

1 AN ACT relating to the regulation of medical imaging and radiation therapy.

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 nationally recognized certification organization that is recognized by the board;
- 14 (4) "Authorized user" means a physician, dentist, or podiatrist identified on a
15 radioactive materials license that authorizes the medical use of radioactive materials
16 if the license was issued by:
- 17 (a) The Cabinet for Health and Family Services;
- 18 (b) The United States Nuclear Regulatory Commission; or
- 19 (c) Another United States Nuclear Regulatory Commission agreement state;
- 20 (5) "Board" means the Kentucky Board of Medical Imaging and Radiation Therapy;
- 21 (6) "Credentialed" means someone who is certified and registered by an appropriate
22 national organization that is recognized by the board;
- 23 (7) "Continuing education" means a learning activity that is planned, organized, and
24 administered to enhance the professional knowledge and skills of a licensed
25 individual of medical imaging or radiation therapy to provide services for patients,
26 the public, or the medical profession;
- 27 (8) **"Diagnostic medical sonographer" means an individual who is authorized to**

1 utilize non-ionizing, high-frequency sound waves with specialized equipment to
2 generate images for diagnostic purposes;

3 (9) "Ionizing radiation":

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

7 (b) Does not include non-ionizing radiation;

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

11 (11)~~(9)~~ "Limited X-ray machine operator" means an individual who performs limited
12 radiographic procedures and is not actively employed in a facility where contrast
13 studies, fluoroscopic, nuclear medicine, or radiation therapy procedures are
14 performed~~in facilities where contrast studies, fluoroscopic, nuclear medicine, or~~
15 ~~radiation therapy procedures are not performed~~;

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

19 (13)~~(10)~~ "Medical imaging technologist" means an individual who has completed an
20 accredited educational program in radiography, nuclear medicine, or other imaging
21 modality recognized by the board and who is licensed and granted privileges under
22 this chapter. Only an individual licensed as a medical imaging technologist shall be
23 employed to perform medical imaging at a facility where contrast studies,
24 fluoroscopic, nuclear medicine, or radiation therapy procedures are performed;

25 (14)~~(11)~~ "National organization" means:

26 (a) The American Society of Radiologic Technologists;

27 (b) The Nuclear Medicine Technology Certification Board;

- 1 (c) The American Registry of Radiologic Technologists;
- 2 (d) The Society of Nuclear Medicine and Molecular Imaging~~Technologist~~
- 3 ~~Section~~];
- 4 (e) The Joint Review Committee on Education in Radiologic Technology;
- 5 (f) The Joint Review Committee on Educational Programs in Nuclear Medicine
- 6 Technology;
- 7 (g) The American College of Radiology;~~or~~
- 8 (h) American Registry for Diagnostic Medical Sonography;
- 9 (i) The Joint Review Committee on Education in Diagnostic Medical
- 10 Sonography;
- 11 (j) Society of Diagnostic Medical Sonography;
- 12 (k) American Institute of Ultrasound in Medicine;
- 13 (l) Cardiovascular Credentialing International;
- 14 (m) American Registry of Magnetic Resonance Imaging Technologists; or
- 15 (n) Another national organization recognized by the board;
- 16 (15) "Non-ionizing radiation" includes radiation such as radiofrequency or
- 17 microwaves, visible, infrared or ultraviolet light or ultrasound;
- 18 (16)~~(12)~~ "Nuclear medicine technologist" means an individual who is authorized to
- 19 prepare and administer radiopharmaceuticals, pharmaceuticals, and radionuclides
- 20 under the direction of an authorized user to perform nuclear medicine procedures
- 21 for diagnostic and therapeutic purposes;
- 22 (17)~~(13)~~ "Post-primary certification" means an individual who has primary
- 23 certification and has been awarded post-primary certification by a national
- 24 organization that has been recognized by the board;
- 25 (18)~~(14)~~ "Primary certification" means an individual who has successfully completed a
- 26 formal educational program and certification in radiography, nuclear medicine,
- 27 radiation therapy, or other modality recognized by the board;

1 ~~(19)~~~~(15)~~ "Radiation therapist" means an individual who:

- 2 (a) Has completed an accredited educational program in radiation therapy;
- 3 (b) Is licensed by the board; and
- 4 (c) Is authorized to utilize ionizing radiation-generating equipment and sources of
- 5 radiation for the planning, localization, and delivery of therapeutic procedures
- 6 on human beings;~~and~~

7 ~~(20)~~~~(16)~~ "Radiographer" means an individual who is authorized to use ionizing

8 radiation-generating equipment to perform a comprehensive scope of diagnostic

9 imaging procedures and is responsible for the operation of radiation-generating

10 equipment, protecting the patient and staff from unnecessary radiation, and

11 selecting the appropriate exposure to produce diagnostic images with the lowest

12 reasonable exposure;and

13 *(21) "Student medical imaging technologist" means an individual who is actively*

14 *enrolled in an accredited educational program in medical imaging, who has*

15 *completed a prescribed amount of the program, and who is licensed and granted*

16 *privileges under this chapter for a period not to exceed one (1) year. A student*

17 *medical imaging technologist is authorized to perform medical imaging*

18 *procedures while under the supervision of a licensed medical imaging*

19 *technologist not to exceed the individual's clinical competency, as defined in*

20 *administrative regulations.*

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

- 22 (1) The Kentucky Board ~~of~~~~for~~ Medical Imaging and Radiation Therapy is hereby
- 23 created to promote, preserve, and protect the public health, safety, and welfare of
- 24 the citizens of the Commonwealth of Kentucky by regulating and licensing
- 25 individuals who use ionizing or *non-ionizing*~~nonionizing~~ radiation as advanced
- 26 imaging professionals, medical imaging technologists, radiographers, radiation
- 27 therapists, nuclear medicine technologists, limited X-ray machine operators,

1 magnetic resonance imaging technologists, diagnostic medical sonographers,
2 student medical imaging technologists, or any combination of professions licensed
3 under this chapter. The board shall consist of eleven (11)~~nine (9)~~ members
4 appointed by the Governor, with the following qualifications:

- 5 (a) Two (2) members shall be licensed radiographers whose primary work
6 responsibilities are related to general diagnostic radiography;
- 7 (b) Two (2) members shall be licensed radiographers with a post-primary
8 certification and whose primary work responsibilities are related to that post-
9 primary certification;
- 10 (c) One (1) member shall be a licensed nuclear medicine technologist;
- 11 (d) One (1) member shall be a licensed radiation therapist;
- 12 (e) One (1) member shall be a licensed limited X-ray machine operator;
- 13 (f) One (1) member shall be a licensed medical imaging technologist or therapist
14 who serves as an educator in an accredited program or as an administrator in a
15 medical imaging or radiation therapy department;~~and~~
- 16 (g) One (1) member shall be a licensed diagnostic medical sonographer whose
17 primary work responsibilities are related to diagnostic medical sonography;
- 18 (h) One (1) member shall be a licensed magnetic resonance imaging
19 technologist; and
- 20 (i) One (1) member shall be an individual at-large from the general public with
21 no family or business relation to health care but with an interest in the rights
22 of consumers of health services.

- 23 (2) All board members, except the at-large member, shall have at least five (5) years of
24 experience in their respective areas of certification or licensure and shall maintain
25 active registry or certification and Kentucky licensure in medical imaging or
26 radiation therapy during the term as a board member. Each board member shall be a
27 resident of Kentucky or actively employed in medical imaging or radiation therapy

1 in Kentucky, and shall be in good standing with the board.

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

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

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

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

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

19 The board shall:

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

21 (2) *Have the authority to recognize and enforce the current rules and regulations,*
22 *practice standards, scopes of practice, and ethical standards for the nationally*
23 *recognized professional organizations and certifying bodies for technologists and*
24 *therapists regulated by this chapter;*

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

27 (4) Promulgate administrative regulations *in accordance with KRS Chapter 13A* to

1 administer and enforce this chapter;

2 ~~(5)~~~~(3)~~ Issue and renew the licenses of duly qualified applicants, following
3 procedures established by the board through the promulgation of administrative
4 regulations;

5 ~~(6)~~~~(4)~~ Determine and enforce continuing education requirements and establish
6 guidelines for approval of continuing education;

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

10 ~~(8)~~~~(6)~~ Designate funds for scholarships, program development, or continued
11 education;

12 ~~(9)~~~~(7)~~ Investigate suspected or alleged violations of this chapter, conduct hearings
13 and record minutes, resolve the allegations, and, if appropriate, impose sanctions or
14 penalties; and

15 ~~(10)~~~~(8)~~ Submit an annual report to the Governor and the Legislative Research
16 Commission that provides information concerning the board's work regarding
17 licensure of professionals under this chapter and that lists all hearings conducted by
18 the board and the decisions rendered.

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

20 (1) No person shall engage or attempt to engage in the operation of radiation-producing
21 equipment or the administration of ionizing or non-ionizing radiation for the
22 purpose of medical imaging or radiation therapy in Kentucky unless licensed in
23 accordance with the provisions of this chapter.

24 (2) This chapter shall not apply to any individual licensed in the Commonwealth of
25 Kentucky as a licensed practitioner of the healing arts, any student enrolled in an
26 approved educational program in medical imaging technology or radiation therapy
27 while completing the clinical requirements of the educational program, or any

1 employee of the federal government engaged in the performance of official duties
2 within the state.

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

5 (4) Nothing in this chapter or in the administrative regulations promulgated by the
6 board pursuant to this chapter shall be interpreted to limit or restrict a licensed
7 health care practitioner or provider from engaging in the full scope of practice
8 authorized by the license for that person's profession, training, or services.

9 **(5) Nothing in this chapter or in the administrative regulations promulgated by the**
10 **board pursuant to this chapter shall be interpreted to prohibit any person from**
11 **utilizing ultrasounds for therapeutic purposes or non-medical ultrasounds for**
12 **entertainment purposes, or keepsake ultrasounds, that are generated without a**
13 **medical indication to view or record images of a fetus.**

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

15 (1) The following individuals are required to apply for and receive a license from the
16 Commonwealth of Kentucky before performance of any procedures utilizing
17 **ionizing or non-ionizing** radiation for either medical imaging or radiation therapy:

18 (a) Advanced imaging professionals;

19 (b) Medical imaging technologists;

20 (c) Radiographers;

21 (d) Radiation therapists;

22 (e) Nuclear medicine technologists;~~and~~

23 (f) Limited X-ray machine operators;

24 **(g) Student medical imaging technologists;**

25 **(h) Magnetic resonance imaging technologists, except as provided in subsection**
26 **(4) of this section; and**

27 **(i) Diagnostic medical sonographers, except as provided in subsection (4) of**

1 this section.

2 (2) Qualifications for the above categories shall be established by the board through the
3 promulgation of administrative regulations. The board may also identify other
4 specialties or categories of duties consistent with this chapter through the
5 promulgation of administrative regulations.

6 (3) An applicant for licensure under subsection (1)(a) to (e) of this section who did not
7 graduate from an accredited educational program, is licensed or certified in another
8 jurisdiction with requirements and privileges comparable to Kentucky's, and has:

9 (a) Graduated from a postsecondary institution in a course of study focusing on
10 one (1) of the licensing categories listed in subsection (1) of this section;

11 (b) Passed a certifying examination from a national organization demonstrating
12 competence in his or her subject matter area;

13 (c) An active valid license or certificate and has not been professionally
14 disciplined or reprimanded by any credentialing jurisdiction or national
15 organization; and

16 (d) Provided the board with evidence of:

17 1. At least five (5) years of experience as an advanced imaging
18 professional; and

19 2. Maintenance of continuing education requirements during his or her
20 period of licensure or certification;

21 shall, upon application and payment of an application fee to the board, be granted
22 licensure by the board in his or her category, unless the board can show cause for
23 denial under KRS 311B.150~~[(4)]~~.

24 **(4) The board shall promulgate administrative regulations in accordance with KRS**
25 **Chapter 13A to permit a magnetic resonance imaging technologist or a diagnostic**
26 **medical sonographer who is not credentialed by a national organization**
27 **recognized by the board to apply and obtain a license before January 1, 2027. No**

1 additional credentialing shall be required for those who obtain a license before
2 January 1, 2027.

3 (5) Beginning January 1, 2027, all magnetic resonance imaging technologists and
4 diagnostic medical sonographers shall be credentialed by a national organization
5 recognized by the board to qualify for initial licensure or license reinstatement
6 and shall be licensed before performing any procedures utilizing ionizing or non-
7 ionizing radiation for either medical imaging or radiation therapy as required
8 under subsection (1) of this section.

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

10 (1) An applicant for licensure as an advanced imaging professional, medical imaging
11 technologist, radiographer, radiation therapist, nuclear medicine technologist,
12 magnetic resonance imaging technologist, diagnostic medical sonographer,
13 student medical imaging technologist, or limited X-ray machine operator shall file
14 an application in a format prescribed by the board.

15 (2) The board shall require a national and state criminal background investigation
16 for each applicant seeking to be licensed by the board under this chapter. The
17 criminal background investigation shall be by means of a fingerprint check by
18 the Department of Kentucky State Police, or an equivalent state police body in the
19 applicant's home state, and the Federal Bureau of Investigation, pursuant to the
20 following:

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

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

27 (c) The board shall be prohibited from releasing any criminal history record

1 information to any private entity or other licensing board, or authorizing
2 receipt of such information by any private entity or other licensing board;
3 and

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

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

13 ~~**(4)**~~~~**(3)**~~ Licensees shall meet continuing education requirements.

14 ~~**(5)**~~~~**(4)**~~ Licenses shall be renewed or reinstated in accordance with the requirements
15 set out by the board.

16 ~~**(6)**~~~~**(5)**~~ Licenses may be placed on inactive status for those who are not actively
17 employed, as defined by this chapter. To reactivate an inactive license, the applicant
18 shall submit a new application and required fee and meet all requirements for
19 reactivation.

20 ~~**(7)**~~~~**(6)**~~ The requirements of this section shall be established by the board through the
21 promulgation of administrative regulations in accordance with KRS Chapter 13A.

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

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

- 25 (1) The application process;
26 (2) Verification of qualifications;
27 (3) Issuance and renewal of licenses for advanced imaging professionals, medical

1 imaging technologists, radiographers, radiation therapists, nuclear medicine
2 technologists, magnetic resonance imaging technologists, diagnostic medical
3 sonographers, and limited X-ray machine operators;

4 (4) ~~{Duplicate licenses;~~

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

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

7 ~~(5){(7)}~~ Violations;

8 ~~(6){(8)}~~ ~~{Checks}~~ Payments issued on accounts with insufficient funds; and

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

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

11 It shall be unlawful for any person to:

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

15 (2) Manipulate equipment that produces ionizing or non-ionizing radiation or
16 administer radiopharmaceuticals unless licensed under this chapter or otherwise
17 exempt from the requirements of this chapter;

18 (3) ~~{Knowingly}~~ Employ an advanced imaging professional, medical imaging
19 technologist, radiographer, radiation therapist, nuclear medicine technologist,
20 magnetic resonance imaging technologist, diagnostic medical sonographer,
21 student medical imaging technologist, or limited X-ray machine operator unless
22 that individual is licensed under~~{ the provisions of }~~ this chapter or otherwise
23 exempt from the requirements of this chapter; or

24 (4) Be an advanced imaging professional, medical imaging technologist, radiographer,
25 radiation therapist, nuclear medicine technologist, magnetic resonance imaging
26 technologist, diagnostic medical sonographer, student medical imaging
27 technologist, limited X-ray machine operator, employer of one (1) of these

1 individuals, or any other person who, having knowledge of a situation listed in
2 paragraphs (a) to (j) of this subsection, refrains from reporting to the board a
3 licensee who:

- 4 (a) Has been convicted of any felony or a misdemeanor involving drugs, alcohol,
5 fraud, deceit, falsification of records, a breach of trust, physical harm or
6 endangerment to others, or dishonesty under the laws of any state or of the
7 United States;
- 8 (b) Is suspected of fraud or deceit in procuring or attempting to procure a license
9 or credential to practice in his or her discipline;
- 10 (c) Is suspected of negligently or willfully acting in a manner inconsistent with
11 professional practice relative to his or her discipline;
- 12 (d) Is suspected of being unfit or incompetent to practice by reason of negligence
13 or other causes, including but not limited to being unable to practice with
14 reasonable skill or safety;
- 15 (e) Has a license or credential to practice medical imaging or radiation therapy
16 denied, suspended, revoked, or otherwise disciplined in another jurisdiction
17 on grounds sufficient to cause a license or credential to be denied, suspended,
18 revoked, or otherwise disciplined in this Commonwealth;
- 19 (f) Is practicing medical imaging or radiation therapy, as it pertains to this
20 chapter, without a current valid~~active~~ license or valid temporary license
21 issued by the board;
- 22 (g) Is suspected of misusing or misappropriating any drugs placed in the
23 licensee's custody to be administered to or used by others;
- 24 (h) Is suspected of falsely or negligently making incorrect entries or failing to
25 make essential entries on essential records;
- 26 (i) Is suspected of abusing controlled substances, prescription medications,
27 illegal substances, or alcohol; or

1 (j) Is suspected of violating any provision of this chapter.

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

3 (1) Any person who fails to comply with any provision of this chapter, any
4 administrative regulation promulgated under this chapter, or any valid order of
5 the board shall be fined a reasonable amount as determined by the board through
6 the promulgation of administrative regulations in accordance with KRS Chapter
7 13A. Each day of violation or noncompliance shall constitute a separate offense.

8 (2) Except as provided in subsection (6) of this section, the board shall assess civil
9 penalties against an individual or licensee who performs diagnostic or
10 therapeutic procedures without a valid license.

11 (3) Prior to assessing civil penalties, the board shall confirm a violation by any of the
12 following:

13 (a) Observing the violation;

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

15 (c) Obtaining statements that confirm the existence of the violation from either
16 the employer or the employee; or

17 (d) Obtaining statements that corroborate the allegation that a violation has
18 occurred from third parties, such as patients or coworkers.

19 (4) Civil penalties shall be assessed against individuals who perform diagnostic or
20 therapeutic procedures without a valid license as follows:

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

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

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

4 (d) Civil penalties for repeating the above offenses shall be doubled. Each day
5 the violation occurs shall count as a separate repeat offense.

6 (5) Civil penalties, double the amount assessed against the individual, shall also be
7 assessed against the employer of the individual without a valid license pursuant
8 to subsection (4) of this section.

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

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

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

17 (a)~~(1)~~ Has engaged in conduct relating to his or her profession that is likely to
18 deceive, defraud, or harm the public, which shall include violation of KRS
19 304.39-215 and conduct that is subject to the penalties under KRS 304.99-
20 060(4) or (5);

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

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

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

- 1 ~~1.(a)}~~ **That is invalid or** not issued by the board;
- 2 ~~2.(b)}~~ Containing unauthorized alterations; or
- 3 ~~3.(c)}~~ Containing changes that are inconsistent with board records
- 4 regarding its issuance;
- 5 ~~(e)(5)}~~ Has been convicted of a crime that is a felony under the laws of this
- 6 state or convicted of a felony in a federal court, unless the individual has had
- 7 all civil rights restored, if in accordance with KRS Chapter 335B;
- 8 ~~(f)(6)}~~ Exhibits significant or repeated failure in the performance of
- 9 professional duties; or
- 10 ~~(g)(7)}~~ Fails to comply with any administrative regulation of the board.

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

12 (1) As used in this section:

- 13 (a) "**Auscultate**~~[Auscultate]~~" means to examine by listening for sounds made by
- 14 internal organs of the fetus, specifically for a fetal heartbeat, utilizing an
- 15 ultrasound transducer or a fetal heart rate monitor;
- 16 (b) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for
- 17 diagnostic ~~for therapeutic~~ purposes, specifically to monitor a developing
- 18 fetus; and
- 19 (c) "Qualified technician" means a medical imaging technologist **licensed under**
- 20 **KRS Chapter 311B**~~[as defined in KRS 311B.020 who is certified in obstetrics~~
- 21 ~~and gynecology by the American Registry for Diagnostic Medical~~
- 22 ~~Sonography]~~ or a nurse midwife or advance practice nurse practitioner in
- 23 obstetrics with certification in obstetrical ultrasonography.

24 (2) Prior to a woman giving informed consent to having any part of an abortion

25 performed, the physician who is to perform the abortion or a qualified technician to

26 whom the responsibility has been delegated by the physician shall:

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

- 1 (b) Provide a simultaneous explanation of what the ultrasound is depicting, which
2 shall include the presence and location of the unborn child within the uterus
3 and the number of unborn children depicted and also, if the ultrasound image
4 indicates that fetal demise has occurred, inform the woman of that fact;
- 5 (c) Display the ultrasound images so that the pregnant woman may view the
6 images;
- 7 (d) Auscultate~~Auscultate~~ the fetal heartbeat of the unborn child so that the
8 pregnant woman may hear the heartbeat if the heartbeat is audible;
- 9 (e) Provide a medical description of the ultrasound images, which shall include
10 the dimensions of the embryo or fetus and the presence of external members
11 and internal organs, if present and viewable; and
- 12 (f) Retain in the woman's medical record a signed certification from the pregnant
13 woman that she has been presented with the information required to be
14 provided under paragraphs (c) and (d) of this subsection and has viewed the
15 ultrasound images, listened to the heartbeat if the heartbeat is audible, or
16 declined to do so. The signed certification shall be on a form prescribed by the
17 cabinet.
- 18 (3) When the ultrasound images and heartbeat sounds are provided to and reviewed
19 with the pregnant woman, nothing in this section shall be construed to prevent the
20 pregnant woman from averting her eyes from the ultrasound images or requesting
21 the volume of the heartbeat be reduced or turned off if the heartbeat is audible.
22 Neither the physician, the qualified technician, nor the pregnant woman shall be
23 subject to any penalty if the pregnant woman refuses to look at the displayed
24 ultrasound images or to listen to the heartbeat if the heartbeat is audible.
- 25 (4) The requirements of this section shall be in addition to any requirement contained
26 in KRS 311.725 or any other section of KRS 311.710 to 311.820.
- 27 (5) The provisions of this section shall not apply in the case of a medical emergency or

1 medical necessity. If a medical emergency or medical necessity compels the
2 performance or inducement of an abortion, the physician who will perform or
3 induce the abortion, prior to its performance or inducement if possible, shall inform
4 the pregnant woman of the medical indications supporting the physician's judgment
5 that an immediate abortion is necessary. Any physician who performs or induces an
6 abortion without the prior satisfaction of the requirements of this section because of
7 a medical emergency or medical necessity shall enter the reasons for the conclusion
8 that a medical emergency or medical necessity exists in the medical record of the
9 pregnant woman.

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

11 311B.080 Board to recognize and enforce national standards.

12 311B.180 Civil Penalties.

13 311B.190 Penalties to be determined by board.