

106TH CONGRESS
2^D SESSION

H. R. 5274

To amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2000

Mr. LAZIO (for himself, Mr. MCHUGH, Mr. RAHALL, Mr. McKEON, Mr. OBERSTAR, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Assurance
5 of Radiologic Excellence Act”.

1 **SEC. 2. STATE LICENSES REGARDING PRACTITIONERS OF**
2 **MEDICAL IMAGING AND RADIATION THER-**
3 **APY; LIMITATION ON MEDICAID PAYMENTS**
4 **FOR PROCEDURES.**

5 Title XIX of the Social Security Act (42 U.S.C. 1396
6 et seq.) is amended—

7 (1) in section 1903(i) (42 U.S.C. 1396b(i))—

8 (A) in paragraph (20), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (B) by inserting after paragraph (20) the
11 following paragraph:

12 “(21) with respect to any amount expended on
13 medical imaging procedures or radiation therapy
14 procedures unless the State meets the requirements
15 of section 1930A (relating to State medical radiation
16 licenses).”; and

17 (2) by inserting after section 1930 the following
18 section:

19 “STATE MEDICAL RADIATION LICENSES

20 “SEC. 1930A. (a) STATE LICENSES REGARDING
21 MEDICAL IMAGING AND RADIATION THERAPY.—For pur-
22 poses of section 1903(i)(21), a State meets the require-
23 ments of this section if the State demonstrates to the sat-
24 isfaction of the Secretary that the law of the State has
25 in effect the following policies:

1 “(1) Subject to paragraphs (2) and (3), it is
2 unlawful for an individual to administer medical im-
3 aging procedures or radiation therapy procedures in
4 the State unless the individual has obtained from
5 the State a license, certificate, or other document
6 that authorizes the individual to administer such
7 procedures in the State (referred to in this section
8 as a ‘medical radiation license’).

9 “(2) Notwithstanding any other provision of
10 this section, the State deems an individual as hold-
11 ing a medical radiation license if the individual is li-
12 censed in the State as a doctor of medicine, osteop-
13 athy, dentistry, podiatry, or chiropractic.

14 “(3) The State requires an individual who ad-
15 ministers medical imaging procedures or radiation
16 therapy procedures to obtain a medical radiation li-
17 cense from the State, unless—

18 “(A) the individual exclusively performs
19 medical ultrasound or echocardiography; or

20 “(B) the individual is a student enrolled in
21 an educational institution or program that is
22 accredited pursuant to subsection (b)(2)(B)
23 and, as a student, intentionally administers
24 medical imaging procedures or radiation ther-
25 apy procedures for medical purposes under the

1 supervision of an individual who holds a medical
2 radiation license obtained from the State.

3 “(4) The State considers an individual as ad-
4 ministering medical imaging procedures or radiation
5 therapy procedures if the individual is a medical or
6 chiropractic radiologic technologist, a radiation ther-
7 apist, or a nuclear medicine technologist, or is any
8 other individual who intentionally administers any of
9 such procedures to another individual for medical
10 purposes.

11 “(5) The State does not provide a medical radi-
12 ation license to an individual unless the individual
13 meets—

14 “(A) the criteria established under sub-
15 section (b) by the Secretary; and

16 “(B) such additional criteria as the State
17 may establish.

18 “(b) ISSUANCE BY SECRETARY OF MINIMUM LICENS-
19 ING CRITERIA.—

20 “(1) IN GENERAL.—Not later than 18 months
21 after the date of the enactment of the Consumer As-
22 surance of Radiologic Excellence Act, the Secretary
23 shall by regulation issue criteria that, for purposes
24 of subsection (a)(5)(A), establish the minimum
25 standards for an individual to obtain a medical radi-

1 ation license from a State. In carrying out the pre-
2 ceding sentence, the Secretary shall—

3 “(A) establish such standards as the Sec-
4 retary determines to be appropriate for ensur-
5 ing the quality performance of medical imaging
6 procedures and radiation therapy procedures;
7 and

8 “(B) ensure that the standards are at least
9 as protective of the public health as standards
10 issued under the Consumer-Patient Radiation
11 Health and Safety Act of 1981.

12 “(2) CERTAIN STANDARDS.—The Secretary
13 shall ensure that standards under paragraph (1) are
14 in accordance with the following:

15 “(A) The standards shall specify the edu-
16 cational requirements for an individual to ob-
17 tain a medical radiation license, including, if
18 applicable, requirements regarding practical ex-
19 perience.

20 “(B) The standards shall provide that an
21 educational requirement under subparagraph
22 (A) is that the education involved be provided
23 by an educational institution or program that is
24 accredited by a nonprofit private entity recog-

1 nized by the Secretary for purposes of this sub-
2 section.

3 “(C) The standards shall specify the cri-
4 teria that an entity is required to meet in order
5 to be recognized by the Secretary as an accred-
6 iting entity under subparagraph (B). Such cri-
7 teria shall provide that an entity will not be so
8 recognized unless the entity establishes accred-
9 iting criteria satisfactory to the Secretary with
10 respect to the quality of educational institutions
11 and programs in the areas of administrative
12 policies and procedures, curricula, record-
13 keeping, faculty, administrative support, and
14 such other areas as the Secretary determines to
15 be appropriate.

16 “(3) CONSULTATION.—In developing standards
17 under paragraph (1), the Secretary shall consult
18 with organizations that are nationally recognized for
19 their expertise in education and credentialing in
20 radiologic technology.

21 “(c) DEFINITIONS.—For purposes of this section:

22 “(1) The term ‘medical imaging procedure’
23 means any procedure or article, excluding medical
24 ultrasound procedures or articles, intended for use
25 in the diagnosis of disease or other medical, chiro-

1 practic, or dental conditions in humans, including di-
2 agnostic X-rays, nuclear medicine and magnetic res-
3 onance procedures.

4 “(2) The term ‘medical radiation license’ has
5 the meaning indicated for such term in subsection
6 (a)(1).

7 “(3) The term ‘radiation therapy procedure’
8 means any radiation procedure or article intended
9 for the cure, mitigation, or prevention of diseases or
10 disorders in humans.”.

11 **SEC. 3. APPLICABILITY.**

12 With respect to the condition described in paragraph
13 (21) of section 1903(i) of the Social Security Act (as in-
14 serted by section 2 of this Act):

15 (1) Except as provided in paragraph (2), such
16 condition applies to the States on and after the first
17 day of the first calendar quarter that begins after
18 the date on which the Secretary of Health and
19 Human Services promulgates the final rule under
20 section 1930A(b)(1) of the Social Security Act (as
21 added by section 2 of this Act).

22 (2) If the Secretary determines that meeting
23 such condition requires State legislation (other than
24 legislation appropriating funds), the condition ap-
25 plies to the State involved on and after the first day

1 of the first calendar quarter that begins after the
2 close of the relevant session of the State legislature.

3 For purposes of the preceding sentence:

4 (A) The relevant session is the first reg-
5 ular session of the State legislature that begins
6 after the date on which such final rule is pro-
7 mulgated by the Secretary, subject to subpara-
8 graph (B).

9 (B) If the State has a two-year legislative
10 session, each year of the session is deemed to
11 be a separate regular session of the State legis-
12 lature for purposes of subparagraph (A).

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