

SB3305



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3305

Introduced 2/14/2014, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

420 ILCS 40/5

from Ch. 111 1/2, par. 210-5

Amends the Radiation Protection Act of 1990. Provides, with specified exceptions, that no person shall intentionally administer radiation to a human being with a fluoroscopic radiation machine unless that person is licensed to practice a treatment of human ailments under the Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987.

LRB098 19393 MGM 54550 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Radiation Protection Act of 1990 is amended
5 by changing Section 5 as follows:

6 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 5. Limitations on application of radiation to human
9 beings and requirements for radiation installation operators
10 providing mammography services.

11 (a) No person shall intentionally administer radiation to a
12 human being unless such person is licensed to practice a
13 treatment of human ailments by virtue of the Illinois Medical,
14 Dental or Podiatric Medical Practice Acts, or, as physician
15 assistant, advanced practice nurse, technician, nurse, or
16 other assistant, is acting under the supervision, prescription
17 or direction of such licensed person. However, no such
18 physician assistant, advanced practice nurse, technician,
19 nurse, or other assistant acting under the supervision of a
20 person licensed under the Medical Practice Act of 1987, shall
21 administer radiation to human beings unless accredited by the
22 Agency, except that persons enrolled in a course of education
23 approved by the Agency may apply ionizing radiation to human

1 beings as required by their course of study when under the
2 direct supervision of a person licensed under the Medical
3 Practice Act of 1987. No person authorized by this Section to
4 apply ionizing radiation shall apply such radiation except to
5 those parts of the human body specified in the Act under which
6 such person or his supervisor is licensed. No person may
7 operate a radiation installation where ionizing radiation is
8 administered to human beings unless all persons who administer
9 ionizing radiation in that radiation installation are
10 licensed, accredited, or exempted in accordance with this
11 Section. Nothing in this Section shall be deemed to relieve a
12 person from complying with the provisions of Section 10.

13 (b) In addition, no person shall provide mammography
14 services unless all of the following requirements are met:

15 (1) the mammography procedures are performed using a
16 radiation machine that is specifically designed for
17 mammography;

18 (2) the mammography procedures are performed using a
19 radiation machine that is used solely for performing
20 mammography procedures;

21 (3) the mammography procedures are performed using
22 equipment that has been subjected to a quality assurance
23 program that satisfies quality assurance requirements
24 which the Agency shall establish by rule;

25 (4) beginning one year after the effective date of this
26 amendatory Act of 1991, if the mammography procedure is

1 performed by a radiologic technologist, that technologist,
2 in addition to being accredited by the Agency to perform
3 radiography, has satisfied training requirements specific
4 to mammography, which the Agency shall establish by rule.

5 (c) Every operator of a radiation installation at which
6 mammography services are provided shall ensure and have
7 confirmed by each mammography patient that the patient is
8 provided with a pamphlet which is orally reviewed with the
9 patient and which contains the following:

10 (1) how to perform breast self-examination;

11 (2) that early detection of breast cancer is maximized
12 through a combined approach, using monthly breast
13 self-examination, a thorough physical examination
14 performed by a physician, and mammography performed at
15 recommended intervals;

16 (3) that mammography is the most accurate method for
17 making an early detection of breast cancer, however, no
18 diagnostic tool is 100% effective;

19 (4) that if the patient is self-referred and does not
20 have a primary care physician, or if the patient is
21 unfamiliar with the breast examination procedures, that
22 the patient has received information regarding public
23 health services where she can obtain a breast examination
24 and instructions.

25 (d) No person shall intentionally administer radiation to a
26 human being with a fluoroscopic radiation machine unless that

1 person is licensed to practice a treatment of human ailments
2 under the Medical Practice Act of 1987, the Illinois Dental
3 Practice Act, or the Podiatric Medical Practice Act of 1987,
4 except:

5 (1) an accredited medical radiographer may operate a
6 fluoroscope for static functions when diagnostic
7 interpretation of the fluoroscopic image is not required by
8 the radiographer and only under the supervision of a
9 licensed practitioner;

10 (2) an accredited medical radiographer may operate a
11 fluoroscope as directed by, and under the direct
12 supervision of, a licensed practitioner who is physically
13 present and participating in the procedure;

14 (3) an accredited medical radiographer or radiation
15 therapist may operate a fluoroscope for radiation therapy
16 simulation procedures under the supervision of a licensed
17 practitioner; or

18 (4) an accredited radiologist assistant may operate a
19 fluoroscope under the supervision of a licensed
20 practitioner certified by the American Board of Radiology
21 or the American Osteopathic Board of Radiology.

22 Nothing in this subsection (d) shall be interpreted to
23 prohibit other individuals from positioning the patient or from
24 adjusting the fluoroscope under the direction of a physician or
25 podiatrist who is physically present, or to require more than
26 one person authorized under this Section to be present and

1 participate in a fluoroscopic procedure.

2 (e) Any person who violates this Section is subject to
3 penalties in accordance with Section 39 of this Act.

4 (Source: P.A. 93-149, eff. 7-10-03; 94-104, eff. 7-1-05.)