

No. 1987-4

AN ACT

HB 286

Relating to the performance of radiologic procedures by auxiliary personnel; postponing the effective date of certain provisions of law relating to such personnel; requiring certain actions by the Commissioner of Professional and Occupational Affairs and professional licensing boards; and transferring the authority for certification and education of such personnel under certain conditions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Postponement.

The restrictions on the performance of radiologic procedures by auxiliary personnel in the offices of medical doctors, osteopathic physicians, podiatrists and dentists scheduled by section 11.4 of the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, section 21.2 of the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act, section 16.4 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, and section 45 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, to become applicable beginning on January 1, 1987, shall not become applicable until January 1, 1988.

Section 2. Reports.

Beginning 30 days after the effective date of this act and every 30 days thereafter until such restrictions have been implemented, the Commissioner of Professional and Occupational Affairs shall report in writing to the Professional Licensure Committee of the House of Representatives and the Consumer Protection and Professional Licensure Committee of the Senate on the status of the implementation of the restrictions on the performance of radiologic procedures by auxiliary personnel in the offices of medical doctors, osteopathic physicians, podiatrists, dentists and chiropractors.

Section 3. Effect of failure to approve and administer examinations.

If either the State Board of Medicine, the State Board of Osteopathic Medicine, the State Board of Podiatry, the State Board of Dentistry or the State Board of Chiropractic has not approved the examination required to be passed by auxiliary personnel in accordance with section 11.4 of the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, section 21.2 of the act of March 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry Practice Act, section 16.4 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, section 45 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, and section 522 of the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, and the approved examination has not been administered in accordance with section 812.1 of the act of April 9,

1929 (P.L.177, No.175), known as The Administrative Code of 1929, before January 1, 1988, the power and duty of such board to approve such an examination and to contract for its administration shall expire.

Section 4. Effect of expiration of power of board.

Beginning on January 1, 1988, the Department of Environmental Resources shall provide for the examination of auxiliary personnel to perform radiologic procedures in the offices of the licensees of any board whose power and duty to approve such an examination and to contract for its administration expires pursuant to section 3. In carrying out its powers and duties under this section, the Department of Environmental Resources shall assure that such auxiliary personnel comply with minimum standards established pursuant to the Consumer-Patient Radiation Health and Safety Act of 1981 (Public Law 97-35, 95 Stat. 598) for the certification and education of persons who administer radiologic procedures and such additional requirements as the Department of Environmental Resources deems appropriate. To the maximum extent possible, the Department of Environmental Resources shall ensure compliance with those standards and requirements employing existing programs of certification established by the Federal Government, other State or local agencies and private entities as recognized pursuant to section 981(b) of the Consumer-Patient Radiation Health and Safety Act of 1981.

Section 5. Transfer of funds.

If the Department of Environmental Resources performs any of the duties or testing required under section 4, it shall be reimbursed from the funds of the board that originally had jurisdiction for such duties or testing.

Section 6. Retroactivity.

Section 1 of this act shall be retroactive to January 1, 1987.

Section 7. Effective date.

This act shall take effect immediately.

APPROVED—The 6th day of May, A. D. 1987.

ROBERT P. CASEY