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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3794

02/26/2020 Authored by Huot
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; changing x-ray provisions; amending Minnesota Statutes 2018,
1.3 section 144.121, subdivisions 1, 2, 5, by adding subdivisions; Minnesota Statutes
1.4 2019 Supplement, section 144.121, subdivisions 1a, 5a; repealing Minnesota
1.5 Statutes 2018, section 144.121, subdivisions 3, 5b.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 144.121, subdivision 1, is amended to read:

1.8 Subdivision 1. **Registration; fees.** The fee for the registration for x-ray machines
1.9 equipment and other sources of ionizing radiation required to be registered under rules
1.10 adopted by the state commissioner of health pursuant to section 144.12, shall be in an amount
1.11 as described in subdivision 1a pursuant to section 144.122. The registration shall expire and
1.12 be renewed as prescribed by the commissioner pursuant to section 144.122.

1.13 Sec. 2. Minnesota Statutes 2019 Supplement, section 144.121, subdivision 1a, is amended
1.14 to read:

1.15 Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing
1.16 radiation-producing equipment and other sources of ionizing radiation must pay an ~~annual~~
1.17 initial or annual renewal registration fee consisting of a base facility fee of \$100 and an
1.18 additional fee for each ~~radiation source~~ x-ray tube, as follows:

- 1.19 (1) medical or veterinary equipment \$ 100
1.20 (2) dental x-ray equipment \$ 40
1.21 (3) x-ray equipment not used on \$ 100
1.22 humans or animals

2.1 (4) devices with sources of ionizing \$ 100
 2.2 radiation not used on humans or
 2.3 animals

2.4 (5) security screening system \$ 100

2.5 (b) A facility with radiation therapy and accelerator equipment must pay an initial or
 2.6 annual registration fee of \$500. A facility with an industrial accelerator must pay an initial
 2.7 or annual registration fee of \$150.

2.8 (c) Electron microscopy equipment is exempt from the registration fee requirements of
 2.9 this section.

2.10 (d) For purposes of this section, a security screening system means ionizing
 2.11 radiation-producing equipment designed and used for security screening of humans who
 2.12 are in the custody of a correctional or detention facility, and used by the facility to image
 2.13 and identify contraband items concealed within or on all sides of a human body. For purposes
 2.14 of this section, a correctional or detention facility is a facility licensed under section 241.021
 2.15 and operated by a state agency or political subdivision charged with detection, enforcement,
 2.16 or incarceration in respect to state criminal and traffic laws.

2.17 Sec. 3. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
 2.18 read:

2.19 Subd. 1d. **Handheld dental x-ray equipment.** A facility that uses handheld dental x-ray
 2.20 equipment according to section 144.1215 must comply with this section.

2.21 Sec. 4. Minnesota Statutes 2018, section 144.121, subdivision 2, is amended to read:

2.22 Subd. 2. **Inspections.** Periodic radiation safety inspections of the sources of ionizing
 2.23 radiation shall be made by the ~~state~~ commissioner of health. The frequency of safety
 2.24 inspections shall be prescribed by the commissioner on the basis of the frequency of use of
 2.25 the x-ray equipment and other source of ionizing radiation; provided that each source shall
 2.26 be inspected at least once every four years.

2.27 Sec. 5. Minnesota Statutes 2018, section 144.121, subdivision 5, is amended to read:

2.28 Subd. 5. **Examination for individual operating x-ray ~~equipment~~ systems.** (a) ~~After~~
 2.29 ~~January 1, 2008,~~ An individual in a facility with x-ray equipment systems for use on living
 2.30 humans that is registered under subdivision 1 may not operate, nor may the facility allow
 2.31 the individual to operate, x-ray equipment systems unless the individual has passed a national

3.1 ~~or state examination for limited x-ray machine operators that meets the requirements of~~
 3.2 ~~paragraphs (b) and (c) and is approved by the commissioner of health.~~

3.3 ~~(b) The commissioner shall establish criteria for the approval of examinations based on~~
 3.4 ~~national standards, such as the examination in radiography from the American Registry of~~
 3.5 ~~Radiologic Technologists, the examination for limited scope of practice in radiography from~~
 3.6 ~~the American Registry of Radiologic Technologists for limited x-ray machine operators,~~
 3.7 ~~and the American Registry of Chiropractic Radiography Technologists for limited~~
 3.8 ~~radiography in spines and extremities; or equivalent examinations approved by other states.~~
 3.9 ~~Equivalent examinations may be approved by the commissioner, if the examination is~~
 3.10 ~~consistent with the standards for educational and psychological testing as recommended by~~
 3.11 ~~the American Education Research Association, the American Psychological Association,~~
 3.12 ~~the National Council on Measurement in Education, or the National Commission for~~
 3.13 ~~Certifying Agencies. The organization proposing the use of an equivalent examination shall~~
 3.14 ~~submit a fee to the commissioner of \$1,000 per examination to cover the cost of determining~~
 3.15 ~~the extent to which the examination meets the examining standards. The collected fee shall~~
 3.16 ~~be deposited in the state treasury and credited to the state government special revenue fund.~~

3.17 (b) Individuals who may operate x-ray systems include:

3.18 (1) an individual who has passed the American Registry of Radiologic Technologists
 3.19 (ARRT) registry for radiography examination;

3.20 (2) an individual who has passed the American Chiropractic Registry of Radiologic
 3.21 Technologists (ACRRT) registry examination;

3.22 (3) a registered limited scope x-ray operator and a registered bone densitometry equipment
 3.23 operator who passed the examination requirements in paragraphs (d) and (e) and practices
 3.24 according to subdivision 5a;

3.25 (4) an x-ray operator who has the original certificate or the original letter of passing the
 3.26 examination that was required before January 1, 2008, under Minnesota Statutes 2008,
 3.27 section 144.121, subdivision 5a, paragraph (b), clause (1);

3.28 (5) an individual who has passed the American Registry of Radiologic Technologists
 3.29 (ARRT) registry for radiation therapy examination according to subdivision 5e;

3.30 (6) a cardiovascular technologist according to subdivision 5c;

3.31 (7) a nuclear medicine technologist according to subdivision 5d;

3.32 (8) an individual who has passed the examination for a dental hygienist under section
 3.33 150A.06 and only operates dental x-ray systems;

4.1 (9) an individual who has passed the examination for a dental therapist under section
 4.2 150A.06 and only operates dental x-ray systems;

4.3 (10) an individual who has passed the examination for a dental assistant under section
 4.4 150A.06 and only operates dental x-ray systems;

4.5 (11) an individual who has passed the examination for a limited dental permit assistant
 4.6 under section 150A.06 and only operates dental x-ray systems; and

4.7 (12) a qualified practitioner who has passed the examination from the governing state
 4.8 licensure board and is working within the practitioner's scope of practice.

4.9 (c) Except for individuals under clauses (3) and (4), an individual who is participating
 4.10 in a training or educational program in any of the occupations listed in paragraph (b) is
 4.11 exempt from the examination requirement within the scope and for the duration of the
 4.12 training or educational program.

4.13 ~~(e)~~ (d) The Minnesota examination for limited scope x-ray ~~machine~~ operators must
 4.14 include:

4.15 (1) radiation protection, radiation physics and radiobiology, ~~equipment maintenance and~~
 4.16 ~~operation and quality assurance~~, image production acquisition and technical evaluation, and
 4.17 ~~patient care~~ interactions and management; and

4.18 (2) at least one of the following regions of the human anatomy: chest, extremities, skull
 4.19 and sinus, spine, or ~~ankle and foot~~ podiatry. The examinations must include the anatomy
 4.20 of, and ~~positioning~~ radiographic positions and projections for, the specific regions.

4.21 (e) The examination for bone densitometry equipment operators must include:

4.22 (1) osteoporosis, bone physiology, bone health and patient education, patient preparation,
 4.23 fundamental principals, biological effects of radiation, units of measurements, radiation
 4.24 protection in bone densitometry, fundamentals of x-ray production, quality control, measuring
 4.25 bone mineral testing, determining quality in bone mineral testing, file and database
 4.26 management; and

4.27 (2) dual x-ray absorptiometry scanning of the lumbar spine, proximal femur, and forearm.
 4.28 The examination must include the anatomy, scan acquisition, and scan analysis for these
 4.29 three procedures.

4.30 ~~(d)~~ (f) A limited scope x-ray operator, and a bone densitometry equipment operator,
 4.31 who ~~is~~ are required to take an examination under this subdivision must submit to the
 4.32 commissioner ~~an~~ a registration application for the examination; and a \$25 processing fee;

5.1 ~~and the required examination fee set by the national organization offering the examination.~~
 5.2 The processing fee ~~and the examination fee~~ shall be deposited in the state treasury and
 5.3 credited to the state government special revenue fund. ~~The commissioner shall submit the~~
 5.4 ~~fee to the national organization providing the examination.~~

5.5 Sec. 6. Minnesota Statutes 2019 Supplement, section 144.121, subdivision 5a, is amended
 5.6 to read:

5.7 Subd. 5a. **Limited scope x-ray machine and bone densitometry equipment operator**
 5.8 **practice.** (a) A registered limited scope x-ray operator and a registered bone densitometry
 5.9 equipment operator may only practice medical radiography on limited regions of the human
 5.10 anatomy for which the operator has successfully passed an examination identified in
 5.11 subdivision 5, ~~unless the operator meets one of the exemptions described in paragraph (b).~~
 5.12 ~~The operator may practice using only routine radiographic procedures, for the interpretation~~
 5.13 ~~by and under the direction of a qualified practitioner, excluding paragraphs (d) and (e) and~~
 5.14 ~~may not operate computed tomography, cone beam computed tomography, the use of contrast~~
 5.15 ~~media, and the use of fluoroscopic or mammographic equipment x-ray systems.~~

5.16 (b) ~~This subdivision does not apply to:~~

5.17 (1) ~~limited x-ray machine operators who passed the examination that was required before~~
 5.18 ~~January 1, 2008;~~

5.19 (2) ~~certified radiologic technologists, licensed dental hygienists, registered dental~~
 5.20 ~~assistants, certified registered nurse anesthetists, and registered physician assistants;~~

5.21 (3) ~~individuals who are licensed in Minnesota to practice medicine, osteopathic medicine,~~
 5.22 ~~chiropractic, podiatry, or dentistry;~~

5.23 (4) ~~individuals who are participating in a training course in any of the occupations listed~~
 5.24 ~~in clause (2), (3), or (5) for the duration and within the scope of the training course; and~~

5.25 (5) ~~cardiovascular technologists who assist with the operation of fluoroscopy equipment~~
 5.26 ~~if they:~~

5.27 (i) ~~are credentialed by Cardiovascular Credentialing International as a registered~~
 5.28 ~~cardiovascular invasive specialist or as a registered cardiac electrophysiology specialist,~~
 5.29 ~~are a graduate of an education program accredited by the Commission on Accreditation of~~
 5.30 ~~Allied Health Education Programs, which uses the standards and criteria established by the~~
 5.31 ~~Joint Review Committee on Education in Cardiovascular Technology, or are designated on~~
 5.32 ~~a variance granted by the commissioner, effective July 31, 2019; and~~

6.1 ~~(ii) are under the personal supervision and in the physical presence of a qualified~~
 6.2 ~~practitioner for diagnosing or treating a disease or condition of the cardiovascular system~~
 6.3 ~~in fluoroscopically guided interventional procedures. Cardiovascular technologists may not~~
 6.4 ~~activate the fluoroscopic system or evaluate quality control tests.~~

6.5 Sec. 7. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
 6.6 read:

6.7 Subd. 5c. **Cardiovascular technologist practice.** (a) Cardiovascular technologists may
 6.8 assist with the operation of fluoroscopy equipment if they:

6.9 (1) are credentialed by Cardiovascular Credentialing International as a registered
 6.10 cardiovascular invasive specialist or as a registered cardiac electrophysiology specialist,
 6.11 are a graduate of an educational program accredited by the Commission on Accreditation
 6.12 of Allied Health Education Programs, which uses the standards and criteria established by
 6.13 the Joint Review Committee on Education in Cardiovascular Technology, or are designated
 6.14 on a variance granted by the commissioner effective July 31, 2019; and

6.15 (2) are under the personal supervision and in the physical presence of a qualified
 6.16 practitioner for diagnosing or treating a disease or condition of the cardiovascular system
 6.17 in fluoroscopically guided interventional procedures. Cardiovascular technologists may not
 6.18 activate the fluoroscopic system or evaluate quality control tests.

6.19 (b) A cardiovascular technologist who is participating in a training or educational program
 6.20 in any of the occupations listed in this subdivision is exempt from the examination
 6.21 requirement within the scope and for the duration of the training or educational program.

6.22 Sec. 8. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
 6.23 read:

6.24 Subd. 5d. **Nuclear medicine technologist practice.** (a) Nuclear medicine technologists
 6.25 who have passed the primary pathway credential in Nuclear Medicine Technology
 6.26 Certification Board (NMTCB) for nuclear medicine or the American Registry of Radiologic
 6.27 Technologists (ARRT) for nuclear medicine technology or the American Society of Clinical
 6.28 Pathologists (NM) (ASCP) may operate a fusion imaging device or a dual imaging device
 6.29 that uses radioactive material as a point source in transmission scanning and attenuation
 6.30 correction.

6.31 (b) A nuclear medicine technologist in paragraph (a) may only operate a stand-alone
 6.32 computed tomography x-ray system if the technologist has passed the Nuclear Medicine

7.1 Technology Certification Board for computed tomography (CT) or are credentialed in
7.2 computed tomography (CT) from the American Registry of Radiologic Technologists
7.3 (ARRT).

7.4 (c) A nuclear medicine technologist who meets the requirements under paragraph (a)
7.5 and who is participating in a training or educational program to obtain a credential under
7.6 paragraph (b) is exempt from the examination requirement within the scope and for the
7.7 duration of the training or educational program.

7.8 Sec. 9. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
7.9 read:

7.10 Subd. 5e. **Radiation therapy technologist practice.** (a) A radiation therapy technologist
7.11 who has passed the primary pathway credential in radiation therapy may operate radiation
7.12 therapy accelerator and simulator x-ray systems.

7.13 (b) A radiation therapy technologist in paragraph (a) may only operate a stand-alone
7.14 computed tomography x-ray system if the technologist has passed and is credentialed in
7.15 computed tomography (CT) from the American Registry of Radiologic Technologists
7.16 (ARRT).

7.17 (c) A radiation therapy technologist who meets the requirements under paragraph (a)
7.18 and who is participating in a training or educational program to obtain a credential under
7.19 paragraph (b) is exempt from the examination requirement within the scope and for the
7.20 duration of the training or educational program.

7.21 Sec. 10. **REPEALER.**

7.22 Minnesota Statutes 2018, section 144.121, subdivisions 3 and 5b, are repealed.

144.121 X-RAY MACHINES; OTHER SOURCES OF IONIZING RADIATION.

Subd. 3. **Exemption.** Notwithstanding rules adopted by the commissioner under section 144.12, subdivision 1, clause (15), practitioners of veterinary medicine are not required to conduct densitometry and sensitometry tests as part of any ionizing radiation quality assurance program.

Subd. 5b. **Variance of scope of practice.** The commissioner may grant a variance according to Minnesota Rules, parts 4717.7000 to 4717.7050, to a facility for the scope of practice of an x-ray operator in cases where the delivery of health care would otherwise be compromised if a variance were not granted. The request for a variance must be in writing, state the circumstances that constitute hardship, state the period of time the facility wishes to have the variance for the scope of practice in place, and state the alternative measures that will be taken if the variance is granted. The commissioner shall set forth in writing the reasons for granting or denying the variance. Variances granted by the commissioner must specify in writing the time limitation and required alternative measures to be taken by the facility. A request for the variance shall be denied if the commissioner finds the circumstances stated by the facility do not support a claim of hardship, the requested time period for the variance is unreasonable, the alternative measures proposed by the facility are not equivalent to the scope of practice, or the request for the variance is not submitted to the commissioner in a timely manner.