

**Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.14, relating to Registered Nurses Performing Radiological Procedures**

**Background:** During the 84<sup>th</sup> Legislative Session, Senate Bill (SB) 202 was enacted by the Texas Legislature and amended Chapter 601 of the Texas Occupations Code. Among other things, SB 202 transferred the licensing and regulation of radiologic technologists from the Department of State Health Services to the Texas Medical Board. SB 202 also created an advisory board responsible for establishing the minimum standards for curriculum and education programs designed to train medical radiologic technologists to perform radiologic procedures.

Pursuant to Chapter 601, any individual who performs a radiologic procedure must hold a certificate issued by the advisory board unless: (1) the individual is a practitioner (doctor of medicine, osteopathy, podiatry, dentistry, or chiropractic) or performs the procedure under the instruction or direction of a practitioner; or (2) performs the radiologic procedure in a hospital that participates in the federal Medicare program or is accredited by the Joint Commission on Accreditation of Hospitals and has completed a training program approved by the advisory board.

Chapter 601 also includes an exemption from the mandatory training guidelines established by the advisory board for registered nurses performing radiologic procedures. Instead, §601.253 requires the Board to adopt rules establishing mandatory training guidelines for registered nurses performing radiologic procedures; requiring registered nurses performing radiologic procedures to register with the Board and to identify the practitioner ordering the procedures; and to notify the practitioner's licensing agency that the nurse has registered under Chapter 601.

The proposed amendments, attached as Attachment "A", are necessary to comply with the statutory mandates of Chapter 601.

**Board Action:** Move to approve the proposed amendments to 22 Texas Administrative Code §217.14, relating to Registered Nurses Performing Radiological Procedures, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Texas Administrative Code §217.14, relating to Registered Nurses Performing Radiological Procedures, as proposed.

Attachment "A"

§217.14. Registered Nurses Performing Radiologic Procedures.

(a) A registered nurse who performs radiologic procedures other than in a hospital that participates in the federal Medicare program or that is accredited by The Joint Commission shall submit an application for registration to the Board [~~board~~] and shall submit evidence including, but not limited to, the following:

(1) current licensure as a registered nurse in the State of Texas; and

(2) the name and business address of the practitioner or director of radiological services under whose instruction or direction the radiologic procedures are performed.

(b) After review by the Board [~~board~~], notification of registration shall be mailed to the registered nurse informing him/her that the registration with the Board [~~board~~] has been completed.

(c) The registered nurse who is registered to perform radiologic procedures pursuant to subsection (a) of this section shall notify the Board [~~board~~] within 30 days of any changes that would render the information on the nurse's application incorrect, including, but not limited to any changes in the identity of the practitioner or director of radiological procedures under whose instruction or direction the radiologic procedures are performed.

(d) The registered nurse whose functions include radiologic procedures must act within the scope of the Texas Nursing Practice Act and the Board's rules and complete a training program that adequately prepares the nurse to provide safe and effective nursing

care in that role. Further, the nurse [and] shall comply with the [training] requirements and limitations of the Medical Radiologic Technologist Certification Act (Occupations Code Chapter 601) and any applicable [the] rules of the Texas Medical Board. In addition, to the extent applicable, the registered nurse must be in compliance with the Texas Medical Practice Act, the Texas Pharmacy Act, and any other applicable laws of the State of Texas.

(e) Each nurse shall be responsible for maintaining a record demonstrating completion of an appropriate training program that has adequately prepared the nurse to perform radiologic procedures. These records shall document attendance and completion of the training program, as evidenced by original certificates of attendance and completion, and must be available for submission to the Board upon audit. These records shall be maintained by the nurse for a minimum of three consecutive renewal periods or six years.

(f)[(e)] Any nurse who violates these rules, ~~the applicable rules of the Texas Medical Board, or other applicable law~~ shall be subject to disciplinary action ~~[by the board under the Occupations Code Chapter 301 and the Board's rules]~~.

