

2010

STATE OF NEBRASKA

**STATUTES RELATING TO
MEDICAL RADIOGRAPHY PRACTICE ACT**



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MEDICAL RADIOGRAPHY PRACTICE ACT

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STATUTES PERTAINING TO MEDICAL RADIOGRAPHY PRACTICE ACT

38-1901. Act, how cited. Sections 38-1901 to 38-1920 shall be known and may be cited as the Medical Radiography Practice Act.

Source: Laws 2007, LB463, § 639; Laws 2008, LB928, § 5; Laws 2010, LB849, § 1. Operative Date: April 14, 2010.

38-1902. Definitions, where found. For purposes of the Medical Radiography Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1903 to 38-1913 apply.

Source: Laws 2007, LB463, § 640; Laws 2008, LB928, § 6; Laws 2010, LB849, § 2. Operative Date: April 14, 2010.

38-1903. Board, defined. Board means the Board of Medical Radiography.

Source: Laws 2007, LB463, § 641. Operative date December 1, 2008.

38-1904. Interpretative fluoroscopic procedures, defined. Interpretative fluoroscopic procedures means the use of radiation in continuous mode to provide information, data, and film or hardcopy images for diagnostic review and interpretation by a licensed practitioner as the images are being produced.

Source: Laws 2007, LB463, § 642. Operative date December 1, 2008.

38-1905. Licensed practitioner, defined. Licensed practitioner means a person licensed to practice medicine, dentistry, podiatry, chiropractic, osteopathic medicine and surgery, or as an osteopathic physician.

Source: Laws 2007, LB463, § 643. Operative date December 1, 2008.

38-1905.01. Limited computed tomography radiographer, defined. Limited computed tomography radiographer means a person licensed pursuant to section 38-1917.01 to practice medical radiography restricted to computed tomography.

Source: Laws 2008, LB928, § 8. Operative date December 1, 2008.

38-1906. Limited radiographer, defined. Limited radiographer means a person licensed to practice medical radiography pursuant to section 38-1916. Limited radiographer does not include a person certified under section 38-3012.

Source: Laws 2007, LB463, § 644. Operative date December 1, 2008.

38-1907. Medical radiographer, defined. Medical radiographer means a person licensed pursuant to subsection (1) of section 38-1915 to practice medical radiography.

Source: Laws 2007, LB463, § 645; Laws 2008, LB928, § 7. Operative date December 1, 2008.

38-1908. Medical radiography, defined. Medical radiography means the application of radiation to humans for diagnostic purposes, including, but not limited to, utilizing proper:

- (1) Radiation protection for the patient, the radiographer, and others;
- (2) Radiation generating equipment operation and quality control;
- (3) Image production and evaluation;
- (4) Radiographic procedures;
- (5) Processing of films;
- (6) Positioning of patients;
- (7) Performance methods to achieve optimum radiographic technique with a minimum of radiation exposure; and
- (8) Patient care and management as it relates to the practice of medical radiography.

Source: Laws 2007, LB463, § 646; Laws 2010, LB849, § 3. Operative Date: April 14, 2010.

38-1908.01. Nuclear medicine technologist, defined. Nuclear medicine technologist means a person who meets the requirements for training and experience for nuclear medicine technology under the Radiation Control Act and the rules and regulations adopted and promulgated under the act.

Source: Laws 2008, LB928, § 9. Operative date December 1, 2008.

38-1908.02. Patient care and management; defined. Patient care and management, as it relates to the practice of medical radiography, includes, but is not limited to:

- (1) Infection control;
- (2) Patient transfer and movement;
- (3) Assisting patients with medical equipment;
- (4) Routine monitoring;
- (5) Medical emergencies;

(6) Proper use of contrast media; and

(7) Patient safety and protection, including minimizing and monitoring patient radiation exposure through utilizing proper professional standards and protocols, including the principle of as low as reasonably achievable.

Source: Laws 2010, LB849, § 4. Operative Date: April 14, 2010.

38-1909. Radiation, defined. Radiation means ionizing radiation and nonionizing radiation as follows:

(1) Ionizing radiation means gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays but does not include sound or radio waves or visible, infrared, or ultraviolet light; and

(2) Nonionizing radiation means (a) any electromagnetic radiation which can be generated during the operation of electronic products as defined in section 71-3503 to such energy density levels as to present a biological hazard to occupational and public health and safety and the environment, other than ionizing electromagnetic radiation, and (b) any sonic, ultrasonic, or infrasonic waves which are emitted from an electronic product as defined in section 71-3503 as a result of the operation of an electronic circuit in such product and to such energy density levels as to present a biological hazard to occupational and public health and safety and the environment.

Source: Laws 2007, LB463, § 647. Operative date December 1, 2008.

38-1910. Radiation-generating equipment, defined. Radiation-generating equipment means any manufactured product or device, component part of such a product or device, or machine or system which during operation can generate or emit radiation except devices which emit radiation only from radioactive material.

Source: Laws 2007, LB463, § 648. Operative date December 1, 2008.

38-1911. Sources of radiation, defined. Sources of radiation means any radioactive material, any radiation-generating equipment, or any device or equipment emitting or capable of emitting radiation or radioactive material.

Source: Laws 2007, LB463, § 649. Operative date December 1, 2008.

38-1912. Undesirable radiation, defined. Undesirable radiation means radiation in such quantity and under such circumstances as determined from time to time by rules and regulations adopted and promulgated by the department.

Source: Laws 2007, LB463, § 650. Operative date December 1, 2008.

38-1913. X-ray system, defined. X-ray system means an assemblage of components for the controlled production of X-rays, including, but not limited to, an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

Source: Laws 2007, LB463, § 651. Operative date December 1, 2008.

38-1914. Board; members; qualifications; terms; meetings. The board shall consist of four medical radiographers and one limited radiographer. Of the first four medical radiographers appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years. The first limited radiographer shall be appointed for a term of five years. Thereafter each appointment shall be for a term of five years. The board shall meet at least two times per calendar year.

Source: Laws 2005, LB 453, § 2; R.S.Supp.,2006, § 71-3512; Laws 2007, LB463, § 652. Operative date December 1, 2008.

38-1915. Medical radiographer; requirements. (1) A person licensed by the department, with the recommendation of the board, as a medical radiographer may practice medical radiography on any part of the human anatomy for interpretation by and under the direction of a licensed practitioner, including computed tomography but excluding interpretative fluoroscopic procedures, and may use fluoroscopy in conjunction with a certified registered nurse anesthetist as authorized in section 38-711.

(2) An applicant for a license as a medical radiographer shall:

(a) Complete an educational program in radiography approved by the board pursuant to subsection (1) of section 38-1918;

(b) Complete an application in accordance with the Uniform Credentialing Act; and

(c) Successfully complete an examination approved by the board.

(3) Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions (2)(a) and (c) of this section.

Source: Laws 1987, LB 390, § 23; Laws 1995, LB 406, § 46; Laws 1997, LB 752, § 181; Laws 2002, LB 1021, § 75; Laws 2006, LB 994, § 104; R.S.Supp.,2006, § 71-3515.01; Laws 2007, LB463, § 653; Laws 2008, LB928, § 10. Operative date December 1, 2008.

38-1916. Limited radiographer; requirements; specific anatomical region. (1) A person licensed by the department,

with the recommendation of the board, as a limited radiographer may practice medical radiography on limited regions of the human anatomy, using only routine radiographic procedures, for the interpretation by and under the direction of a licensed practitioner, excluding computed tomography, the use of contrast media, and the use of fluoroscopic or mammographic equipment. An applicant for a license as a limited radiographer shall successfully complete an examination approved by the board, as described in subdivision (2)(a) of section 38-1918 and at least one of the anatomical regions listed in subdivision (2)(b) of such section or successfully complete an examination approved by the department, as described in subsection (3) of section 38-1918.

(2) Each license issued shall be specific to the anatomical region or regions for which the applicant has passed an approved examination, except that an applicant may be licensed in the anatomical region of Abdomen upon successful passage of the examinations described in subdivisions (2)(a) and (2)(b)(iv) of section 38-1918 and upon a finding by the department, with the recommendation of the board, that continued provision of service for a community would be in jeopardy.

Source: Laws 2007, LB463, § 654. Operative date December 1, 2008.

38-1917. Student; provisions not applicable; temporary medical radiographer license; term. The requirements of sections 38-1915 and 38-1916 do not apply to a student while enrolled and participating in an educational program in medical radiography who, as a part of an educational program, applies X-rays to humans while under the supervision of the licensed practitioners or medical radiographers associated with the educational program. Students who have completed at least twelve months of the training course described in subsection (1) of section 38-1918 may apply for licensure as a temporary medical radiographer. Temporary medical radiographer licenses shall expire eighteen months after issuance and shall not be renewed. Persons licensed as temporary medical radiographers shall be permitted to perform the duties of a limited radiographer licensed in all anatomical regions of subdivision (2)(b) of section 38-1918 and Abdomen.

Source: Laws 2007, LB463, § 655. Operative date December 1, 2008.

38-1917.01. Limited computed tomography radiographer; requirements; nuclear medicine technologist; activities authorized. (1) A person licensed by the department, with the recommendation of the board, as a limited computed tomography radiographer may practice medical radiography restricted to computed tomography. An applicant for a license as a limited computed tomography radiographer shall:

(a) Complete an application in accordance with the Uniform Credentialing Act;

(b) Be certified by (i) the Nuclear Medicine Technology Certification Board or (ii) the American Registry of Radiologic Technologists in nuclear medicine technology; and

(c) Be certified by the American Registry of Radiologic Technologists in computed tomography.

(2) A nuclear medicine technologist may perform computed tomography without being licensed under the Medical Radiography Practice Act if such practice is limited to X-rays produced by a combination nuclear medicine-computed tomography system and administered as an integral part of a nuclear medicine procedure that uses a computed tomography protocol for purposes of attenuation correction and anatomical localization only and if the nuclear medicine technologist has received documented device-specific training on the combination nuclear medicine-computed tomography system.

Source: Laws 2008, LB928, § 11. Operative date December 1, 2008.

38-1917.02. Student; provisions not applicable; temporary limited computed tomography radiographer license; term. The requirements of section 38-1917.01 do not apply to a student while enrolled and participating in an educational program in nuclear medicine technology who, as part of the educational program, applies X-rays to humans using a computed tomography system while under the supervision of the licensed practitioners, medical radiographers, or limited computed tomography radiographers associated with the educational program. A person registered by the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists in nuclear medicine technology may apply for a license as a temporary limited computed tomography radiographer. Temporary limited computed tomography radiographer licenses shall expire twenty-four months after issuance and shall not be renewed. Persons licensed as temporary limited computed tomography radiographers shall be permitted to perform medical radiography restricted to computed tomography while under the direct supervision and in the physical presence of licensed practitioners, medical radiographers, or limited computed tomography radiographers.

Source: Laws 2008, LB928, § 12. Operative date December 1, 2008.

38-1918. Educational programs; testing; requirements. (1)(a) The educational program for medical radiographers shall consist of twenty-four months of instruction in radiography approved by the board which includes, but is not limited to:

(i) Radiation protection for the patient, the radiographer, and others;

(ii) Radiation generating equipment operation and quality control;

(iii) Image production and evaluation;

(iv) Radiographic procedures;

(v) Processing of films;

- (vi) Positioning of patients;
- (vii) Performance methods to achieve optimum radiographic technique with a minimum of radiation exposure; and
- (viii) Patient care and management as it relates to the practice of medical radiography.

(b) The board shall recognize equivalent courses of instruction successfully completed by individuals who are applying for licensure as medical radiographers when determining if the requirements of section 38-1915 have been met.

(2) The examination for limited radiographers shall include, but not be limited to:

(a) Radiation protection, radiation generating equipment operation and quality control, image production and evaluation, radiographic procedures, and patient care and management; and

(b) The anatomy of, and positioning for, specific regions of the human anatomy. The anatomical regions shall include at least one of the following:

- (i) Chest;
- (ii) Extremities;
- (iii) Skull and sinus;
- (iv) Spine; or
- (v) Ankle and foot.

(3) The examination for limited radiographers in bone density shall include, but not be limited to, basic concepts of bone densitometry, equipment operation and quality control, radiation safety, and dual X-ray absorptiometry (DXA) scanning of the finger, heel, forearm, lumbar spine, and proximal femur.

(4) The department, with the recommendation of the board, shall adopt and promulgate rules and regulations regarding the examinations required in sections 38-1915 and 38-1916. Such rules and regulations shall provide for (a) the administration of examinations based upon national standards, such as the Examination in Radiography from the American Registry of Radiologic Technologists for medical radiographers, the Examination for the Limited Scope of Practice in Radiography or the Bone Densitometry Equipment Operator Examination from the American Registry of Radiologic Technologists for limited radiographers, or equivalent examinations that, as determined by the board, meet the standards for educational and psychological testing as recommended by the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education, (b) procedures to be followed for examinations, (c) the method of grading and the passing grades for such examinations, (d) security protection for questions and answers, and (e) for medical radiographers, the contents of such examination based on the course requirements for medical radiographers prescribed in subsection (1) of this section. Any costs incurred in determining the extent to which examinations meet the examining standards of this subsection shall be paid by the individual or organization proposing the use of such examination.

(5) No applicant for a license as a limited radiographer may take the examination for licensure, or for licensure for any specific anatomical region, more than three times without first waiting a period of one year after the last unsuccessful attempt of the examination and submitting proof to the department of completion of continuing competency activities as required by the board for each subsequent attempt.

Source: Laws 1987, LB 390, § 24; Laws 1990, LB 1064, § 21; Laws 1995, LB 406, § 47; Laws 1996, LB 1044, § 656; Laws 2000, LB 1115, § 74; Laws 2002, LB 1021, § 76; Laws 2003, LB 242, § 115; Laws 2006, LB 994, § 105; R.S.Supp., 2006, § 71-3515.02; Laws 2007, LB463, § 656; Laws 2010, LB849, § 5. Operative Date: April 14, 2010.

38-1919. Fees. The department shall establish and collect fees for credentialing under the Medical Radiography Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 657. Operative date December 1, 2008.

38-1920. Dental hygienists and dental assistants; exemptions from act. (1) Persons authorized under the Dentistry Practice Act to practice as dental hygienists and dental assistants who meet the requirements of section 38-1135 shall not be required to be licensed under the Medical Radiography Practice Act.

(2) The department may exempt certain users of sources of radiation from licensing requirements established under the Medical Radiography Practice Act when the board finds that the exemption will not constitute a significant risk to occupational and public health and safety and the environment.

(3) Individuals who are currently licensed in the State of Nebraska as podiatrists, chiropractors, dentists, physicians and surgeons, osteopathic physicians, physician assistants, and veterinarians shall be exempt from the rules and regulations of the department pertaining to the qualifications of persons for the use of X-ray radiation-generating equipment operated for diagnostic purposes.

Source: Laws 2007, LB463, § 658. Operative date December 1, 2008.