

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 3097
AUTHOR: Chen
BILL DATE: February 16, 2024, Introduced
SUBJECT: Radiological Assistants
SPONSOR: American Registry of Radiologic Technologists

DESCRIPTION OF CURRENT LEGISLATION

Establishes the Radiologist Assistant (RA) Practice Act, to be administered by the Medical Board of California (Board) and creates a Radiologist Assistant Committee within the Board. Requires the Board to adopt regulations that establish the scope of practice of RAs, including fee amounts, registration requirements, and related administrative procedures required to implement this program.

BACKGROUND

[Medical Assistants](#) are unlicensed individuals, who perform non-invasive routine technical support services, under the supervision of certain licensed health care providers.

With certain exceptions, a physician assistant (PA) (see [Business and Professions Code \(BPC\) section 3502](#)) may generally perform any medical or diagnostic procedure within their competency, subject to the conditions of a practice agreement with their supervising physician.

Under the Radiologic Technology Act, the [Radiologic Health Branch](#) within the California Department of Public Health certifies or permits physicians, chiropractors, podiatrists, technologists, technicians and PAs who use radiologic machines on human beings, and administers exams to physicians, technologists, PAs and technicians radiological machine certification & permitting.

According to the American Registry of Radiological Technologists, a registered RA should be qualified to perform a [core set of clinical activities](#) (see pp. 3-7) at entry into the profession.

The Oklahoma State Board of Medical Licensure and Supervision [adopted rules](#) that regulate the practice of Radiologist Assistants in that state. That state defines an RA as an advanced-level certified radiologic technologist, licensed by the Board, who works under the direct supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment.

[BPC section 480](#) authorizes a licensing board to deny a license, generally, if the applicant has been convicted of a crime or been subject to formal discipline by a licensing board in or outside California within seven years preceding their application.

Authorizes denial due to a serious felony¹ or when the applicant is required to register as a sex offender² regardless of when that conviction occurred.

ANALYSIS

According to the author's fact sheet:

“AB 3097 is a critical step forward that safeguards patient care and protection. Radiologist assistants, as well-trained practitioners, fill a significant gap in the healthcare workforce shortage that faces California. Radiology is an important tool for doctors, this measure helps to protect its future. This bill levels the playing field for radiologist assistants in California, offers flexibility to applicants, creates a representative board structure full of real-world radiological experience, and secures the integrity of the “radiologist assistant” title. We are looking forward to working with all affected parties to ensure the smoothest implementation that will benefit patients and the future of medicine.”

According to the sponsor of the bill, approximately 60 RAs will be eligible and register under the proposed program.

Proposed Definition of RA

AB 3097 includes the following findings and declarations:

- The radiologist assistant is an advanced-level radiographer who has completed a nationally recognized radiologist assistant educational program and successfully completed a nationally recognized certification examination for radiologist assistants.
- Radiologist assistants are an extension of a radiologist and work under the supervision of a radiologist, as part of a radiologist-led team, performing medical imaging procedures within the scope of practice that the radiologist assistant is educationally prepared, clinically competent, and delegated by a radiologist to perform.
- Radiologist assistants do not hold the responsibility of diagnosing illnesses; however, radiologist assistants assist a radiologist by completing patient history, describing procedures, performing medical imaging procedures, and

¹ [See Penal Code \(PC\) 1192.7\(c\)](#)

² Only for certain sex offenses, see [paragraph 2 or 3 of PC 290\(d\)](#)

communicating initial clinical and imaging observations or procedure details only to the supervising radiologist for the radiologist's use.

- Radiologist assistants work in hospitals, outpatient facilities, or diagnostic imaging centers. Radiologist assistants work only under the supervision and delegation of a radiologist.

Scope of Practice

A radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies. A radiologist assistant may administer prescribed drugs as directed by the supervising radiologist or radiologist designee. A radiologist assistant may communicate and document initial clinical and imaging observations or procedure details only to the radiologist for the radiologist's use.

Supervision Requirements

Supervision shall be performed by a qualified physician, licensed by the Board and certified by the American Board of Radiology. A radiologist shall not supervise more than two RAs at one time.

A supervising radiologist shall meet all the following requirements:

- Be licensed as a physician and surgeon to practice medicine in the state.
- Register with the committee the radiologist's intent to supervise a radiologist assistant.
- Submit a statement to the committee that the radiologist shall exercise supervision over the radiologist assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the radiologist assistant.
- Not have a disciplinary action restriction that limits the radiologist's ability to supervise a radiologist assistant.
- Maintain a written agreement with the radiologist assistant.

A supervising radiologist shall ensure the following:

- That the radiologist assistant's scope of practice is identified.
- That delegation of medical tasks is appropriate to the radiologist assistant's level of competence and within the supervising radiologist's scope of practice.
- That the relationship of, and access to, the supervising radiologist is defined.
- That a process for evaluating the radiologist assistant's performance is established and maintained.

Administration of the RA Practice Act

The bill establishes the RA Committee within the Board, which consists of five members appointed by the Governor for three-year terms:

- Three radiologist assistants who are residents of the state, have at least two years of experience as radiologist assistants, and are registered or meet the requirements for registration under this chapter.
- One radiologist licensed in this state who supervises the practice of radiologist assistants.
- One public member who is not associated with radiologist assistants in any way other than as a consumer.

The committee has the following duties:

- Consider the qualifications of individuals who apply for an initial registration under this chapter.
- Approve or reject registration applications and registration renewal applications.
- Propose rules to the board concerning the competent practice of radiologist assistants and the administration of this chapter.
- Recommend to the board the amounts of fees required under this chapter.

After considering the committee's proposals and recommendations, the Board shall adopt rules establishing standards for the following:

- The competent practice of radiologist assistants.
- The renewal of registrations issued under this chapter.
- Standards for the administration of this chapter.
- Reasonable fees to be imposed to administer the provisions of this chapter.

RA Registration

Registration is required before engaging in practice as an RA, which requires the following:

- Applying on a form approved by the committee.
- Paying a fee established.
- Passed the radiologist assistant examination administered by the [American Registry of Radiologic Technologists](#), the radiology practitioner assistant examination administered by the [Certification Board for Radiology Practitioner Assistants](#), or another examination, approved by the committee, by a successor or comparable entity.
- Maintains current registration as a radiologist assistant with the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or a successor or comparable entity.
- Maintains a certification as a radiological technologist or a permit to perform podiatric radiography, as issued by CDPH.
- Presents satisfactory evidence to the committee that the individual has not been engaged in an act that would constitute grounds for discipline or be the subject of a disciplinary action by a licensing or certification agency of another state or

jurisdiction on the grounds that the individual was not able to practice as a radiologist assistant without endangering the public.

- Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

The committee may refuse to issue a registration to an individual if the individual has been disciplined by an administrative agency in another jurisdiction or has been convicted of a crime and the committee determines the act for which the individual was disciplined or convicted has a direct bearing on the individual's ability to practice competently as a radiologist assistant.

The committee may grant a temporary registration to an eligible applicant, which would be valid until the committee makes a final decision on the applicant's request for registration.

Additional Provisions

- A radiologist assistant who notifies the committee in writing may elect to place the radiologist assistant's registration on inactive status.
- The renewal fee for an inactive registration is one-half of the renewal fee to maintain an active registration.
- Title protection is provided for the use of the term RA, including similar professional titles.

Staff Concerns with the Proposal

- The Board lacks specific expertise in the realm of radiology, which is currently regulated by the CDPH Radiologic Health Branch.
- The Committee requires its radiologist assistants to have at least two years of experience as radiologist assistants, limiting its membership to individuals that practiced as radiologist assistants out of state for at least two years or until radiologist assistants licensed in California have practiced in this position for at least two years.
- Establishing this new workload within the Board is inconsistent with the [Board's 2023-2027 Strategic Plan](#).
- Based upon the estimated registrant volume, it is unclear why this new regulatory structure is necessary.
- The Board will bear significant costs (see Fiscal section below) potentially for years before applicants first begin paying fees (e.g., providing staff support to the committee as they form recommendations to the Board, Board consideration of those recommendations, and conducting the rulemaking process). The estimated number of registrants (60) is not expected to cover the potential expenses likely to be incurred, putting additional cost pressures on the Board's Contingent Fund.
- The bill creates a standard for denying an application that is different than for other licensed health professionals and does not specify what constitutes

unprofessional conduct for an RA, which would be necessary to take disciplinary action.

Consideration of a Board Position

Due to the above staff comments, staff recommend an Oppose position on AB 3097.

FISCAL: Sufficient time has not been provided to perform an appropriate cost estimate, however, expected costs could include, but not be limited to:

Committee meeting expenses: Per diem and travel/meal expenses for five committee members, rental of committee meeting space, staff travel/meal expenses to committee meetings.

Staff support to the committee: Board executive staff time to support the committee's policy creation processes and administrative tasks associated with developing and implementing a new registration process, including training staff. May require hiring additional staff/contracting with outside experts.

Staff support to the Board: Board executive staff time associated with the rulemaking process, preparing Board meeting materials related to committee activities and recommendations.

Possible enforcement expenses: Just one complaint that leads to discipline could lead to up to \$100,000 or more in investigation and legal expenses, possibly mitigated by a cost recovery order.

With an estimated 60 registrants under this program, the fee revenue is unlikely to sufficiently address the expenses that may be incurred to administer the program. Absent sufficient applicant and registrant renewal fee revenue, the Board's Contingent Fund could be expected to bear the additional costs identified above.

SUPPORT: None identified.

OPPOSITION: None identified.

POSITION: Recommendation: Oppose.

ATTACHMENT: [AB 3097, Chen – Radiological Assistants](#)
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