

SENATE  
STATE OF MINNESOTA  
EIGHTY-FIFTH LEGISLATURE

S.F. No. 445

(SENATE AUTHORS: FISCHBACH, Metzen and Clark; Companion to H.F. No. 645)

DATE	D-PG	OFFICIAL STATUS
02/01/2007	196	Introduction and first reading
02/01/2007		Referred to Health, Housing and Family Security
04/12/2007	2015a	Comm rpt: To pass as amend & re-ref to Finance
05/03/2007		Committee report: To pass as amended
05/03/2007		Second reading

1.1 A bill for an act  
 1.2 relating to occupations and professions; modifying provisions for individuals  
 1.3 operating x-ray equipment; appropriating money; amending Minnesota Statutes  
 1.4 2006, section 144.121, subdivision 5, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2006, section 144.121, subdivision 5, is amended to read:

1.7 Subd. 5. **Examination for individual operating x-ray equipment.** ~~After January~~  
 1.8 ~~1, 1997, an individual in a facility with x-ray equipment for use on humans that is~~  
 1.9 ~~registered under subdivision 1 may not operate, nor may the facility allow the individual~~  
 1.10 ~~to operate, x-ray equipment unless the individual has passed an examination approved~~  
 1.11 ~~by the commissioner of health, or an examination determined to the satisfaction of the~~  
 1.12 ~~commissioner of health to be an equivalent national, state, or regional examination;~~  
 1.13 ~~that demonstrates the individual's knowledge of basic radiation safety, proper use of~~  
 1.14 ~~x-ray equipment, darkroom and film processing, and quality assurance procedures. The~~  
 1.15 ~~commissioner shall establish by rule criteria for the approval of examinations required~~  
 1.16 ~~for an individual operating an x-ray machine in Minnesota~~ (a) After January 1, 2008, an  
 1.17 individual in a facility with x-ray equipment for use on humans that is registered under  
 1.18 subdivision 1 may not operate, nor may the facility allow the individual to operate, x-ray  
 1.19 equipment unless the individual has passed a national examination for limited x-ray  
 1.20 machine operators that meets the requirements of paragraphs (b) and (c) and is approved  
 1.21 by the commissioner of health.

1.22 (b) The commissioner shall establish criteria for the approval of examinations  
 1.23 based on national standards, such as the examination in radiography from the American  
 1.24 Registry of Radiologic Technologists, the examination for limited scope of practice in

2.1 radiography from the American Registry of Radiologic Technologists for limited x-ray  
2.2 machine operators, and the American Registry of Chiropractic Radiography Technologists  
2.3 for limited radiography in spines and extremities; or equivalent examinations approved  
2.4 by other states. Equivalent examinations may be approved by the commissioner, if  
2.5 the examination is consistent with the standards for educational and psychological  
2.6 testing as recommended by the American Education Research Association, the American  
2.7 Psychological Association, the National Council on Measurement in Education, or the  
2.8 National Commission for Certifying Agencies. The organization proposing the use of an  
2.9 equivalent examination shall submit a fee to the commissioner of \$1,000 per examination  
2.10 to cover the cost of determining the extent to which the examination meets the examining  
2.11 standards. The collected fee shall be deposited in the state treasury and credited to the  
2.12 state government special revenue fund.

2.13 (c) The examination for limited x-ray machine operators must include:

2.14 (1) radiation protection, equipment maintenance and operation, image production  
2.15 and evaluation, and patient care and management; and

2.16 (2) at least one of the following regions of the human anatomy: chest, extremities,  
2.17 skull and sinus, spine, or ankle and foot. The examinations must include the anatomy of,  
2.18 and positioning for, the specific regions.

2.19 (d) A limited x-ray operator who is required to take an examination under this  
2.20 subdivision must submit to the commissioner an application for the examination, a \$25  
2.21 processing fee, and the required examination fee set by the national organization offering  
2.22 the examination. The processing fee and the examination fee shall be deposited in the state  
2.23 treasury and credited to the state government special revenue fund. The commissioner  
2.24 shall submit the fee to the national organization providing the examination.

2.25 **Sec. 2. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision**  
2.26 **to read:**

2.27 **Subd. 5a. Limited x-ray machine operator practice. (a) A limited x-ray operator**  
2.28 **may only practice medical radiography on limited regions of the human anatomy for**  
2.29 **which the operator has successfully passed an examination identified in subdivision 5,**  
2.30 **unless the operator meets one of the exemptions described in paragraph (b). The operator**  
2.31 **may practice using only routine radiographic procedures, for the interpretation by and**  
2.32 **under the direction of a licensed practitioner, excluding computed tomography, the use of**  
2.33 **contrast media, and the use of fluoroscopic or mammographic equipment.**

2.34 **(b) This subdivision does not apply to:**

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

3.3 (2) certified radiologic technologists, licensed dental hygienists, registered dental  
3.4 assistants, certified registered nurse anesthetists, and registered physician assistants;

3.5 (3) individuals who are licensed in Minnesota to practice medicine, osteopathy,  
3.6 chiropractic, podiatry, or dentistry; and

3.7 (4) individuals who are participating in a training course in any of the occupations  
3.8 listed in clause (2) or (3) for the duration and within the scope of the training course.

3.9 Sec. 3. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision  
3.10 to read:

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

3.25 Sec. 4. **APPROPRIATIONS.**

3.26 \$10,000 is appropriated in fiscal year 2008 and \$5,000 is appropriated in fiscal year  
3.27 2009 from the state government special revenue fund to the commissioner of health for the  
3.28 purpose of the examination procedures for individuals operating x-ray equipment.

3.29 Sec. 5. **EFFECTIVE DATE.**

3.30 Sections 1 to 4 are effective January 1, 2008.