.053, Occupations Code), SECTION 3 (Section 601.056, Occupations Code), and SECTION 4 (Section 601.058, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Board of Health in SECTION 5 (Section 601.1055, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 601.002, Occupations Code, by adding Subdivisions (10-a) and (10-b), as follows:

(10-a) Defines "radiologist." Provides that this definition does not alter or affect the term "chiropractic radiologist."

(10-b) Defines "radiologist assistant."

SECTION 2. Amends Section 601.053, Occupations Code, as follows:

Sec. 601.053. MINIMUM STANDARDS. Requires the Texas Board of Health (board) by rule to establish minimum standards for approving curricula and education programs, and approving instructors to teach approved curricula or education programs, to train radiologist assistants to provide radiology services under the supervision of a radiologist. Makes nonsubstantive changes.

SECTION 3. Amends Sections 601.056(a) and (b), Occupations Code, as follows:

(a) Requires the board with the assistance of other appropriate state agencies to identify by rule radiologic procedures, other than radiologic procedures described by Subsection (c) (relating to a dental radiologic procedure), that are authorized to be performed only by a practitioner or a medical radiologic technologist or a radiologist assistant certified under this chapter.

(b) Authorizes the board, in adopting rules under Subsection (a), to consider whether the radiologic procedure will be performed by a registered nurse or licensed physician or an assistant certified under this chapter.

SECTION 4. Amends Section 601.058, Occupations Code, as follows:

Sec. 601.058. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Prohibits the board from adopting rules restricting advertising or competitive bidding by a medical radiologic technologist or assistant except to prohibit false, misleading, or deceptive practices.

(b) Makes conforming changes.

SECTION 5. Amends Subchapter C, Chapter 601, Occupations Code, by adding Section 601.1055, as follows:

Sec. 601.1055. RADIOLOGIST ASSISTANT CERTIFICATE. (a) Requires a person seeking to obtain certification as an assistant to meet certain requirements.

(b) Requires the board, with the advice and consent of the Texas Medical Board, by rule to determine the scope of practice of and qualifications to serve as an assistant. Requires that a rule adopted under this subsection be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

(c) Authorizes a radiologist to use the services of an assistant to practice under the supervision of the radiologist to the extent not prohibited by this chapter.

(d) Prohibits an assistant from interpreting images, making diagnoses, or prescribing medications or therapies.

SECTION 6. Amends Sections 601.102(b) and (c), Occupations Code, as follows:

(b) Authorizes the board to issue to a person a certificate as an assistant or that authorizes the person to perform radiologic procedures as an RA for a period not to exceed one year.

(c) Authorizes the board to issue to a person a temporary certificate that authorizes the person to perform radiologic procedures as an assistant for a period not to exceed one year.

SECTION 7. Amends Section 601.108(b), Occupations Code, to make a conforming change.

SECTION 8. Effective date: September 1, 2009.