

1 AN ACT relating to medical imaging and radiation therapy licensure.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311B.020 is amended to read as follows:

4 As used in this chapter, unless the context clearly requires otherwise:

- 5 (1) "Accredited educational program" means a program that is approved by a national  
6 organization acceptable to the board to provide education in medical imaging or  
7 radiation therapy;
- 8 (2) "Actively employed" means an individual who is appropriately credentialed and  
9 currently employed as an advanced imaging professional, medical imaging  
10 technologist, radiation therapist, an educator or administrator in any of these  
11 disciplines, or a limited X-ray machine operator;
- 12 (3) "Advanced imaging professional" means an individual who is credentialed by a  
13 ***national***~~[nationally recognized certification]~~ organization that is recognized by the  
14 board;
- 15 (4) "Authorized user" means a physician, dentist, or podiatrist identified on a  
16 radioactive materials license that authorizes the medical use of radioactive materials  
17 if the license was issued by:
- 18 (a) The Cabinet for Health and Family Services;
- 19 (b) The United States Nuclear Regulatory Commission; or
- 20 (c) Another United States Nuclear Regulatory Commission agreement state;
- 21 (5) "Board" means the Kentucky Board of Medical Imaging and Radiation Therapy;
- 22 (6) ~~["Credentialed" means someone who is certified and registered by an appropriate~~  
23 ~~national organization that is recognized by the board;~~
- 24 ~~(7)~~ "Continuing education" means a learning activity that is planned, organized, and  
25 administered to enhance the professional knowledge and skills of a licensed  
26 individual of medical imaging or radiation therapy to provide services for patients,  
27 the public, or the medical profession;

(7) "Credentialed" means someone who is certified and registered by an appropriate national organization that is recognized by the board;

(8) "Diagnostic medical sonographer" means an individual who is authorized to utilize nonionizing, high-frequency sound waves with specialized equipment to generate images for diagnostic purposes;

(9) "Ionizing radiation":

(a) Means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions; and

(b) Does not include nonionizing radiation;

(10) "Licensed practitioner" or "licensed practitioner of the healing arts" means a person licensed in Kentucky to practice medicine, osteopathy, dentistry, chiropractic, podiatry, or veterinary medicine;

~~(11)~~<sup>(9)</sup> "Limited X-ray machine operator" means an individual who performs limited radiographic procedures that shall not include contrast studies, fluoroscopy, magnetic resonance imaging, diagnostic medical sonography, nuclear medicine, or radiation therapy procedures;

(12) "Magnetic resonance imaging technologist" means an individual who is authorized to perform medical imaging that utilizes radiofrequency transmission within a high-strength magnetic field for diagnostic or therapeutic purposes;

~~(13)~~<sup>(10)</sup> "Medical imaging technologist":

(a) 1. Means an individual who has completed an accredited educational program in radiography, nuclear medicine, or other imaging modality recognized by the board and who is licensed and granted privileges under this chapter~~. An individual licensed as a medical imaging technologist or a limited X-ray machine operator shall be employed to perform medical imaging at a facility where contrast studies,~~

1                   fluorosecopy, nuclear medicine, or radiation therapy procedures are  
 2                   performed, but a limited X-ray machine operator may only perform  
 3                   limited diagnostic radiography]; and

4                   **2. Does not include a limited X-ray machine operator; and**

5                   **(b) Shall only administer contrast media and other medications when a licensed**  
 6                   **practitioner of the healing arts or an advanced practice registered nurse is**  
 7                   **immediately available in person to ensure proper diagnosis and treatment of**  
 8                   **adverse events;**

9                   **(14)**[(11)] "National organization" means:

- 10                   (a) The American Society of Radiologic Technologists;
- 11                   (b) The Nuclear Medicine Technology Certification Board;
- 12                   (c) The American Registry of Radiologic Technologists;
- 13                   (d) The Society of Nuclear Medicine **and Molecular Imaging**[Technologist  
 14                   Section];
- 15                   (e) The Joint Review Committee on Education in Radiologic Technology;
- 16                   (f) The Joint Review Committee on Educational Programs in Nuclear Medicine  
 17                   Technology;
- 18                   (g) The American College of Radiology;[or]
- 19                   (h) **American Registry for Diagnostic Medical Sonography;**
- 20                   **(i) The Joint Review Committee on Education in Diagnostic Medical**  
 21                   **Sonography;**
- 22                   **(j) Society of Diagnostic Medical Sonography;**
- 23                   **(k) American Institute of Ultrasound in Medicine;**
- 24                   **(l) Cardiovascular Credentialing International;**
- 25                   **(m) American Registry of Magnetic Resonance Imaging Technologists; or**  
 26                   **(n)** Another national organization recognized by the board;

27                   **(15) "Nonionizing radiation" includes radiation such as radiofrequency or**

1 **microwaves, visible, infrared, or ultraviolet light or ultrasound;**

2 ~~(16)~~~~(12)~~ "Nuclear medicine technologist" means an individual who is authorized to  
3 prepare and administer radiopharmaceuticals, pharmaceuticals, and radionuclides  
4 under the direction of an authorized user to perform nuclear medicine procedures  
5 for diagnostic and therapeutic purposes;

6 ~~(17)~~~~(13)~~ "Post-primary certification" means an individual who has primary  
7 certification and has been awarded post-primary certification by a national  
8 organization that has been recognized by the board;

9 ~~(18)~~~~(14)~~ "Primary certification" means an individual who has successfully completed a  
10 formal educational program and certification in radiography, nuclear medicine,  
11 radiation therapy, or other modality recognized by the board;

12 ~~(19)~~~~(15)~~ "Radiation therapist" means an individual who:

13 (a) Has completed an accredited educational program in radiation therapy;

14 (b) Is licensed by the board;~~and~~

15 (c) Is authorized to utilize ionizing radiation-generating equipment and sources of  
16 radiation for the planning, localization, and delivery of therapeutic procedures  
17 on human beings; **and**

18 **(d) Shall only administer contrast media and other medications when a licensed**  
19 **practitioner of the healing arts or an advanced practice registered nurse is**  
20 **immediately available in person to ensure proper diagnosis and treatment of**  
21 **adverse events;** and

22 ~~(20)~~~~(16)~~ "Radiographer" means an individual who is authorized to use ionizing  
23 radiation-generating equipment to perform a comprehensive scope of diagnostic  
24 imaging procedures and is responsible for the operation of radiation-generating  
25 equipment, protecting the patient and staff from unnecessary radiation, and  
26 selecting the appropriate exposure to produce diagnostic images with the lowest  
27 reasonable exposure.

➔Section 2. KRS 311B.030 is amended to read as follows:

(1) The Kentucky Board ~~officer~~ Medical Imaging and Radiation Therapy is hereby created to promote, preserve, and protect the public health, safety, and welfare of the citizens of the Commonwealth of Kentucky by regulating and licensing individuals who use ionizing or nonionizing radiation as advanced imaging professionals, medical imaging technologists, radiographers, radiation therapists, nuclear medicine technologists, magnetic resonance imaging technologists, diagnostic medical sonographers, limited X-ray machine operators, or any combination of professions licensed under this chapter. The board shall consist of eleven (11)~~nine (9)~~ members appointed by the Governor, with the following qualifications:

- (a) Two (2) members shall be licensed radiographers whose primary work responsibilities are related to general diagnostic radiography;
- (b) Two (2) members shall be licensed radiographers with a post-primary certification and whose primary work responsibilities are related to that post-primary certification;
- (c) One (1) member shall be a licensed nuclear medicine technologist;
- (d) One (1) member shall be a licensed radiation therapist;
- (e) One (1) member shall be a licensed limited X-ray machine operator;
- (f) One (1) member shall be a licensed medical imaging technologist or therapist who serves as an educator in an accredited program or as an administrator in a medical imaging or radiation therapy department;~~and~~
- (g) One (1) member shall be a licensed diagnostic medical sonographer whose primary work responsibilities are related to diagnostic medical sonography;
- (h) One (1) member shall be a licensed magnetic resonance imaging technologist; and
- (i) One (1) member shall be an at-large individual~~at-large~~ from the general

1 public with no family or business relation to health care but with an interest in  
2 the rights of consumers of health services.

3 (2) All board members, except the at-large member, shall have at least five (5) years of  
4 experience in their respective areas of certification or licensure and shall maintain  
5 active registry or certification and Kentucky licensure in medical imaging or  
6 radiation therapy during the term as a board member. Each board member shall be a  
7 resident of Kentucky or actively employed in medical imaging or radiation therapy  
8 in Kentucky, and shall be in good standing with the board.

9 (3) (a) By May 1 of years in which terms expire, nominations of individuals for  
10 appointment to the board shall be submitted to the Governor and may be made  
11 by citizens of the Commonwealth of Kentucky through the Kentucky Society  
12 of Radiologic Technologists, the Kentucky Society of Nuclear Medicine  
13 Technologists, the board, or other professional imaging or radiation therapy  
14 organizations that are recognized by the board.

15 (b) No two (2) board members shall be residents of the same county.

16 (c) A minimum of two (2) names per appointment shall be submitted to the  
17 Governor.

18 (4) The Governor shall make each appointment by September 1 for terms beginning  
19 November 1 of that same year. The initial terms of appointment shall be staggered  
20 with five (5) members appointed for four (4) years and four (4) members appointed  
21 for two (2) years. Thereafter, members shall be appointed to the board for terms of  
22 four (4) years, expiring on October 31 of the fourth year. A board member may  
23 serve two (2) consecutive appointments. After a second consecutive appointment,  
24 that individual may not be reappointed until at least one (1) full year has passed.

25 ➔Section 3. KRS 311B.050 is amended to read as follows:

26 The board shall:

27 (1) Administer and enforce this chapter. The board alone shall have this authority;

(2) Have the authority to recognize and enforce the current rules and administrative regulations, practice standards, scopes of practice, and ethical standards of the recognized national organizations and certifying bodies for technologists and therapists regulated under this chapter;

(3) Have the authority to issue advisory opinions or declaratory rulings dealing with the practice of medical imaging and radiation therapy;

(4) Promulgate administrative regulations in accordance with KRS Chapter 13A to administer and enforce this chapter;

~~(5)~~~~(3)~~ Issue and renew the licenses of duly qualified applicants, following procedures established by the board through the promulgation of administrative regulations;

~~(6)~~~~(4)~~ Determine and enforce continuing education requirements and establish guidelines for approval of continuing education;

~~(7)~~~~(5)~~ Approve accredited educational programs of imaging or radiation therapy and monitor compliance with the educational standards established by the individual disciplines, as recognized by the board;

~~(8)~~~~(6)~~ Designate funds for scholarships, program development, or continued education;

~~(9)~~~~(7)~~ Investigate suspected or alleged violations of this chapter, conduct hearings and record minutes, resolve the allegations, and, if appropriate, impose sanctions or penalties; and

~~(10)~~~~(8)~~ Submit an annual report to the Governor and the Legislative Research Commission that provides information concerning the board's work regarding licensure of professionals under this chapter and that lists all hearings conducted by the board and the decisions rendered.

➔Section 4. KRS 311B.090 is amended to read as follows:

(1) ~~A~~~~No~~ person shall not engage or attempt to engage in the operation of radiation-

1 producing equipment or the administration of ionizing or nonionizing radiation for  
2 the purpose of medical imaging or radiation therapy in Kentucky unless licensed in  
3 accordance with~~the provisions of~~ this chapter.

4 (2) This chapter shall not apply to any individual licensed in the Commonwealth of  
5 Kentucky as a licensed practitioner of the healing arts, any student enrolled in an  
6 approved educational program in medical imaging technology or radiation therapy  
7 while completing the clinical requirements of the educational program, or any  
8 employee of the federal government engaged in the performance of official duties  
9 within the state.

10 (3) Misuse of regulated credentials shall result in disciplinary action by the board in  
11 addition to possible action by the credentialing agency.

12 (4) ~~Nothing in~~ This chapter and~~or in~~ the administrative regulations promulgated by  
13 the board pursuant to this chapter shall not be interpreted to:

14 (a) Limit or restrict a licensed health care practitioner,~~or~~ provider, or  
15 professional from engaging in the full scope of practice authorized by the  
16 license for that person's profession, training, or services; or

17 (b) Prohibit any person from utilizing:

18 1. Ultrasounds for therapeutic purposes; or

19 2. Nonmedical ultrasounds for entertainment purposes, or keepsake  
20 ultrasounds that are generated without a medical indication to view or  
21 record images of a fetus.

22 ➔Section 5. KRS 311B.100 is amended to read as follows:

23 (1) The following individuals are required to apply for and receive a license from the  
24 Commonwealth of Kentucky before performance of any procedures utilizing  
25 ionizing or nonionizing radiation for either medical imaging or radiation therapy:

26 (a) Advanced imaging professionals;

27 (b) Medical imaging technologists;



- 1 (c) Radiographers;
- 2 (d) Radiation therapists;
- 3 (e) Nuclear medicine technologists;~~[-and]~~
- 4 (f) Magnetic resonance imaging technologists, except as provided in subsection
- 5 (4) of this section;
- 6 (g) Diagnostic medical sonographers, except as provided in subsection (4) of
- 7 this section; and
- 8 (h) Limited X-ray machine operators.
- 9 (2) Qualifications for the above categories shall be established by the board through the
- 10 promulgation of administrative regulations in accordance with KRS Chapter 13A.
- 11 The board may also identify other specialties or categories of duties consistent with
- 12 this chapter through the promulgation of administrative regulations in accordance
- 13 with KRS Chapter 13A.
- 14 (3) An applicant for licensure under subsection (1)(a) to ~~(g)(e)~~ of this section who did
- 15 not graduate from an accredited educational program, is licensed or certified in
- 16 another jurisdiction with requirements and privileges comparable to Kentucky's,
- 17 and has:
- 18 (a) Graduated from a postsecondary institution in a course of study focusing on
- 19 one (1) of the licensing categories listed in subsection (1) of this section;
- 20 (b) Passed a certifying examination from a national organization demonstrating
- 21 competence in his or her subject matter area;
- 22 (c) An active valid license or certificate and has not been professionally
- 23 disciplined or reprimanded by any credentialing jurisdiction or national
- 24 organization; and
- 25 (d) Provided the board with evidence of:
- 26 1. At least five (5) years of experience as an advanced imaging
- 27 professional; and

1           2. Maintenance of continuing education requirements during his or her  
2           period of licensure or certification;  
3           shall, upon application and payment of an application fee to the board, be granted  
4           licensure by the board in his or her category, unless the board can show cause for  
5           denial under KRS 311B.150~~[(4)]~~.

6   **(4) The board shall promulgate administrative regulations in accordance with KRS**  
7   **Chapter 13A to permit a magnetic resonance imaging technologist or a diagnostic**  
8   **medical sonographer who is not credentialed by a national organization**  
9   **recognized by the board to apply and obtain a license before January 1, 2028.**  
10   **Additional credentialing shall not be required for those who obtain a license**  
11   **before January 1, 2028.**

12   **(5) On or after January 1, 2028, all magnetic resonance imaging technologists and**  
13   **diagnostic medical sonographers shall be:**  
14   **(a) Credentialed by a national organization recognized by the board to qualify**  
15   **for initial licensure or licensure reinstatement; and**  
16   **(b) Licensed before performing any procedures utilizing ionizing or**  
17   **nonionizing radiation for either medical imaging or radiation therapy as**  
18   **required under subsection (1) of this section.**

19   ➔Section 6. KRS 311B.110 is amended to read as follows:

20   (1) An applicant for licensure as an advanced imaging professional, medical imaging  
21   technologist, radiographer, radiation therapist, nuclear medicine technologist,  
22   **magnetic resonance imaging technologist, diagnostic medical sonographer,** or  
23   limited X-ray machine operator shall file an application in a format prescribed by  
24   the board.  
25   (2) **The board shall require a national and state criminal background check for each**  
26   **applicant seeking to be licensed by the board under this chapter. The criminal**  
27   **background check shall be by means of a fingerprint check by the Department of**

Kentucky State Police, or an equivalent state police body in the applicant's home state, and the Federal Bureau of Investigation, pursuant to the following:

(a) The applicant shall provide his or her complete and legible fingerprints to the Department of Kentucky State Police, or an equivalent state police body in the applicant's home state, for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;

(b) The results of the national and state criminal background check shall be sent to the board for the screening of applicants;

(c) The board is prohibited from releasing any criminal history record information to any private entity or other licensing board, or authorizing receipt of such information by any private entity or other licensing board; and

(d) Any fee charged by the Department of Kentucky State Police or for the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The board may charge this fee to the applicant.

(3) Licensees shall display or have available an original current license at any place of employment. It shall be unlawful for any person to display a license in an effort to misrepresent his or her qualifications. An individual who no longer meets the licensure requirements shall not display a license nor purport to have the qualifications.

~~(4)~~~~(3)~~ Licensees shall meet continuing education requirements.

~~(5)~~~~(4)~~ Licenses shall be renewed or reinstated in accordance with the requirements set out by the board.

~~(6)~~~~(5)~~ Licenses may be placed on inactive status for those who are not actively employed~~[, as defined by this chapter]~~. To reactivate an inactive license, the applicant shall submit a new application and required fee and meet all requirements

1 for reactivation.

2 ~~(Z)~~~~(6)~~ The requirements of this section shall be established by the board through the  
3 promulgation of administrative regulations in accordance with KRS Chapter 13A.

4 ➔Section 7. KRS 311B.120 is amended to read as follows:

5 The board shall, through the promulgation of administrative regulations in accordance  
6 with KRS Chapter 13A, set appropriate fees and penalties for:

7 (1) The application process;

8 (2) Verification of qualifications;

9 (3) Issuance and renewal of licenses for advanced imaging professionals, medical  
10 imaging technologists, radiographers, radiation therapists, nuclear medicine  
11 technologists, magnetic resonance imaging technologists, diagnostic medical  
12 sonographers, and limited X-ray machine operators;

13 ~~(4) Duplicate licenses;~~

14 ~~(5) Home study courses for limited X-ray machine operators;~~

15 ~~(6) Late renewals or reinstatements;~~

16 ~~(5)~~~~(7)~~ Violations;

17 ~~(6)~~~~(8)~~ Payments~~[Checks]~~ issued on accounts with insufficient funds; and

18 ~~(7)~~~~(9)~~ Any other actions as deemed appropriate by the board.

19 ➔Section 8. KRS 311B.150 is amended to read as follows:

20 It shall be unlawful for any person to:

21 (1) Claim to be a licensee or perform medical imaging or therapeutic procedures unless  
22 licensed under this chapter or otherwise exempt from the requirements of this  
23 chapter;

24 (2) Manipulate equipment that produces ionizing or nonionizing radiation or  
25 administer radiopharmaceuticals unless licensed under this chapter or otherwise  
26 exempt from the requirements of this chapter;

27 ~~(3) Knowingly~~ Employ an advanced imaging professional, medical imaging

- 1       technologist, radiographer, radiation therapist, nuclear medicine technologist,  
2       magnetic resonance imaging technologist, diagnostic medical sonographer, or  
3       limited X-ray machine operator unless that individual is licensed under~~the~~  
4       ~~provisions of~~ this chapter or otherwise exempt from the requirements of this  
5       chapter; or
- 6       (4) Be an advanced imaging professional, medical imaging technologist, radiographer,  
7       radiation therapist, nuclear medicine technologist, magnetic resonance imaging  
8       technologist, diagnostic medical sonographer, limited X-ray machine operator,  
9       employer of one (1) of these individuals, or any other person who, having  
10      knowledge of a situation listed in paragraphs (a) to ~~(k)(i)~~ of this subsection,  
11      refrains from reporting to the board a licensee who:
- 12      (a) Has been convicted of any felony or a misdemeanor involving drugs, alcohol,  
13          fraud, deceit, falsification of records, a breach of trust, physical harm or  
14          endangerment to others, or dishonesty under the laws of any state or of the  
15          United States;
- 16      (b) Is suspected of fraud or deceit in procuring or attempting to procure a license  
17          or credential to practice in his or her discipline;
- 18      (c) Is suspected of negligently or willfully acting in a manner inconsistent with  
19          professional practice relative to his or her discipline;
- 20      (d) Is suspected of being unfit or incompetent to practice by reason of negligence  
21          or other causes, including but not limited to being unable to practice with  
22          reasonable skill or safety;
- 23      (e) Has a license or credential to practice medical imaging or radiation therapy  
24          denied, suspended, revoked, or otherwise disciplined in another jurisdiction  
25          on grounds sufficient to cause a license or credential to be denied, suspended,  
26          revoked, or otherwise disciplined in this Commonwealth;
- 27      (f) Is practicing medical imaging or radiation therapy, as it pertains to this

1 chapter, without a current ~~valid~~<sup>[active]</sup> license or valid temporary license  
2 issued by the board;

3 (g) **Is suspected of aiding or abetting unlicensed practice under this chapter;**

4 (h) Is suspected of misusing or misappropriating any drugs placed in the  
5 licensee's custody to be administered to or used by others;

6 (i)~~(h)~~ Is suspected of falsely or negligently making incorrect entries or failing  
7 to make essential entries on essential records;

8 (j)~~(i)~~ Is suspected of abusing controlled substances, prescription medications,  
9 illegal substances, or alcohol; or

10 (k)~~(j)~~ Is suspected of violating any provision of this chapter.

11 ➔Section 9. KRS 311B.160 is amended to read as follows:

12 **(1) Any person who fails to comply with any provision of this chapter, any**  
13 **administrative regulation promulgated under this chapter, or any valid order of**  
14 **the board shall be fined a reasonable amount as determined by the board through**  
15 **the promulgation of administrative regulations in accordance with KRS Chapter**  
16 **13A. Each day of violation or noncompliance shall constitute a separate offense.**

17 **(2) The board shall assess a civil penalty against an individual or licensee who**  
18 **performs diagnostic or therapeutic procedures without a valid license or aids or**  
19 **abets unlicensed or unlawful practice.**

20 **(3) Prior to assessing a civil penalty, the board shall confirm a violation by any of the**  
21 **following:**

22 **(a) Observing the violation;**

23 **(b) Obtaining records, documents, or other physical evidence;**

24 **(c) Obtaining statements that confirm the existence of the violation from either**  
25 **the employer or the employee; or**

26 **(d) Obtaining statements that corroborate the allegation that a violation has**  
27 **occurred from a third party, such as a patient or coworker.**

1 (4) A civil penalty shall be assessed against an individual who performs diagnostic or  
2 therapeutic procedures without a valid license as follows:

3 (a) Failure to apply for an initial license by an individual who is fully qualified  
4 for licensure at the time of the violation shall be assessed a civil penalty plus  
5 the license application fee;

6 (b) Failure to apply for renewal by an individual who would be eligible for  
7 renewal of a license but would not currently qualify due to insufficient  
8 continuing education at the time of the violation shall be assessed a civil  
9 penalty plus the license renewal fee;

10 (c) Performance of a diagnostic or therapeutic procedure requiring licensure  
11 by an individual who is not qualified for a license at the time of the violation  
12 shall be assessed a civil penalty; and

13 (d) Civil penalties for repeating the offenses specified in paragraphs (a) to (c) of  
14 this subsection shall be doubled. Each day of violation shall constitute a  
15 separate repeat offense.

16 (5) A civil penalty, double the amount assessed against an individual under  
17 subsection (4) of this section, shall also be assessed against the employer of the  
18 individual.

19 (6) Any person who violates any provision of this chapter shall be guilty of a Class A  
20 misdemeanor punishable by imprisonment for no more than six (6) months, or by  
21 a fine not exceeding one thousand dollars (\$1,000), or by both.

22 (7) When any person other than a professional holding a valid license under this  
23 chapter has engaged in any act or practice that violates any provision of this  
24 chapter, the Franklin Circuit Court, on application of the board, may issue an  
25 injunction or other appropriate order restraining such conduct.

26 (8) The board may deny, revoke, or suspend the license of an individual who:

27 (a)~~(1)~~ Has engaged in conduct relating to his or her profession that is likely to

1 deceive, defraud, or harm the public, which shall include violation of KRS  
2 304.39-215 and conduct that is subject to the penalties under KRS 304.99-  
3 060(4) or (5);

4 ~~(b)(2)~~ Has a substance use disorder that impairs the individual's ability to  
5 perform his or her duties;

6 ~~(c)(3)~~ Develops a physical or mental disability or other condition that makes  
7 continued practice or performance of his or her duties potentially dangerous to  
8 patients or the public;

9 ~~(d)(4)~~ Performs procedures under or represents as valid to any person a  
10 license:

11 ~~1.(a)~~ *That is invalid or* not issued by the board;

12 ~~2.(b)~~ Containing unauthorized alterations; or

13 ~~3.(c)~~ Containing changes that are inconsistent with board records  
14 regarding its issuance;

15 ~~(e)(5)~~ Has been convicted of a crime that is a felony under the laws of this  
16 state or convicted of a felony in a federal court, unless the individual has had  
17 all civil rights restored, if in accordance with KRS Chapter 335B;

18 ~~(f)(6)~~ Exhibits significant or repeated failure in the performance of  
19 professional duties; or

20 ~~(g)(7)~~ Fails to comply with any administrative regulation of the board.

21 ➔Section 10. KRS 311.727 is amended to read as follows:

22 (1) As used in this section:

23 (a) "*Auscultate*~~[Auscultate]~~" means to examine by listening for sounds made by  
24 internal organs of the fetus, specifically for a fetal heartbeat, utilizing an  
25 ultrasound transducer or a fetal heart rate monitor;

26 (b) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for  
27 diagnostic~~[or therapeutic]~~ purposes, specifically to monitor a developing



1 fetus; and

2 (c) "Qualified technician" means a medical imaging technologist licensed under  
3 KRS Chapter 311B, ~~as defined in KRS 311B.020 who is certified in~~  
4 ~~obstetrics and gynecology by the American Registry for Diagnostic Medical~~  
5 ~~Sonography~~, or a nurse midwife or advance practice nurse practitioner in  
6 obstetrics with certification in obstetrical ultrasonography.

7 (2) Prior to a woman giving informed consent to having any part of an abortion  
8 performed, the physician who is to perform the abortion or a qualified technician to  
9 whom the responsibility has been delegated by the physician shall:

10 (a) Perform an obstetric ultrasound on the pregnant woman;

11 (b) Provide a simultaneous explanation of what the ultrasound is depicting, which  
12 shall include the presence and location of the unborn child within the uterus  
13 and the number of unborn children depicted and also, if the ultrasound image  
14 indicates that fetal demise has occurred, inform the woman of that fact;

15 (c) Display the ultrasound images so that the pregnant woman may view the  
16 images;

17 (d) Auscultate ~~Auscultate~~ the fetal heartbeat of the unborn child so that the  
18 pregnant woman may hear the heartbeat if the heartbeat is audible;

19 (e) Provide a medical description of the ultrasound images, which shall include  
20 the dimensions of the embryo or fetus and the presence of external members  
21 and internal organs, if present and viewable; and

22 (f) Retain in the woman's medical record a signed certification from the pregnant  
23 woman that she has been presented with the information required to be  
24 provided under paragraphs (c) and (d) of this subsection and has viewed the  
25 ultrasound images, listened to the heartbeat if the heartbeat is audible, or  
26 declined to do so. The signed certification shall be on a form prescribed by the  
27 cabinet.

1 (3) When the ultrasound images and heartbeat sounds are provided to and reviewed  
2 with the pregnant woman, ~~[nothing in]~~ this section shall ***not*** be construed to prevent  
3 the pregnant woman from averting her eyes from the ultrasound images or  
4 requesting the volume of the heartbeat be reduced or turned off if the heartbeat is  
5 audible. ~~[Neither]~~ The physician, the qualified technician, ***and*** ~~[nor]~~ the pregnant  
6 woman shall ***not*** be subject to any penalty if the pregnant woman refuses to look at  
7 the displayed ultrasound images or to listen to the heartbeat if the heartbeat is  
8 audible.

9 (4) The requirements of this section shall be in addition to any requirement contained  
10 in KRS 311.725 or any other section of KRS 311.710 to 311.820.

11 (5) ~~[The provisions of]~~ This section shall not apply in the case of a medical emergency  
12 or medical necessity. If a medical emergency or medical necessity compels the  
13 performance or inducement of an abortion, the physician who will perform or  
14 induce the abortion, prior to its performance or inducement if possible, shall inform  
15 the pregnant woman of the medical indications supporting the physician's judgment  
16 that an immediate abortion is necessary. Any physician who performs or induces an  
17 abortion without the prior satisfaction of the requirements of this section because of  
18 a medical emergency or medical necessity shall enter the reasons for the conclusion  
19 that a medical emergency or medical necessity exists in the medical record of the  
20 pregnant woman.

21 ➔Section 11. The following KRS sections are repealed:

22 311B.080 Board to recognize and enforce national standards.

23 311B.180 Civil penalties.

24 311B.190 Penalties to be determined by board.