



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1949

Introduced 2/26/2021, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

420 ILCS 40/5
420 ILCS 40/6

from Ch. 111 1/2, par. 210-5
from Ch. 111 1/2, par. 210-6

Amends the Radiation Protection Act. In provisions regarding limitations on the application of radiation and accreditation of administrators of radiation, provides that, notwithstanding the provisions or any other law to the contrary, an advanced practice registered nurse licensed under the Nurse Practice Act may intentionally administer radiation to a human being through a fluoroscope without acting under the supervision, prescription, or direction of a licensed person described the provisions. Effective immediately.

LRB102 16589 CPF 21986 b

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 Sections 5 and 6 as follows:

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

7 (Section scheduled to be repealed on January 1, 2022)

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
12 a 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 registered nurse, technician,
16 nurse, or other assistant, is acting under the supervision,
17 prescription or direction of such licensed person. However, no
18 such physician assistant, advanced practice registered nurse,
19 technician, nurse, or other assistant acting under the
20 supervision of a person licensed under the Medical Practice
21 Act of 1987, shall administer radiation to human beings unless
22 accredited by the Agency, except that persons enrolled in a
23 course of education approved by the Agency may apply ionizing

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

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

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

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

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

26 (4) beginning one year after the effective date of

1 this amendatory Act of 1991, if the mammography procedure
2 is performed by a radiologic technologist, that
3 technologist, in addition to being accredited by the
4 Agency to perform radiography, has satisfied training
5 requirements specific to mammography, which the Agency
6 shall establish by rule.

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

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

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

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

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

1 (d) Notwithstanding any provision of this Section or any
2 other law to the contrary, an advanced practice registered
3 nurse licensed under the Nurse Practice Act may intentionally
4 administer radiation to a human being through a fluoroscope
5 without acting under the supervision, prescription, or
6 direction of a licensed person described in subsection (a).

7 (Source: P.A. 100-513, eff. 1-1-18.)

8 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 6. Accreditation of administrators of radiation;
11 Limited scope accreditation; Rules and regulations; Education.

12 (a) The Agency shall promulgate such rules and regulations
13 as are necessary to establish accreditation standards and
14 procedures, including a minimum course of education and
15 continuing education requirements in the administration of
16 radiation to human beings, which are appropriate to the
17 classification of accreditation and which are to be met by all
18 physician assistants, advanced practice registered nurses,
19 nurses, technicians, or other assistants who administer
20 radiation to human beings under the supervision of a person
21 licensed under the Medical Practice Act of 1987. Such rules
22 and regulations may provide for different classes of
23 accreditation based on evidence of national certification,
24 clinical experience or community hardship as conditions of
25 initial and continuing accreditation. The rules and

1 regulations of the Agency shall be consistent with national
2 standards in regard to the protection of the health and safety
3 of the general public.

4 (b) The rules and regulations shall also provide that
5 persons who have been accredited by the Agency, in accordance
6 with the Radiation Protection Act, without passing an
7 examination, will remain accredited as provided in Section 43
8 of this Act and that those persons may be accredited, without
9 passing an examination, to use other equipment, procedures, or
10 supervision within the original category of accreditation if
11 the Agency receives written assurances from a person licensed
12 under the Medical Practice Act of 1987, that the person
13 accredited has the necessary skill and qualifications for such
14 additional equipment procedures or supervision. The Agency
15 shall, in accordance with subsection (c) of this Section,
16 provide for the accreditation of nurses, technicians, or other
17 assistants, unless exempted elsewhere in this Act, to perform
18 a limited scope of diagnostic radiography procedures of the
19 chest, the extremities, skull and sinuses, or the spine, while
20 under the supervision of a person licensed under the Medical
21 Practice Act of 1987.

22 (c) The rules or regulations promulgated by the Agency
23 pursuant to subsection (a) shall establish standards and
24 procedures for accrediting persons to perform a limited scope
25 of diagnostic radiography procedures. The rules or regulations
26 shall require persons seeking limited scope accreditation to

1 register with the Agency as a "student-in-training," and
2 declare those procedures in which the student will be
3 receiving training. The student-in-training registration shall
4 be valid for a period of 16 months, during which the time the
5 student may, under the supervision of a person licensed under
6 the Medical Practice Act of 1987, perform the diagnostic
7 radiography procedures listed on the student's registration.
8 The student-in-training registration shall be nonrenewable.

9 Upon expiration of the 16 month training period, the
10 student shall be prohibited from performing diagnostic
11 radiography procedures unless accredited by the Agency to
12 perform such procedures. In order to be accredited to perform
13 a limited scope of diagnostic radiography procedures, an
14 individual must pass an examination offered by the Agency. The
15 examination shall be consistent with national standards in
16 regard to protection of public health and safety. The
17 examination shall consist of a standardized component covering
18 general principles applicable to diagnostic radiography
19 procedures and a clinical component specific to the types of
20 procedures for which accreditation is being sought. The Agency
21 may assess a reasonable fee for such examinations to cover the
22 costs incurred by the Agency in conjunction with offering the
23 examinations.

24 (d) The Agency shall by rule or regulation exempt from
25 accreditation physician assistants, advanced practice
26 registered nurses, nurses, technicians, or other assistants

1 who administer radiation to human beings under supervision of
2 a person licensed to practice under the Medical Practice Act
3 of 1987 when the services are performed on employees of a
4 business at a medical facility owned and operated by the
5 business. Such exemption shall only apply to the equipment,
6 procedures and supervision specific to the medical facility
7 owned and operated by the business.

8 (e) Notwithstanding any provision of this Section to the
9 contrary, the requirements of this Section shall not apply to
10 an advanced practice registered nurse licensed under the Nurse
11 Practice Act administering radiation to a human being through
12 a fluoroscope pursuant to subsection (d) of Section 5 of this
13 Act.

14 (Source: P.A. 100-513, eff. 1-1-18.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.