Bill as Introduced

5/1/01 0983s

SB 22 - AS AMENDED BY THE SENATE

2001 SESSION

01-0281
10/09

SENATE BILL ***22***

AN ACT requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

SPONSORS: Sen. Wheeler, Dist 21; Sen. McCarley, Dist 6; Sen. Larsen, Dist 15; Sen. D'Allesandro, Dist 20; Rep. Lent, Straf 8; Rep. Emerton, Hills 7; Rep. Millham, Belk 4; Rep. Micklon, Rock 26; Rep. Pilliod, Belk 3

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill requires the use of certified radiologic technologists in hospitals for the operation of medical diagnostic imaging equipment licensed by the department of health and human services under the radiological health program.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Powers and Duties of Department; Rulemaking Added. Amend RSA 125-F:5 by inserting after paragraph V the following new paragraph:

V-a. Adopt rules, pursuant to RSA 541-A concerning the reporting of certification of hospital personnel operating medical diagnostic imaging equipment as provided in RSA 125-F:7-a.

2 New Paragraph; Licensing and Registration of Sources of Radiation; Operator Certification. Amend RSA 125-F:7 by inserting after paragraph I the following new paragraph:

I-a. The department, through its program, shall require hospital personnel operating licensed medical diagnostic imaging equipment, to be persons certified as provided in RSA 125-F:7-a unless exempted under RSA 125-F:7-a, III.

3 New Section; Operators of Licensed Equipment. Amend RSA 125-F by inserting after section 7 the following new section:

125-F:7-a Hospitals Operating Licensed Equipment; Certification; Exemptions.

I. For purposes of this section, "hospital" means an institution licensed under RSA 151 which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons.

II. Radiation equipment licensed by the department under this chapter which is used as medical diagnostic imaging equipment by hospital personnel shall only be operated by persons certified by the American Registry of Radiologic Technologists (ARRT) or persons exempted under paragraph III.

III. The requirements for certification of operators under paragraph II shall not apply to persons who provide medical diagnostic imaging services using medical diagnostic imaging equipment which is not located in a hospital.

IV. Hospital personnel using medical diagnostic imaging equipment licensed by the department under this chapter shall be required to provide relevant records to the department pursuant to the provisions of RSA 125-F:13.

V. The commissioner shall adopt rules pursuant to RSA 125-F:5, V-a for the information and procedures required for licensees under the program to comply with this section. Such rules shall not require any additional fees for certified operators or licensees.

4 Application of Certification Requirement. Any hospital personnel employed to operate a source of radiation licensed by the radiological health program as of the effective date of this act shall not be required to comply with the certification required in RSA 125-F:7-a as inserted by section 3 of this act until 2 years from the effective date of this act. Any person first employed or newly employed for such purpose after the effective date of this act shall comply with the provisions of RSA 125-F:7-a.

5 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 22 Date 05-08-01

Committee ED & A

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Nancy Beaudoin	Cty	229-5064	N.H Radiology Society	✓	
Palmer P. Jones	7 N State St	224-1909	N.H Medical Soc	✓	
Rep. Dunlevy				✓	

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 22

BILL TITLE: (New Title) requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

DATE: May 8, 2001

LOB ROOM: 100 SH **Time Public Hearing Called to Order:** 1:35 PM

Time Adjourned: 2:40 PM

(please circle if present)

Committee Members: Reps. Peterson, Dyer, Langer, Goulet, Hamel, Poulin, Zolla, Dodge, Allan, Cummings, Dexter, C. Hall, Robertson, Lent, Landers, Andosca, Clayton, Pawlek, Schulze and Drabinowicz.

Bill Sponsors: Sen Sheeler, Dist 21; Sen. McCarley, Dist 6; Sen. Larsen, Dist 15; Sen. D'Allesandro, Dist 20; Rep. Lent, Straf 8; Rep. Emerton, Hills 7; Rep. Millham, Belk 4; Rep. Micklon, Rock 26; Rep. Pilliod, Belk 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Lent, sponsor. Introduced bill. Witnessed will give detail re problem.
Brook Dupee, representing DHHS. Opposes bill. Would be happy to work with subcommittee. Concern re: scope of bill and it's monitoring in a comprehensive manner. Add'l funds and staff are not included in the bill.
Rep. Goulet, supports bill. Radiologists are to do monitoring.
Wayne Johnston, 32 Lantern Ln., Hooksett, representing DHHS, Bureau of Radiological Health. Opposes bill.
Brook Dupee, again. Radiologists are not now licensed.
Questions from Reps. Dodge, Hall, Allen, Dexter, Robertson, Zolla, and Peterson. Mr. Dupee will work with subcommittee.
Joshua Chamberlain representing Sen. Wheeler. Will work with subcommittee.
Sen. Larson signed pink card but did not speak. Supports bill.
Rep. Pilliod, supports bill. This needs to be a work in progress. Personnel should have certification.
Rep. Pawlek questioned re: equipment – Is there a danger?
Rep. Goulet, supports bill. This is a beginning of registering radiological. The hope that an understanding of this process with spread. This doesn't take effect for a couple of year.
Dr. Nancy Beaunvage, representing NH Radiology Society. Supports bill. Works at Concord Hospital. This is a first step. Radiation more dangerous to the young person. There is a 2-year training program available, must pass exams and pass continuing education.
*Dr. Raymond Jarvis, representing NH Board of Dental Examiners. Supporters bill. NH already regulates dentists, dental hygienists, dental assistants and dental radiology

Respectfully submitted,

Joan H. Schulze

Rep. Joan H. Schulze, Acting Clerk

Testimony

NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS

2 Industrial Park Drive, Concord, NH 03301-8520
Tel. (603) 271-4561
In State Toll Free Telephone Number 1-800-852-3345, Ext. 4561
FAX #: (603) 271-6702
www.state.nh.us/dental
TDD Access: Relay NH 1-800-735-2964
Email: dentalboard@nhsa.state.nh.us

Raymond J. Jarvis, DMD
Executive Secretary

Board of Dental Examiners Position

Senate Bill 22

March, 2001

The Board of Dental Examiners respectfully requests that dental hygienists and dental assistants be excluded from Senate Bill 22, because the state of New Hampshire already strictly regulates the provision of dental radiology services.

Dental hygienists are required by RSA 317-A:8 I to be a graduate of a school that is recognized by the American Dental Association Commission of Accreditation of Dental and Dental Auxiliary Programs (Atch). The American Dental Association (ADA) is the only accreditation body for dental auxiliary programs recognized by the U.S. Department of Education. The dental hygiene program of the New Hampshire Technical Institute is accredited by the ADA, which requires the meeting of ADA dental radiology educational standards. In addition, the New Hampshire code of Administrative Rules, Den 402.01 requires that dental hygienists be under the supervision of a licensed New Hampshire dentist when performing dental radiography.

As for dental assistants, they can provide dental radiology services only after they have met the requirements of the New Hampshire Code of Administrative rules, Den 302.05(f) and (g) (Atch). This rule states that a dental assistant must have six months experience in clinical dental assisting to qualify to take a radiology course. The rule further specifies course length, content and providers. After passing the course, the dental assistant must also pass the radiology written examination of the Dental Assisting National Board. After all these requirements are met, the dental assistant may provide dental radiology services only under the direct supervision of a licensed New Hampshire dentist.

(4) Be certified as being successfully completed by providing a copy of the written evidence of completion received from the continuing education provider.

(e) If qualification in dental sealants is determined, the duty shall be performed with the following conditions:

(1) A dental assistant qualified in sealants shall perform this service under direct supervision of a licensed dentist;

(2) A dental hygienist qualified in sealants shall perform this service under general supervision of a licensed dentist;

(3) Any dental assistant other than a graduate dental assistant shall have one year work experience in clinical dental assisting in order to qualify to take a sealants course; and

(4) Any hygienist graduating from an accredited dental hygiene school shall comply with this rule if a dental sealant course was not a part of the school curriculum.

(f) Any dental assistant shall be considered qualified in dental radiology after successfully completing an expanded duty course in dental radiology which shall:

(1) Be offered by a continuing education provider as specified in Den 403.07(a)(1);

(2) Be a minimum of 8 lecture hours, 12 laboratory hours;

(3) Include at least the following:

a. Asepsis, radiation safety;

b. Parallel and bi-secting techniques;

c. Full mouth films, panorex, occlusal films, and extra-oral films;

d. Dark room procedures; and

e. Radiographic landmarks, interpretation and mounting; and

f. Passing the radiology written examination of the Dental Assisting National Board; and

(4) Be certified as being successfully completed by providing a copy of the written evidence received from the continuing education provider and evidence of successful completion of the examination.

(g) If qualification in dental radiology is determined, the duty shall be performed with the following conditions:

(1) A dental assistant qualified in radiology shall perform radiology services only under the direct supervision of a licensed dentist;

(2) Any dental assistant other than a graduate dental assistant shall have 6 months work experience in clinical dental assisting in order to qualify to take a radiology course; and

(h) Any dental hygienist, or dental assistant shall be considered qualified in provisional crown and bridge restorations after successfully completing an expanded duty course in provisional crown and bridge restorations which shall:

Session Name: 2001-05-08 Division: ED&A Location: SH100
Session date: 2001/05/08 Session time: 09:41
Chair: Peterson, Andrew

Meeting: 0001
Meeting Number: SB22
Agenda: SB22
Co-Agendas:
Member List:
Member 1:
Member 2:

2001/05/08
09:43:19 - Operator
Record:
09:43:20 - New case
SB22
09:45:26 - Operator
Stop:
13:42:44 - Operator
Record:
13:42:45 - Record
SB22
13:43:14 - Other: Rep Lent
13:47:00 - Other: Brook Dupee
13:49:40 - Other: Rep Hall
13:50:16 - Other: Rep Goulet
13:53:13 - Other: Brook Dupee
13:53:30 - Other: Rep Allan
13:53:39 - Chair: Peterson, Andrew
13:54:09 - Other: Rep Goulet
13:55:23 - Other: Brook Dupee
13:55:29 - Chair: Peterson, Andrew
13:56:25 - Other: Rep Dexter
13:56:41 - Other: Brook Dupee
13:57:13 - Other: Rep Zolla
13:57:33 - Other: Brook Dupee
13:58:13 - Other: Rep Dexter
13:58:48 - Other: Brook Dupee
13:59:18 - Other: Rep Hall
14:00:36 - Chair: Peterson, Andrew
14:01:01 - Other: Rep Hall

14:01:32 - Other: Rep Robinson
14:02:02 - Other: Brook Dupee
14:02:29 - Other: Rep Dodge
14:03:00 - Other: Brook Dupee
14:03:58 - Other: Rep Dodge
14:04:49 - Other: Brook Dupee
14:05:31 - Chair: Peterson, Andrew
14:06:42 - Other: Rep Dodge
14:06:59 - Other: Rep Allan
14:07:15 - Other: Brook Dupee
14:07:34 - Other: Rep Zolla
14:07:53 - Other: Brook Dupee
14:09:08 - Other: Rep Andosca
14:09:27 - Other: Brook Dupee
14:10:21 - Other: Rep Robertson
14:10:47 - Other: Brook Dupee
14:11:40 - Other: Rep Hall
14:12:03 - Other: Brook Dopee
14:12:21 - Other: Rep Dexter
14:12:58 - Chair: Peterson, Andrew
14:14:11 - Other: Brook Dupee
14:16:37 - Other: Joshua Chamberlin
14:17:45 - Other: Rep Pillied
14:20:34 - Other: Rep Pawllick
14:21:26 - Other: Rep Pillied
14:21:54 - Other: Rep Dexter
14:22:17 - Other: Rep Pillied
14:22:51 - Other: Rep Zolla
14:23:12 - Other: Rep Pillied
14:24:07 - Other: Rep dabinowicz
14:24:30 - Other: Rep Pillied
14:24:45 - Other: Rep Allan
14:25:18 - Other: Rep Goulet
14:31:14 - Other: Rep Zolla
14:31:43 - Other: Rep Goulet
14:32:48 - Other: Rep Dexter
14:33:18 - Other: Rep Goulet
14:34:17 - Other: Rep Cummings
14:34:37 - Other: Rep Goulet
14:35:42 - Other: Nancy Beaureage
14:38:49 - Other: Rep Dexter
14:41:12 - Other: Rep Allan
14:42:14 - Other: Rep Hall
14:44:14 - Other: Dr. Raymond Jarvis S
14:47:44 - Other: Rep Allan
14:48:43 - Other: Rep Dter
14:49:19 - Operator
Stop:

14:49:21 - Operator
Record:
14:49:22 - Record
SB22
14:49:46 - Operator
Stop:

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 22

BILL TITLE: **(New Title) requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.**

DATE: 5-29-2001

LOB ROOM: 100 State House

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) OTP

Moved by Rep. Dexter

Seconded by Rep. Gordet

Vote: Unanimous (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: _____ Title: _____

PH Date: _____/_____/_____ Exec Session Date: _____/_____/_____

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Peterson, Andrew R, Chairman		
Dyer, Merton S, V Chairman		
Langer, Ray F, Clerk		
Goulet, Maurice E		
Hamel, Albert W		
Poulin, David G		
Zolla, William R		
Dodge, Robert K		
Allan, Nelson S		
Cummings, Raymond C		
Dexter, Judson K		
Hall, Charles Q		
Robertson, Carl G		
Lent, Donald R		
Landers, Dana L		
Andosca, Mary L		
Clayton, William K		
Pawlek, Marion J		
Schulze, Joan H		
Drabinowicz, A Theresa		
TOTAL VOTE:		

Printed: 1/26/2001

EXECUTIVE SESSION

COMMITTEE: ED + A

BILL NUMBER: SB 22

BILL TITLE: LICENCE RADIOLOGIC TECHS

DATE: 11/14/01 LOB ROOM: 100 SH

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, (ITL), Re-Refer, Interim Study (Please circle one.)

Moved by Rep. GOULET

Seconded by Rep. LANDERS

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. CARL ROBERTSON Acting Clerk

OFFICE OF THE HOUSE CLERK 2001 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: SB 92 Title: LICENCE RADIOLOGIC TECHS

PH Date: ___/___/___ Exec Session Date: 11/14/01

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Peterson, Andrew R. Chairman		
Dver, Merton S. V Chairman		
Langer, Rav F. Clerk		
Goulet, Maurice E	1	
Hamel, Albert W	2	
Zolla, William R	3	
Allan, Nelson S	4	
Cummings, Ravmond C	5	
Dexter, Judson K		
Hall, Charles Q	6	
Robertson, Carl G	7	
Lent, Donald R	8	
Landers, Dana L	9	
Andosca, Marv L	10	
Clavton, William K	11	
Pawlek, Marion J	12	
Schulze, Joan H		
Drabinowicz, A Theresa	13	
TOTAL VOTE: 13-0 Printed: 11/13/2001	13	0

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **SB 22**

TITLE: (New Title) requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program.

DATE: November 14, 200 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill started in the Senate as a licensure bill for radiologic technologists. It was amended to require hospitals to use certified radiologic technologists to operate radiology equipment. The sub-committee determined that hospitals and major clinics do utilize registered radiologic technologists to perform these duties. The sub-committee work sessions revealed that no health care licensing board has ever had a complaint of harm resulting from having an x-ray taken.

Vote 13-0.

Rep. Maurice E. Goulet
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

"OLWR13" SB 22

ITL: VOTE: 13-0

This Bill started in the Senate as a licensure bill for Radiologic Technologists. It was Amended to require hospitals to use certified Radiologic Technologists to operate Radiology Equipment. The Sub-committee determined that hospitals and major clinics also utilize Registered Radiologic Technologists to perform these duties. The Sub-committee would assume that no health care licensing Board has ever had a complaint of harm resulting from having an X-Ray taken.

Maurice E Crutchfield

CONSENT CALENDAR

Executive Departments and Administration

SB 22, (New Title) requiring the use of certified radiologic technologists for hospitals operating equipment licensed under the radiological health program. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill started in the Senate as a licensure bill for radiologic technologists. It was amended to require hospitals to use certified radiologic technologists to operate radiology equipment. The sub-committee determined that hospitals and major clinics do utilize registered radiologic technologists to perform these duties. The sub-committee work sessions revealed that no health care licensing board has ever had a complaint of harm resulting from having an x-ray taken. **Vote 13-0.**

SB - 22 Requiring the certification of radiologic technologists for hospitals. The sub-committee found that virtually all hospital personal that operate this type of equipment are ARRT certified and there fore there is no problem in the hospitals at this time. However, the same type of equipment is used in many other types of health care environments in which personal may not be certified creating a potential danger to the public. We ask to retain this bill for further study. Judson K. Dexter vote 17-0