



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3196

Introduced 1/13/2022, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

210 ILCS 85/6.33 new

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 Hospital Licensing Act. Provides that, notwithstanding any provision of the Act or the implementation of any rule of the Department of Public Health to the contrary, an advanced practice registered nurse licensed under the Nurse Practice Act practicing in a hospital, a hospital affiliate, or an ambulatory surgical treatment center may administer radiation to a human being through a fluoroscope pursuant to specified provisions of the Radiation Protection Act of 1990. Amends the Radiation Protection Act of 1990. Provides that an advanced practice registered nurse practicing in a hospital, a hospital affiliate, or an ambulatory surgical treatment center may intentionally administer radiation to a human being through a fluoroscope without acting under the supervision, prescription, or direction of specified licensed persons. Provides that provisions regarding accreditation of administrators of radiation do not apply to such advanced practiced registered nurses. Effective immediately.

LRB102 21391 CPF 30507 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 Hospital Licensing Act is amended by adding  
5 Section 6.33 as follows:

6 (210 ILCS 85/6.33 new)

7 Sec. 6.33. Use of fluoroscopes. Notwithstanding any  
8 provision of this Act or the implementation of any rule of the  
9 Department to the contrary, an advanced practice registered  
10 nurse licensed under the Nurse Practice Act practicing in a  
11 hospital, a hospital affiliate, or an ambulatory surgical  
12 treatment center may administer radiation to a human being  
13 through a fluoroscope pursuant to subsection (d) of Section 5  
14 of the Radiation Protection Act of 1990.

15 Section 10. The Radiation Protection Act of 1990 is  
16 amended by changing Sections 5 and 6 as follows:

17 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 5. Limitations on application of radiation to human  
20 beings and requirements for radiation installation operators  
21 providing mammography services.

1           (a) No person shall intentionally administer radiation to  
2 a human being unless such person is licensed to practice a  
3 treatment of human ailments by virtue of the Illinois Medical,  
4 Dental or Podiatric Medical Practice Acts, or, as physician  
5 assistant, advanced practice registered nurse, technician,  
6 nurse, or other assistant, is acting under the supervision,  
7 prescription or direction of such licensed person. However, no  
8 such physician assistant, advanced practice registered nurse,  
9 technician, nurse, or other assistant acting under the  
10 supervision of a person licensed under the Medical Practice  
11 Act of 1987, shall administer radiation to human beings unless  
12 accredited by the Agency, except that persons enrolled in a  
13 course of education approved by the Agency may apply ionizing  
14 radiation to human beings as required by their course of study  
15 when under the direct supervision of a person licensed under  
16 the Medical Practice Act of 1987. No person authorized by this  
17 Section to apply ionizing radiation shall apply such radiation  
18 except to those parts of the human body specified in the Act  
19 under which such person or his supervisor is licensed. No  
20 person may operate a radiation installation where ionizing  
21 radiation is administered to human beings unless all persons  
22 who administer ionizing radiation in that radiation  
23 installation are licensed, accredited, or exempted in  
24 accordance with this Section. Nothing in this Section shall be  
25 deemed to relieve a person from complying with the provisions  
26 of Section 10.

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

3 (1) the mammography procedures are performed using a  
4 radiation machine that is specifically designed for  
5 mammography;

6 (2) the mammography procedures are performed using a  
7 radiation machine that is used solely for performing  
8 mammography procedures;

9 (3) the mammography procedures are performed using  
10 equipment that has been subjected to a quality assurance  
11 program that satisfies quality assurance requirements  
12 which the Agency shall establish by rule;

13 (4) beginning one year after the effective date of  
14 this amendatory Act of 1991, if the mammography procedure  
15 is performed by a radiologic technologist, that  
16 technologist, in addition to being accredited by the  
17 Agency to perform radiography, has satisfied training  
18 requirements specific to mammography, which the Agency  
19 shall establish by rule.

20 (c) Every operator of a radiation installation at which  
21 mammography services are provided shall ensure and have  
22 confirmed by each mammography patient that the patient is  
23 provided with a pamphlet which is orally reviewed with the  
24 patient and which contains the following:

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

26 (2) that early detection of breast cancer is maximized

1 through a combined approach, using monthly breast  
2 self-examination, a thorough physical examination  
3 performed by a physician, and mammography performed at  
4 recommended intervals;

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

8 (4) that if the patient is self-referred and does not  
9 have a primary care physician, or if the patient is  
10 unfamiliar with the breast examination procedures, that  
11 the patient has received information regarding public  
12 health services where she can obtain a breast examination  
13 and instructions.

14 (d) Notwithstanding any provision of this Section, an  
15 advanced practice registered nurse licensed under the Nurse  
16 Practice Act practicing in a hospital, a hospital affiliate,  
17 or an ambulatory surgical treatment center may intentionally  
18 administer radiation to a human being through a fluoroscope  
19 without acting under the supervision, prescription, or  
20 direction of a licensed person described in subsection (a).

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

22 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 6. Accreditation of administrators of radiation;  
25 Limited scope accreditation; Rules and regulations; Education.

1           (a) The Agency shall promulgate such rules and regulations  
2 as are necessary to establish accreditation standards and  
3 procedures, including a minimum course of education and  
4 continuing education requirements in the administration of  
5 radiation to human beings, which are appropriate to the  
6 classification of accreditation and which are to be met by all  
7 physician assistants, advanced practice registered nurses,  
8 nurses, technicians, or other assistants who administer  
9 radiation to human beings under the supervision of a person  
10 licensed under the Medical Practice Act of 1987. Such rules  
11 and regulations may provide for different classes of  
12 accreditation based on evidence of national certification,  
13 clinical experience or community hardship as conditions of  
14 initial and continuing accreditation. The rules and  
15 regulations of the Agency shall be consistent with national  
16 standards in regard to the protection of the health and safety  
17 of the general public.

18           (b) The rules and regulations shall also provide that  
19 persons who have been accredited by the Agency, in accordance  
20 with the Radiation Protection Act, without passing an  
21 examination, will remain accredited as provided in Section 43  
22 of this Act and that those persons may be accredited, without  
23 passing an examination, to use other equipment, procedures, or  
24 supervision within the original category of accreditation if  
25 the Agency receives written assurances from a person licensed  
26 under the Medical Practice Act of 1987, that the person

1 accredited has the necessary skill and qualifications for such  
2 additional equipment procedures or supervision. The Agency  
3 shall, in accordance with subsection (c) of this Section,  
4 provide for the accreditation of nurses, technicians, or other  
5 assistants, unless exempted elsewhere in this Act, to perform  
6 a limited scope of diagnostic radiography procedures of the  
7 chest, the extremities, skull and sinuses, or the spine, while  
8 under the supervision of a person licensed under the Medical  
9 Practice Act of 1987.

10 (c) The rules or regulations promulgated by the Agency  
11 pursuant to subsection (a) shall establish standards and  
12 procedures for accrediting persons to perform a limited scope  
13 of diagnostic radiography procedures. The rules or regulations  
14 shall require persons seeking limited scope accreditation to  
15 register with the Agency as a "student-in-training," and  
16 declare those procedures in which the student will be  
17 receiving training. The student-in-training registration shall  
18 be valid for a period of 16 months, during which the time the  
19 student may, under the supervision of a person licensed under  
20 the Medical Practice Act of 1987, perform the diagnostic  
21 radiography procedures listed on the student's registration.  
22 The student-in-training registration shall be nonrenewable.

23 Upon expiration of the 16 month training period, the  
24 student shall be prohibited from performing diagnostic  
25 radiography procedures unless accredited by the Agency to  
26 perform such procedures. In order to be accredited to perform

1 a limited scope of diagnostic radiography procedures, an  
2 individual must pass an examination offered by the Agency. The  
3 examination shall be consistent with national standards in  
4 regard to protection of public health and safety. The  
5 examination shall consist of a standardized component covering  
6 general principles applicable to diagnostic radiography  
7 procedures and a clinical component specific to the types of  
8 procedures for which accreditation is being sought. The Agency  
9 may assess a reasonable fee for such examinations to cover the  
10 costs incurred by the Agency in conjunction with offering the  
11 examinations.

12 (d) The Agency shall by rule or regulation exempt from  
13 accreditation physician assistants, advanced practice  
14 registered nurses, nurses, technicians, or other assistants  
15 who administer radiation to human beings under supervision of  
16 a person licensed to practice under the Medical Practice Act  
17 of 1987 when the services are performed on employees of a  
18 business at a medical facility owned and operated by the  
19 business. Such exemption shall only apply to the equipment,  
20 procedures and supervision specific to the medical facility  
21 owned and operated by the business.

22 (e) Notwithstanding any provision of this Section to the  
23 contrary, the requirements of this Section shall not apply to  
24 an advanced practice registered nurse licensed under the Nurse  
25 Practice Act practicing in a hospital, a hospital affiliate,  
26 or an ambulatory surgical treatment center administering



1 radiation to a human being through a fluoroscope pursuant to  
2 subsection (d) of Section 5 of this Act.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.