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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 417, L.D. 649, “An Act to Certify Chiropractic Assistants Who Perform X-rays as Radiologic Technologists”

Amend the bill by striking out the title and substituting the following:

'An Act to Certify Chiropractic Assistants Who Perform X-rays as Chiropractic Radiographers'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 32 MRSA §451, sub-§3-A is enacted to read:

3-A. Chiropractic radiographer. "Chiropractic radiographer" means a licensed chiropractic assistant who has been issued a certificate pursuant to section 559.

Sec. 2. 32 MRSA §451, sub-§3-B is enacted to read:

3-B. Chiropractic radiography. "Chiropractic radiography" means the use of ionizing radiation on human beings for chiropractic diagnostic purposes while under the supervision and control of a chiropractor in accordance with this chapter.

Sec. 3. 32 MRSA §555, as amended by PL 1993, c. 600, Pt. A, §52, is further amended to read:

§555. Assistants

This chapter does not prohibit an individual from rendering ancillary diagnostic or therapeutic services as used in chiropractic practice, other than the adjustive or manipulative techniques, if those services are rendered under the supervision and control of a licensed chiropractor as long as that individual has successfully completed a training program recognized by the board. "Supervision and control" may not be construed as requiring the personal presence of the supervising and controlling chiropractor at the place where those services are rendered, unless physical presence is necessary to provide patient care of the same quality as provided by the chiropractor. This chapter does not prohibit a chiropractor from delegating to an employee certain activities relating to the care and

treatment being performed by custom and usage when those activities are under the direct control of and in the presence of the chiropractor. The chiropractor delegating those activities to an employee, to a program graduate or to a participant in an approved training program is legally liable for those activities performed by such an individual, and that individual is considered to be the chiropractor's agent. A chiropractic assistant may practice chiropractic radiography as long as the chiropractic assistant has been issued a certificate as a chiropractic radiographer pursuant to section 559.

Sec. 4. 32 MRSA §559 is enacted to read:

§559. Chiropractic radiographer certificate

1. Certificate required. In addition to being licensed under section 556, an individual employed in a chiropractic office whose duties include the production of x-rays and who is not licensed under subchapter 3 must be certified by the board as a chiropractic radiographer under this section.

2. Requirements. The requirements for an individual to be certified by the board as a chiropractic radiographer under this section include that the individual:

A. Possesses a valid license under section 556;

B. Satisfactorily completes a board-approved course in radiologic technology that satisfies the standards of care governing the production of x-rays, including:

(1) At least 50 hours of instruction; and

(2) Sufficient instruction in:

(a) Physics and equipment of radiographic imaging;

(b) Principles of radiographic exposure;

(c) Radiographic protection;

(d) Anatomy and physiology; and

(e) Radiographic positioning and procedure;

C. Passes a proficiency examination in radiologic technology developed and administered by or under the authority of the board; and

D. Pays a fee not to exceed \$100 under section 558.

A person registered as active with the American Chiropractic Registry of Radiologic Technologists or a successor organization meets the requirements of paragraphs B and C.

3. Renewal. A certificate issued under this section expires at the end of the calendar year in which it is issued. A certificate holder may renew the holder's certificate upon:

A. Completion and submission of a renewal application form approved by the board;

B. Completion of board-approved continuing radiologic technology education during the year; and

C. Payment of a fee not to exceed \$100 under section 558.

A certificate may be renewed under this section within 24 months of expiration if the certificate holder completes the requirements of paragraph B for or attributed to each calendar year that the certificate was expired and pays the fee required pursuant to

1 paragraph C. If a certificate has been expired for more than 24 months, the certificate may
2 be renewed if the certificate holder completes the requirements of paragraph A and
3 subsection 2, paragraph C and pays the fee required pursuant to paragraph C.

4 **4. Display of certificate.** A certificate issued under this section must be displayed in
5 the area of a chiropractic office where x-ray production is performed by the certificate
6 holder and in a manner that is viewable by a patient.

7 **5. Violation.** An individual who violates this section, including an individual licensed
8 under subchapter 3 who allows a violation of this section to occur, is subject to disciplinary
9 sanctions under section 503-B, subsection 4.

10 **6. Rules.** The board shall adopt rules to carry out the purposes of this section,
11 including the provision of continuing radiologic technology education for the purposes of
12 subsection 3, paragraph B. Rules adopted pursuant to this subsection are routine technical
13 rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 5. 32 MRSA §9854, sub-§3,** as amended by PL 2023, c. 100, §1, is further
15 amended to read:

16 **3. Exceptions.** The requirement of a license does not apply to:

17 A. A dentist, dental hygienist, expanded function dental assistant or dental
18 radiographer licensed under chapter 143;

19 C. A resident physician or a student enrolled in and attending a school or college of
20 medicine, osteopathy, chiropractic, podiatry, dentistry or radiologic technology or an
21 individual who is concurrently obtaining the education and clinical training required
22 by the board by rule who applies ionizing radiation to a human being while under the
23 supervision of a licensed practitioner;

24 D. Any person serving in the United States Armed Services or public health service or
25 employed by the United States Department of Veterans Affairs or other federal agency
26 performing the person's official duties as long as the duties are limited to that service
27 or employment; or

28 E. A cardiovascular technologist credentialed by the Commission on Accreditation of
29 Allied Health Education Programs, Cardiovascular Credentialing International or a
30 successor organization who is performing the activities permitted under this paragraph
31 and is acting under the delegated authority and direct supervision of a physician while
32 the physician is performing cardiac catheterization or electrophysiology procedures.
33 For the purposes of this paragraph, the activities permitted are limited to procedure
34 table actions that are necessary during cardiac catheterization or electrophysiology
35 procedures, including enabling fluoroscopy to start the procedure, changing the field
36 of view, positioning the image intensifier, adjusting collimation, placing the wedge
37 filter, panning the procedure table during exposure, stepping on the pedal at the
38 physician's direction when the physician cannot reach the pedal and performing other
39 similar actions under the delegated authority and direct supervision of the physician;
40 or

41 F. A chiropractic assistant certified as a chiropractic radiographer pursuant to section
42 559.

Sec. 6. Exemption from sunrise review. This Act is enacted without review under the Maine Revised Statutes, Title 5, section 12015, subsection 3.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and changes the title. As in the bill, the amendment requires licensed chiropractic assistants to be certified in radiography in order to perform x-rays but changes the term used in the bill to refer to those certified from "radiologic technologist" to "chiropractic radiographer." Certification requirements include satisfactory completion of a radiologic technology course of instruction of at least 50 hours and passing an examination approved by the Board of Chiropractic Licensure. The amendment also contains provisions for certificate renewal, continuing radiologic technology education and violations for chiropractic radiographers.

The amendment adds a definition of "chiropractic radiographer" and clarifies the scope of practice of a chiropractic assistant to include radiography as long as the chiropractic assistant is certified.

The amendment also provides that a chiropractic assistant certified as a chiropractic radiographer is not required to be separately licensed as a radiographer by the Radiologic Technology Board of Examiners.

FISCAL NOTE REQUIRED

(See attached)