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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-FIFTH  
SESSION**

**HOUSE FILE No. 1070**

February 19, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act  
1.2 relating to health; providing public access to quality medical imaging procedures  
1.3 and radiation therapy procedures; proposing coding for new law in Minnesota  
1.4 Statutes, chapter 144.

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

1.6 Section 1. [144.120] CONSUMER ASSURANCE OF RADIOLOGIC  
1.7 EXCELLENCE.

1.8 Subdivision 1. Citation. This act may be cited as the "Consumer Assurance of  
1.9 Radiologic Excellence Act."

1.10 Subd. 2. State medical radiation licenses. Pursuant to United States Code, title  
1.11 42, section 1396b, the commissioner of health shall implement the policies in paragraphs  
1.12 (a) to (d).

1.13 (a) Subject to paragraphs (b) and (c), it is unlawful for an individual in the state  
1.14 to intentionally administer or plan medical imaging procedures or radiation therapy  
1.15 procedures to or for a patient for medical or chiropractic purposes unless the individual  
1.16 has obtained a state license, certificate, or other document that authorizes the individual to  
1.17 administer the procedures in the state, referred to in this section as a "medical radiation  
1.18 license."

1.19 (b) Notwithstanding any other provision of law, the commissioner deems an  
1.20 individual as holding a medical radiation license if the individual is licensed in the state as  
1.21 a doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic.

1.22 (c) The commissioner shall require an individual who administers or plans medical  
1.23 imaging procedures or radiation therapy procedures to obtain a medical radiation license  
1.24 unless:

2.1 (1) the individual exclusively performs medical ultrasound or echocardiography; or  
2.2 (2) the individual is a student enrolled in an educational institution or program  
2.3 that is accredited according to subdivision 3 and, as a student, intentionally administers  
2.4 medical imaging procedures or radiation therapy procedures for medical or chiropractic  
2.5 purposes under the supervision of an individual who holds a medical radiation license  
2.6 obtained from the commissioner.

2.7 (d) The commissioner shall not provide a medical radiation license to an individual  
2.8 unless the individual meets:

2.9 (1) the criteria established under subdivision 3 by the department; and

2.10 (2) additional criteria as the department may establish.

2.11 Subd. 3. **Minimum licensing criteria.** Not later than 18 months after the date  
2.12 of the enactment of the federal Consumer Assurance of Radiologic Excellence Act,  
2.13 the commissioner shall by rule adopt criteria that, for purposes of this subdivision,  
2.14 establishes the minimum standards for an individual to obtain a medical radiation license  
2.15 in compliance with federal regulations.

2.16 Subd. 4. **Required standards.** The commissioner shall ensure that standards under  
2.17 subdivision 3 are in accordance with the following criteria. The standard shall:

2.18 (1) specify the educational requirements for an individual to obtain a medical  
2.19 radiation license, including, if applicable, requirements regarding practical experience;

2.20 (2) provide that an educational requirement under clause (1) be provided by  
2.21 an educational institution or program that is accredited by a nonprofit private entity  
2.22 recognized by the commissioner for purposes of this section; and

2.23 (3) specify the criteria that an entity is required to meet in order to be recognized by  
2.24 the commissioner as an accredited entity under clause (2). The criteria shall provide that an  
2.25 entity will not be recognized unless the entity establishes accrediting criteria satisfactory  
2.26 to the commissioner with respect to the quality of educational institutions and programs  
2.27 in the areas of administrative policies and procedures, curricula, record keeping, faculty,  
2.28 administrative support, and other areas as the commissioner determines to be appropriate.

2.29 Subd. 5. **Definitions.** For purposes of this section, the following terms have the  
2.30 meaning given.

2.31 (a) "Administer," with respect to medical imaging procedures or radiation therapy  
2.32 procedures, means the act of directly exposing a patient to radiation via ionizing or RF  
2.33 radiation for purposes of medical imaging or for purposes of radiation therapy; and the  
2.34 act of positioning a patient to receive such an exposure.

2.35 (b) "Medical imaging procedure" means any procedure or article, excluding medical  
2.36 ultrasound procedures or articles, intended for use in the diagnosis of disease or other

3.1 medical or chiropractic conditions in humans, including diagnostic x-rays, nuclear  
3.2 medicine, and magnetic resonance procedures.

3.3 (c) "Medical radiation license" has the meaning indicated in subdivision 2, paragraph  
3.4 (a).

3.5 (d) "Plan," with respect to medical imaging procedures or radiation therapy  
3.6 procedures, means the act of preparing for the administering of such a procedure to a  
3.7 patient by evaluating patient-specific or site-specific information, based on computer  
3.8 analysis or direct measurement of dose, in order to customize the procedure for the patient  
3.9 and verifying appropriate dose administrations.

3.10 (e) "Radiation therapy procedure" means any radiation procedure or article intended  
3.11 for the cure, mitigation, or prevention of diseases or disorders in humans.