

[106H5274]

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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mrs. WILSON introduced the following bill; which was referred to the
Committee on _____

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consumer Assurance
3 of Radiologic Excellence Act”.

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

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

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

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

13 (B) by inserting after paragraph (20) the
14 following paragraph:

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

20 (2) by inserting after section 1930 the following
21 section:

22 “STATE MEDICAL RADIATION LICENSES

23 “SEC. 1930A. (a) STATE LICENSES REGARDING
24 MEDICAL IMAGING AND RADIATION THERAPY.—For pur-
25 poses of section 1903(i)(21), a State meets the require-
26 ments of this section if the State demonstrates to the sat-

1 isfaction of the Secretary that the law of the State has
2 in effect the following policies:

3 “(1) Subject to paragraphs (2) and (3), it is
4 unlawful for an individual in the State to inten-
5 tionally administer or plan medical imaging proce-
6 dures or radiation therapy procedures to or for a pa-
7 tient for medical or chiropractic purposes unless the
8 individual has obtained from the State a license, cer-
9 tificate, or other document that authorizes the indi-
10 vidual to administer such procedures in the State
11 (referred to in this section as a ‘medical radiation li-
12 cense’).

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

18 “(3) The State requires an individual who ad-
19 ministers medical imaging procedures or radiation
20 therapy procedures to obtain a medical radiation li-
21 cense from the State, unless—

22 “(A) the individual exclusively performs
23 medical ultrasound or echocardiography; or

24 “(B) the individual is a student enrolled in
25 an educational institution or program that is

1 accredited pursuant to subsection (b)(2)(B)
2 and, as a student, intentionally administers
3 medical imaging procedures or radiation ther-
4 apy procedures for medical or chiropractic pur-
5 poses under the supervision of an individual
6 who holds a medical radiation license obtained
7 from the State.

8 “(4) The State does not provide a medical radi-
9 ation license to an individual unless the individual
10 meets—

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

13 “(B) such additional criteria as the State
14 may establish.

15 “(b) ISSUANCE BY SECRETARY OF MINIMUM LICENS-
16 ING CRITERIA.—

17 “(1) IN GENERAL.—Not later than 18 months
18 after the date of the enactment of the Consumer As-
19 surance of Radiologic Excellence Act, the Secretary
20 shall by regulation issue criteria that, for purposes
21 of subsection (a)(4)(A), establish the minimum
22 standards for an individual to obtain a medical radi-
23 ation license from a State. In carrying out the pre-
24 ceding sentence, the Secretary shall—

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

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

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

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

18 “(B) The standards shall provide that an
19 educational requirement under subparagraph
20 (A) is that the education involved be provided
21 by an educational institution or program that is
22 accredited by a nonprofit private entity recog-
23 nized by the Secretary for purposes of this sub-
24 section.

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

14 “(3) CONSULTATION.—In developing standards
15 under paragraph (1), the Secretary shall consult
16 with organizations that are nationally recognized for
17 their expertise in education and credentialing in
18 medical imaging procedures and radiation therapy
19 procedures.

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

21 “(1) The term ‘administer’, with respect to
22 medical imaging procedures or radiation therapy
23 procedures, means—

24 “(A) the act of directly exposing a patient
25 to radiation via ionizing or RF radiation for

1 purposes of medical imaging or for purposes of
2 radiation therapy; and

3 “(B) the act of positioning a patient to re-
4 ceive such an exposure.

5 “(2) The term ‘medical imaging procedure’
6 means any procedure or article, excluding medical
7 ultrasound procedures or articles, intended for use
8 in the diagnosis of disease or other medical or chiro-
9 practic conditions in humans, including diagnostic
10 X-rays, nuclear medicine, and magnetic resonance
11 procedures.

12 “(3) The term ‘medical radiation license’ has
13 the meaning indicated for such term in subsection
14 (a)(1).

15 “(4) The term ‘plan’, with respect to medical
16 imaging procedures or radiation therapy procedures,
17 means the act of preparing for the administering of
18 such a procedure to a patient by evaluating patient-
19 specific or site-specific information, based on com-
20 puter analysis or direct measurement of dose, in
21 order to customize the procedure for the patient.

22 “(5) The term ‘radiation therapy procedure’
23 means any radiation procedure or article intended
24 for the cure, mitigation, or prevention of diseases or
25 disorders in humans.”.

1 **SEC. 3. APPLICABILITY.**

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

5 (1) Except as provided in paragraph (2), such
6 condition applies to the States on and after the first
7 day of the first calendar quarter that begins after
8 the date on which the Secretary of Health and
9 Human Services promulgates the final rule under
10 section 1930A(b)(1) of the Social Security Act (as
11 added by section 2 of this Act).

12 (2) If the Secretary determines that meeting
13 such condition requires State legislation (other than
14 legislation appropriating funds), the condition ap-
15 plies to the State involved on and after the first day
16 of the first calendar quarter that begins after the
17 close of the relevant session of the State legislature.
18 For purposes of the preceding sentence:

19 (A) The relevant session is the first reg-
20 ular session of the State legislature that begins
21 after the date on which such final rule is pro-
22 mulgated by the Secretary, subject to subpara-
23 graph (B).

24 (B) If the State has a two-year legislative
25 session, each year of the session is deemed to

1 be a separate regular session of the State legis-
2 lature for purposes of subparagraph (A).