



**To:** House Health and Human Services Committee

**From:** Jerry Slaughter  
Executive Director

**Date:** February 16, 2004

**Subject:** HB 2698; concerning licensure of radiologic technologists

The Kansas Medical Society appreciates the opportunity to appear today on HB 2698, which would create a licensing act for radiologic technologists. While we do not oppose the licensing of radiologic technologists generally, we cannot support this bill without the amendment that is attached to this testimony.

Enactment of this bill will make it illegal for anyone other than a licensed radiologic technologist to operate an x-ray machine for diagnostic or therapeutic purposes. The only exceptions to that requirement are for licensees of the healing arts board (physicians, chiropractors, podiatrists) when they personally provide the service, students, health care providers in the armed services, and dentists, dental hygienists and dental assistants. In other words, any physician who provides x-ray services in his or her medical office would have to employ a licensed radiologic technologist, or a registered x-ray technician, to operate an x-ray unit. Particularly in rural areas, this requirement is unworkable.

First, there is not an overabundance of radiologic technologists available, and many small, rural physician offices would find it extremely difficult to find a licensed individual. Second, in many physician practices it is necessary to have employees cross-trained to provide a wide range of services such as basic diagnostic laboratory and x-ray services, as well as other patient care services, all under the direction and supervision of a physician. Requiring every office in which x-rays are provided to employ fulltime a licensed or registered radiologic technologist would be costly, impractical, and not possible, particularly in rural areas. By imposing this requirement on rural physician practices, the legislature would make it more difficult for those practices to be viable, and we already have serious problems attracting and keeping physicians in rural Kansas.

During the two years this bill has been in front of this committee there has been quite a bit of talk about the issues of quality, patient safety and responsibility for care that is delivered. We feel just as strongly about those issues as do the proponents of the bill. And, at the end of the day, it is the responsibility of every physician to assure that persons working under their supervision are

properly trained to carry out functions delegated to them. In fact, the healing arts act is very clear about the responsibility of a licensee in this regard. A licensee of the board can be disciplined for unprofessional conduct under KSA 65-2837(b), for

- (26) Delegating professional responsibilities to a person when the licensee knows or has reason to know that such person is not qualified by training, experience or licensure to perform them; and
- (30) Failing to properly supervise, direct or delegate acts which constitute the healing arts to persons who perform professional services pursuant to such licensee's direction, supervision, order, referral, delegation or practice protocols.

We have been discussing alternatives to licensure with the proponents of this bill for the past several months. One of the alternatives we explored was creating a registration option for persons who did not otherwise qualify for licensure. The bill does contain that concept, which is found in sections 7 & 8, on pages 5-6 of the bill. However, after discussing this concept with rural physicians and physicians in smaller practices, they still felt it would be unworkable. It would add administrative complexity, cost and hassle to the very practices that are least able to absorb the burden of additional government regulations and requirements.

Attached to our testimony is an amendment we would urge you to adopt, if the committee intends to work the bill. The amendment does two things: 1) it removes provisions of the bill which establish the registration mechanism for unlicensed individuals, found in sections 7 & 8; and 2) it combines the exemption for dentists and persons working under their supervision with an identical exemption for physicians, chiropractors and podiatrists. This amendment is found on page 3, line 3 of the bill.

We would urge you to adopt this amendment. Thank you for the opportunity to offer these comments.