

HOUSE BILL NO. HB0102

Patient safety in radiological imaging.

Sponsored by: Representative(s) Gilmore and Senator(s) Scott

A BILL

for

1 AN ACT relating to health care; requiring certification of
2 medical imaging facilities as specified; creating a
3 registry for medical imaging; providing for radiation
4 worker safety; specifying requirements for medical imaging;
5 requiring notice of the consequences of radiation; granting
6 rulemaking authority; providing definitions; providing
7 penalties; providing an exception; and providing for an
8 effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 35-4-304 through 35-4-309 are created
13 to read:

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15 **35-4-304. Definitions.**

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1 (a) As used in this article:

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3 (i) "ALARA" means "as low as reasonably
4 achievable," the European basic safety standards that have
5 been progressively introduced into European national
6 regulations as the cornerstone of the radiological
7 protection system;

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9 (ii) "Department" means the Wyoming department
10 of health;

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12 (iii) "Radiation" means as defined in W.S.
13 33-37-101(a)(v);

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15 (iv) "Radiological medical imaging" means the
16 visual presentation of all or any part of the human body
17 for the purpose of medical diagnosis or data collection
18 using radiation emitting equipment.

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20 **35-4-305. Department of health, radiological medical**
21 **imaging facility certification.**

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23 The department of health shall annually certify all
24 facilities in the state performing radiological medical

1 imaging through the use of radiation emitting equipment.
2 After July 1, 2005 the department shall deny certification
3 to any facility not meeting "ALARA" standards, except that
4 it can provide, by rule and regulation, an alternate
5 standard, if it finds that the "ALARA" standard is
6 unreasonably expensive in relation to its benefits. The
7 department may charge a fee for certification adequate to
8 recover the cost of the certifications.

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10 **35-4-306. Department of health; radiological medical**
11 **imaging registry; report.**

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13 The department shall report no later than October 1, 2003,
14 to the joint labor, health and social services interim
15 committee on cost, feasibility and benefits of maintaining
16 a registry for radiological medical imaging conducted in
17 the state.

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19 **35-4-307. Radiological medical imaging requirements.**

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21 (a) No radiological medical imaging shall be
22 performed within the state unless prescribed by a
23 physician, dentist, podiatrist or chiropractor licensed to
24 practice in the state.

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2 (b) Any person or facility conducting radiological
3 medical imaging on an individual shall, prior to performing
4 the radiological medical imaging, explain to the individual
5 undergoing the radiological medical imaging the risks
6 associated with the process, including, explicitly, any
7 risk of developing a fatal cancer from the process.

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9 **35-4-308. Penalties.**

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11 Any person or facility violating the provisions of W.S.
12 35-4-307 is guilty of a misdemeanor punishable by
13 imprisonment for not more than six (6) months, a fine of
14 not more than seven hundred fifty dollars (\$750.00), or
15 both. A second or subsequent conviction of a violation of
16 W.S. 35-4-307 shall be punishable for each offense by
17 imprisonment for not more than one (1) year, a fine of not
18 more than one thousand five hundred dollars (\$1,500.00), or
19 both.

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21 **35-4-309. Medical imaging; exception.**

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1 The provisions of W.S. 35-4-304 through 35-4-308 shall not
2 apply to radiological imaging performed in accordance with
3 W.S. 33-15-129.

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5 **Section 2.** This act is effective July 1, 2003.

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(END)