

WORKING DRAFT

HOUSE BILL NO. _____

Patient safety in medical imaging.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

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:*

11

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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2 (a) As used in this article:

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

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10 (ii) "Collimation" means the sight adjustment of
11 a radiological optical device;

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13 (iii) "Department" means the Wyoming department
14 of health;

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

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21 (v) "Radiation" means as defined in W.S. 33-37-
22 101(a)(v).

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1 **35-4-305. Department of health, medical imaging**
2 **facility certification; fees; rulemaking.**

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4 (a) The department of health shall annually certify
5 all facilities in the state performing medical imaging
6 through the use of radiation emitting equipment. The
7 certification shall include:

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9 (i) An inspection of the facility;

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11 (ii) Verification that the collimation of any
12 medical imaging equipment used by the facility is within
13 acceptable standards; and

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15 (iii) Verification that the facility meets
16 radiation worker safety standards in accordance with ALARA.

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18 (b) Any facility certified by the department under
19 this section shall apply for recertification prior to the
20 anniversary date of the initial certification.

21
22 (c) The department shall promulgate reasonable rules
23 and regulations establishing standards for certification of
24 facilities under this section, including establishing fees

1 not to exceed the actual and necessary costs of inspection
2 of the facility and costs related to processing the
3 certification.

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5 **35-4-306. Department of health; medical imaging**
6 **registry.**

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8 The department shall maintain a registry for medical
9 imaging conducted in the state. Any facility performing a
10 whole body scan of an individual shall report the
11 procedure, including the name of the individual undergoing
12 the body scan, the date of the body scan, the radiation
13 dosage used, any prior medical imaging performed on the
14 individual at the facility and a copy of the explanation
15 provided to the individual from the facility explaining the
16 purpose of the body scan and a full explanation of all
17 sources of radiation that will be used in the process, the
18 risks associated with the process and the cumulative
19 effects of the radiation.

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21 **35-4-307. Medical imaging requirements.**

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1 (a) No medical imaging shall be performed within the
2 state unless prescribed by a physician licensed to practice
3 medicine in the state.

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5 (b) No radiation exposure to a child through medical
6 imaging shall be performed unless prescribed by a physician
7 licensed to practice medicine in the state and accompanied
8 by a signed authorization by the parent or legal guardian
9 of the child.

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11 (c) Any person or facility conducting medical imaging
12 on an individual shall, prior to performing the medical
13 imaging, explain to the individual undergoing the medical
14 imaging the purpose of the body scan and shall provide a
15 full explanation of all sources of radiation that will be
16 used in the process, the risks associated with the process,
17 the amount of radiation the individual has previously
18 received in the facility and the cumulative effects of the
19 radiation.

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21 **35-4-308. Penalties.**

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23 Any person or facility violating the provisions of
24 W.S. 35-4-307 is guilty of a misdemeanor punishable by

1 imprisonment for not more than six (6) months, a fine of
2 not more than seven hundred fifty dollars (\$750.00), or
3 both. A second or subsequent conviction of a violation of
4 W.S. 35-4-307 shall be punishable for each offense by
5 imprisonment for not more than one (1) year, a fine of not
6 more than one thousand five hundred dollars (\$1,500.00), or
7 both.

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9 **35-4-309. Medical imaging; exception.**

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11 The provisions of W.S. 35-4-304 through 35-4-308 shall not
12 apply to medical imaging performed in accordance with W.S.
13 33-15-129.

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

16
17 (END)