

109TH CONGRESS
1ST SESSION

H. R. 1426

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

MARCH 17, 2005

Mr. PICKERING (for himself, Mr. DOYLE, Mr. TAYLOR of Mississippi, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. TANNER, Mr. DUNCAN, Mr. KILDEE, Mr. McCOTTER, Mr. ABERCROMBIE, Mr. WICKER, Mr. RYUN of Kansas, Mr. PAYNE, Mr. HYDE, Mr. HINCHEY, Mr. WALSH, Mr. TERRY, Mrs. WILSON of New Mexico, Mr. SHIMKUS, and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Energy and 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 in the State to inten-
3 tionally administer or plan medical imaging proce-
4 dures or radiation therapy procedures to or for a pa-
5 tient for medical or chiropractic purposes unless the
6 individual has obtained from the State a license, cer-
7 tificate, or other document that authorizes the indi-
8 vidual to administer such procedures in the State
9 (referred to in this section as a ‘medical radiation li-
10 cense’).

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

16 “(3) The State requires an individual who ad-
17 ministers or plans medical imaging procedures or ra-
18 diation therapy procedures to obtain a medical radi-
19 ation license from the State, unless—

20 “(A) the individual exclusively performs
21 medical ultrasound or echocardiography; or

22 “(B) the individual is a student enrolled in
23 an educational institution or program that is
24 accredited pursuant to subsection (b)(2)(B)
25 and, as a student, intentionally administers

1 medical imaging procedures or radiation ther-
2 apy procedures for medical or chiropractic pur-
3 poses under the supervision of an individual
4 who holds a medical radiation license obtained
5 from the State.

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

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

11 “(B) such additional criteria as the State
12 may establish.

13 “(b) ISSUANCE BY SECRETARY OF MINIMUM LICENS-
14 ING CRITERIA.—

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

23 “(A) establish such standards as the Sec-
24 retary determines to be appropriate for ensur-
25 ing the quality performance of medical imaging

1 procedures and radiation therapy procedures;
2 and

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

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

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

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

22 “(C) The standards shall specify the cri-
23 teria that an entity is required to meet in order
24 to be recognized by the Secretary as an accred-
25 iting entity under subparagraph (B). Such cri-

1 teria shall provide that an entity will not be so
2 recognized unless the entity establishes accred-
3 iting criteria satisfactory to the Secretary with
4 respect to the quality of educational institutions
5 and programs in the areas of administrative
6 policies and procedures, curricula, record-
7 keeping, faculty, administrative support, and
8 such other areas as the Secretary determines to
9 be appropriate.

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

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

17 “(1) The term ‘administer’, with respect to
18 medical imaging procedures or radiation therapy
19 procedures, means—

20 “(A) the act of directly exposing a patient
21 to radiation via ionizing or RF radiation for
22 purposes of medical imaging or for purposes of
23 radiation therapy; and

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

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

8 “(3) The term ‘medical radiation license’ has
9 the meaning indicated for such term in subsection
10 (a)(1).

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

19 “(5) The term ‘radiation therapy procedure’
20 means any radiation procedure or article intended
21 for the cure, mitigation, or prevention of diseases or
22 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).

