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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – RADIOLOGIC TECHNOLOGISTS  
LICENSING

Introduced By: Senators Gallo, and P Fogarty

Date Introduced: February 04, 2010

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-68 of the General Laws entitled "Board of Radiologic  
2 Technology" is hereby repealed in its entirety.

3 ~~CHAPTER 5-68~~

4 ~~Board of Radiologic Technology~~

5 ~~**5-68-1. Purpose.** -- The purpose of this chapter is to assure patients, operators, and all~~  
6 ~~those influenced and affected by ionizing radiation of the minimum standards of radiation~~  
7 ~~protection.~~

8 ~~**5-68-2. Definitions.** -- As used in this chapter:~~

9 ~~-(1) "Board" means the board of radiologic technology.~~

10 ~~-(2) "Department" means the department of health.~~

11 ~~-(3) "Financial interest" means being:~~

12 ~~-(i) A licensed practitioner of radiologic technology; or~~

13 ~~-(ii) A person who deals in goods and services that are uniquely related to the practice of~~  
14 ~~radiologic technology; or~~

15 ~~-(iii) A person who has invested anything of value in a business that provides radiologic~~  
16 ~~technology services.~~

17 ~~-(4) "License" means a written authorization issued by the department authorizing an~~  
18 ~~individual to perform diagnostic and/or therapeutic radiologic procedures on humans.~~

1           ~~-(5) "Licensed practitioner" or "licensed practitioner of the healing arts" means an~~  
2 ~~individual licensed to practice medicine, osteopathy, chiropractic, podiatry or an individual~~  
3 ~~licensed as a physician assistant in this state.~~

4           ~~-(6) "National organization" means a professional association, approved by the board that~~  
5 ~~examines, registers, certifies or approves individuals in education programs relating to operators~~  
6 ~~of sources of radiation.~~

7           ~~-(7) "Nuclear medicine technology" means the act of giving a radioactive substance to a~~  
8 ~~human being for diagnostic purposes, or the act of performing associated procedures, or both.~~

9           ~~-(8) "Operator" or "operator of sources of radiation" means any individual, other than a~~  
10 ~~licensed practitioner of the healing arts, who uses or operates a source or sources of radiation.~~

11           ~~-(9) "Radiation physicist" means an individual in the field of radiation protection who has~~  
12 ~~knowledge and responsibility to apply appropriate radiation practice.~~

13           ~~-(10) "Radiation therapy technology" means the direct application of ionizing radiation to~~  
14 ~~human beings for therapeutic purposes.~~

15           ~~-(11) "Radiography" means the direct application of ionizing radiation to a human being~~  
16 ~~for diagnostic purposes.~~

17           ~~-(12) "Radiologic technology" includes the practice of:~~

18           ~~(i) Radiography; or~~

19           ~~(ii) Nuclear medicine technology; or~~

20           ~~(iii) Radiation therapy technology.~~

21           ~~-(13) "Radiologist" means a licensed practitioner practicing within the field of radiology.~~

22           ~~-(14) "Sources of radiation" means any substance or device emitting or capable of~~  
23 ~~producing ionizing radiation, for the purpose of performing human therapeutic or diagnostic~~  
24 ~~radiologic procedures.~~

25           ~~-(15) "State" means the state of Rhode Island and Providence Plantations.~~

26           ~~-(16) "Student" means an individual enrolled in a course of study for medicine or~~  
27 ~~radiologic technology.~~

28           ~~-(17) "Supervision" means:~~

29           ~~(i) "Direct personal supervision" which means supervised by and in the physical~~  
30 ~~presence of a radiologist or licensed operator.~~

31           ~~(ii) "Direct supervision" which means supervised by a radiologist or licensed operator~~  
32 ~~who is at all times available in the individual's place of employment.~~

33           ~~(iii) "General supervision" which means supervised by a radiologist or licensed operator~~  
34 ~~who is available but not necessarily within the individual's place of employment.~~

1           ~~**5-68.3. License required.**— (a) No person shall practice radiography, nuclear medicine~~  
2 ~~technology or radiation therapy or shall represent themselves as practicing radiography, nuclear~~  
3 ~~medicine technology or radiation therapy, unless they are licensed under this chapter, except as~~  
4 ~~provided.~~

5           ~~(b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of~~  
6 ~~persons and health care providers licensed by appropriate agencies of Rhode Island.~~

7           ~~(c) This chapter does not prohibit a person enrolled in an approved school of radiologic~~  
8 ~~technology, under the direct supervision of a board-certified radiologist or a licensed radiologic~~  
9 ~~technologist, from performing those duties essential for completion of a student's clinical service.~~

10           ~~(d) This chapter is not intended to supersede the mammography rules and regulations~~  
11 ~~promulgated pursuant to section 23-17-32.~~

12           ~~**5-68.4. The board of radiologic technology.**— (a) Within the division of professional~~  
13 ~~regulation of the department of health there is a board of radiologic technology consisting of~~  
14 ~~seven (7) members as follows:~~

15           ~~(1) One member shall be a member of the public who has no financial interest in~~  
16 ~~radiologic technology other than as a consumer or possible consumer of its services. They shall~~  
17 ~~have no financial interest personally or through a spouse.~~

18           ~~(2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a~~  
19 ~~radiologist who utilizes ionizing radiation in the normal course of his or her practice.~~  
20 ~~Nominations for the licensed practitioner board members shall be submitted by the Rhode Island~~  
21 ~~Medical Society and the Radiologic Society of Rhode Island to the department for approval.~~

22           ~~(3) Three (3) members of the board shall be licensed under this chapter. One shall be~~  
23 ~~from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.~~  
24 ~~Nominations from the Rhode Island Society of Radiologic Technologists, the New England~~  
25 ~~Society of Radiation Therapy Technologists, and the Society of Nuclear Medicine (New England~~  
26 ~~chapter), shall be submitted to the department for approval.~~

27           ~~(4) One member shall be a representative of the hospital association who shall be~~  
28 ~~nominated by the Hospital Association of Rhode Island and submitted to the department for~~  
29 ~~approval.~~

30           ~~(5) The director of the department, with the approval of the governor, within sixty (60)~~  
31 ~~days following the enactment of this chapter, shall appoint one member for a term of one year;~~  
32 ~~two (2) for a term of two (2) years; and two (2) for a term of three (3) years. Appointments made~~  
33 ~~after this shall be for three (3) year terms, but no person shall serve more than two (2) consecutive~~  
34 ~~terms.~~

1           ~~-(6) The director, in his or her initial appointment, shall appoint as radiologic technologist~~  
2 ~~members of the board, persons currently practicing as registered radiologic technologists in~~  
3 ~~Rhode Island.~~

4           ~~-(7) The board shall meet during the first month of each calendar year to select a~~  
5 ~~chairperson and for other purposes. At least one additional meeting shall be held before the end of~~  
6 ~~each calendar year. Other meetings shall be convened at the call of the chairperson, the~~  
7 ~~administrator of professional regulation or upon the written request of any two (2) board~~  
8 ~~members.~~

9           ~~-(8) In the event of a vacancy in one of the positions, the director of the department of~~  
10 ~~health, with the approval of the governor, may appoint a person who shall fill the unexpired term.~~

11           ~~-(b) The duties of the board shall be as follows:~~

12           ~~-(1) To evaluate the qualifications of applicants and review the required examination~~  
13 ~~results administered by a testing agency approved by the board;~~

14           ~~-(2) To recommend to the director the issue of licenses to applicants who meet the~~  
15 ~~requirements of the Radiologic Technology Act; and~~

16           ~~-(3) To administer, coordinate, and enforce the provisions of this chapter and investigate~~  
17 ~~persons engaging in practices that may violate the provisions of the chapter;~~

18           ~~-(4) To recommend to the director the denial or revocation of licenses to practice~~  
19 ~~radiologic technology as provided in this chapter;~~

20           ~~-(5) To recommend to the director adoption of rules and regulations.~~

21           ~~**5-68-5. Licensing by training and examination.** --- Any person desiring to become a~~  
22 ~~licensed radiographer, a licensed nuclear medicine technologist and/or a licensed radiation~~  
23 ~~therapist shall make application to the board on a written form and in the manner that the board~~  
24 ~~prescribes, shall pay all the required application fees and shall furnish evidence to the board that~~  
25 ~~the applicant:~~

26           ~~-(1) Has successfully completed a training program approved by the board;~~

27           ~~-(2) Has passed the examination given by the American Registry of Radiologic~~  
28 ~~Technologists, or the Nuclear Medicine Technology Certification Board (as specified in the rules~~  
29 ~~and regulations); and~~

30           ~~-(3) Is of good moral character.~~

31           ~~**5-68-6. Licensing without examination.** --- (a) The board shall waive the education and~~  
32 ~~examination requirements for applicants who present proof of current licensure in a state which~~  
33 ~~has standards at least equal to those for licensure in Rhode Island as determined by the board.~~

34           ~~-(b) The division shall issue a license in the appropriate category to any person who:~~

1 ~~-(1) Has been working in the field of radiologic technology as a nuclear medicine~~  
2 ~~technologist, or a radiation therapist, or as a radiographer in all aspects of radiography as defined~~  
3 ~~by the board for three (3) consecutive years from 1986;~~

4 ~~-(2) Submits proof of the employment to the department of health for review within one~~  
5 ~~year after the adoption of the rules and regulations for radiologic technologists; and~~

6 ~~-(3) Is of good moral character.~~

7 ~~-(c) The division shall issue a limited license in radiologic technology to any person who:~~

8 ~~-(1) Has been working in the field of radiologic technology as a radiographer in some but~~  
9 ~~not all aspects of radiography as defined by the board for three (3) consecutive years from 1987;~~

10 ~~-(2) Submits proof of the employment to the department of health for review within one~~  
11 ~~year after the adoption of the rules and regulations for radiologic technologists; and~~

12 ~~-(3) Is of good moral character.~~

13 ~~-(d) Persons shall be issued a limited license:~~

14 ~~-(1) Depending upon their level of professional training and experience, as determined by~~  
15 ~~a supervising licensed practitioner, may practice radiologic technology consistent with their~~  
16 ~~expertise and that of the supervising licensed practitioner; and~~

17 ~~-(2) May practice radiologic technology only under the direct supervision of a licensed~~  
18 ~~practitioner or a licensed radiologic technologist; and~~

19 ~~-(3) May not supervise others in the performance of radiologic technology.~~

20 ~~**5-68-7. Exemptions.** -- The provisions of the preceding sections do not apply to:~~

21 ~~-(1) A licensed practitioner when practicing within his or her field of expertise.~~

22 ~~-(2) Students of medicine, when under the general supervision of an instructor who is a~~  
23 ~~radiologist board certified or eligible for board certification and when acting within the scope of~~  
24 ~~practice.~~

25 ~~-(3) A dentist, licensed dental hygienist or certified dental assistant when practicing~~  
26 ~~within his or her field of expertise.~~

27 ~~-(4) Podiatry assistants who have received a "certificate of completion" from the~~  
28 ~~Community College of Rhode Island or other equivalent training approved by the board, after~~  
29 ~~having taken and passed the course on "radiography for podiatry assistance" and when acting~~  
30 ~~within the practice of podiatry.~~

31 ~~**5-68-8. Other licensing provisions.** -- (a) The license issued by the department shall~~  
32 ~~describe the licensed person as a "licensed radiographer", a "licensed nuclear medicine~~  
33 ~~technologist" or a "licensed radiation therapist", licensed by the Rhode Island department of~~  
34 ~~health.~~

1 ~~-(b) Unless licensed as a "licensed radiographer", a "licensed nuclear medicine~~  
2 ~~technologist" or a "licensed radiation therapist" under the Radiologic Technology Act, no person~~  
3 ~~shall use any title or abbreviation to indicate that the person is a licensed radiologic technologist.~~

4 ~~-(c) A valid license issued pursuant to this chapter shall be carried on the person of the~~  
5 ~~radiologic technologist while performing the duties for which the license is required.~~

6 ~~-(d) Licenses, with the exception of initial licenses, shall be issued for a period of two (2)~~  
7 ~~years.~~

8 ~~-(e) License renewal dates shall be determined under the rules and regulations.~~

9 ~~-(f) Licensees shall provide to the department proof of at least ten (10) continuing~~  
10 ~~education credits deemed acceptable for these purposes in the rules and regulations for radiologic~~  
11 ~~technologist's for each renewal period of two (2) years starting every second year after the 1995~~  
12 ~~recertification period. Failure to provide this evidence shall constitute grounds for revocation,~~  
13 ~~suspension, or refusal to renew the license.~~

14 ~~-(g) Any graduate of a training program approved by the board who files a completed~~  
15 ~~application (including all documents except for examination scores) for licensing shall be~~  
16 ~~recognized, upon receiving a receipt from the Rhode Island department of health, division of~~  
17 ~~professional regulation, as a "graduate technologist". This shall authorize the applicant to practice~~  
18 ~~that branch of radiologic technology applied for, until the next succeeding exam is given and until~~  
19 ~~the results of the exam are distributed and acted upon by the board. In the event that the candidate~~  
20 ~~fails the examination, all privileges issued under this graduate status shall be revoked.~~

21 ~~**5-68-9. Fees.** (a) The director shall, in consultation with the board, establish a schedule~~  
22 ~~of fees for licenses and for renewal as licenses for radiologic technologists.~~

23 ~~-(b) The initial application fee and renewal fee shall not exceed one hundred and seventy~~  
24 ~~dollars (\$170), and shall be prescribed in rules and regulations.~~

25 ~~**5-68-10. Denial, suspension, revocation, and reinstatement of licenses.** (a) The~~  
26 ~~board may recommend refusal, suspension, or revocation of any license in accordance with the~~  
27 ~~procedures provided in the Administrative Procedures Act, chapter 35 of title 42, for any of the~~  
28 ~~following causes:~~

29 ~~-(1) Fraud in the procurement of any license under this chapter;~~

30 ~~-(2) Imposition of any disciplinary action upon a person by any agency of another state,~~  
31 ~~which regulates radiologic technology, but not to exceed the period or extent of the action;~~

32 ~~-(3) Conviction of a crime, which substantially relates to the qualifications, functions, or~~  
33 ~~duties of a radiologic technologist. The record of conviction or a certified copy is conclusive~~  
34 ~~evidence of the conviction;~~

1 ~~(4) Impersonating or acting as a proxy for an applicant in an examination for registration~~  
2 ~~in the field of radiologic technology;~~

3 ~~(5) Habitual or excessive use of intoxicants or drugs;~~

4 ~~(6) Gross negligence in his or her practice as a radiologic technologist;~~

5 ~~(7) Violating any of the provisions of the Radiologic Technology Act or any rules or~~  
6 ~~regulations adopted under that act or aiding or abetting any person to violate the provisions of or~~  
7 ~~any rules or regulations adopted under this chapter;~~

8 ~~(8) Engaging in unprofessional conduct; or~~

9 ~~(9) Committing any fraudulent, dishonest, or corrupt act, which is substantially related to~~  
10 ~~the qualifications, functions, or duties of a radiologic technologist.~~

11 ~~(b) One year from the date of revocation of a license under the Radiologic Technology~~  
12 ~~Act, application may be made for reinstatement, restoration, or modification of probation. The~~  
13 ~~board has the discretion to accept or reject any application for the reinstatement.~~

14 ~~**5-68-11. Receipts.** -- The proceeds of any fees collected pursuant to the provisions of this~~  
15 ~~chapter, shall be deposited as general revenues.~~

16 ~~**5-68-12. Penalties.** -- (a) A violation of any provision of this chapter shall be deemed a~~  
17 ~~misdemeanor. The misdemeanor shall be punishable by a fine of not less than three hundred~~  
18 ~~dollars (\$300) for the first offense. Each subsequent offense shall be punishable by a fine of not~~  
19 ~~less than five hundred dollars (\$500).~~

20 ~~(b) The department may bring civil action in the district court to enforce any provision of~~  
21 ~~this chapter.~~

22 ~~**5-68-13. Severability.** -- If any part of this chapter is held unconstitutional or invalid, all~~  
23 ~~parts that are severable from the invalid or unconstitutional part remain in effect. If a part of this~~  
24 ~~chapter is held unconstitutional or invalid in one or more of its applications, the valid part~~  
25 ~~remains in effect and all constitutional and valid applications are severable from the invalid~~  
26 ~~applications.~~

27 SECTION 2. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"  
28 is hereby amended by adding thereto the following chapter:

29 CHAPTER 68.1

30 RADIOLOGIC TECHNOLOGISTS

31 **5-68.1-1. Purpose.** -- The purpose of this chapter is to establish standards of education,

32 training and experience, and to require the licensure of radiologic technologists.

33 **5-68.1-2. Definitions.** -- As used in this chapter:

34 (1) "Authorized user" means a licensed practitioner who meets the training and

- 1 experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.
- 2 (2) "Board" means the board of radiologic technology.
- 3 (3) "Department" means the Rhode Island department of health.
- 4 (4) "Director" means the director of the Rhode Island department of health.
- 5 (5) "Financial interest" means being:
- 6 (i) A licensed practitioner of radiologic technology; or
- 7 (ii) A person who deals in goods and services that are uniquely related to the practice of
- 8 radiologic technology; or
- 9 (iii) A person who has invested anything of value in a business that provides radiologic
- 10 technology services.
- 11 (6) "License" means a license issued by the director to practice radiologic technology.
- 12 (7) "Licensed practitioner" means an individual licensed to practice medicine,
- 13 chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician
- 14 assistant in this state.
- 15 (8) "Medical physicist" means an individual, other than a licensed practitioner, who
- 16 practices independently one or more of the subfields of medical physics, and is registered or
- 17 licensed under rules and regulations promulgated pursuant to section 23-1.3
- 18 (9) "National organization" means a professional association or registry, approved by the
- 19 director, that examines, registers, certifies or approves individuals and education programs
- 20 relating to operators of sources of radiation.
- 21 (10) "Nuclear medicine technologist" means an individual, other than a licensed
- 22 practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,
- 23 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
- 24 of performing a comprehensive scope of nuclear medicine procedures, and who has met and
- 25 continues to meet the licensure standards of this chapter.
- 26 (11) "Person" means any individual, corporation, partnership, firm, association, trust,
- 27 estate, public or private institution, group, agency, political subdivision of this state or any other
- 28 state, or political subdivision of any agency thereof and any legal successor, representative, agent
- 29 or agency of the foregoing.
- 30 (12) "Radiation therapist" means an individual, other than a licensed practitioner, who
- 31 utilizes ionizing radiation under the general supervision of an authorized user for the planning and
- 32 delivery of therapeutic procedures, and who has met and continues to meet the licensure
- 33 standards of this chapter.
- 34 (13) "Radiology technologist" also known as a "radiographer" means an individual, other

1 than a licensed practitioner, who performs a comprehensive scope of diagnostic radiologic  
2 procedures under the general supervision of a licensed practitioner using external ionizing  
3 radiation, resulting in radiographic or digital images, and who has met and continues to meet the  
4 licensure standard of this chapter.

5 (14) "Radiologist" means a licensed practitioner specializing in radiology who is certified  
6 by or eligible for certification by the American Board of Radiology or the American Osteopathic  
7 Board of Radiology, the British Royal College of Radiology, or the Canadian College of  
8 Physicians and Surgeons.

9 (15) "Radiologist assistant" means an individual, other than a licensed practitioner, who  
10 performs as an advanced level radiologic technologist and works under the general supervision of  
11 a radiologist to enhance patient care by assisting the radiologist in the medical imaging  
12 environment, and who has met and continues to meet the licensure standards of this chapter.

13 (16) "Source of radiation" means any substance or device emitting or capable of  
14 producing ionizing radiation, for the purpose of performing therapeutic or diagnostic radiologic  
15 procedures on human beings.

16 (17) "Student" means an individual enrolled in a course of study for medicine or  
17 radiologic technology.

18 (18) "Supervision" means and includes:

19 (i) "Direct supervision" means supervision and control by a licensed practitioner who  
20 assumes legal liability for the services rendered by the radiologic technologist, which supervision  
21 requires the physical presence of the licensed practitioner for consultation and direction of the  
22 actions of the radiologic technologist.

23 (ii) "General supervision" means supervision whereby a licensed practitioner, who  
24 assumes legal liability for the services rendered, authorizes the services to be performed by the  
25 radiologic technologist, which supervision, except in cases of emergency, requires the easy  
26 availability or physical presence of the licensed practitioner for consultation and direction of the  
27 actions of the radiologic technologist.

28 **5-68.1-3. Board – Composition – Appointment and terms of members. – (a) Within**  
29 **the Rhode Island department of health there shall be a board of radiologic technology consisting**  
30 **of seven (7) members as follows:**

31 (1) One member shall be a member of the public who has no financial interest in  
32 radiologic technology other than as a consumer or possible consumer of its services. They shall  
33 have no financial interest personally or through a spouse.

34 (2) Two (2) members of the board shall be licensed practitioners, one of whom shall be a

1 radiologist who utilizes ionizing radiation in the normal course of his or her practice.  
2 Nominations for the licensed practitioner board members shall be submitted by the Rhode Island  
3 Medical Society and the Rhode Island Radiological Society to the director for approval.

4 (3)(i) Three (3) members of the board shall be licensed under this chapter. One shall be  
5 from radiography, one shall be from nuclear medicine, and one shall be from radiation therapy.

6 (ii) The director shall appoint as radiologic technologist members of the board,  
7 individuals currently practicing as registered radiologic technologists in Rhode Island.

8 (4) One member shall be a representative of the hospital association who shall be  
9 nominated by the Hospital Association of Rhode Island and submitted to the director for  
10 approval.

11 (5)(i) The director, with the approval of the governor, shall make appointments for a three  
12 (3) year term, but no individual shall serve more than two (2) consecutive terms. Members of the  
13 board as of the effective date of this chapter, who were previously appointed pursuant to section  
14 5-68-4, shall continue to serve for the remainder of their appointed term.

15 (ii) In the event of a vacancy in one of the positions, the director, with the approval of the  
16 governor, may appoint an individual who shall fill the unexpired term.

17 (6) The board shall meet during the first month of each calendar year to select a  
18 chairperson and for other purposes. At least one additional meeting shall be held during each  
19 calendar year. Meetings may also be called at any time by the chairperson, the director or by  
20 written request of two (2) members of the board. A majority of the fully authorized board  
21 constitutes a quorum.

22 (b) The duties of the board shall be as follows:

23 (1) To evaluate the qualifications of applicants and review the required examination  
24 results administered by a testing agency approved by the board;

25 (2) To recommend to the director the issuance of licenses to applicants who meet the  
26 requirements of this chapter;

27 (3) To administer, coordinate and enforce the provisions of this chapter and investigate  
28 persons engaging in practices that may violate the provisions of the chapter;

29 (4) To recommend to the director the denial or revocation of licenses to practice  
30 radiologic technology as provided in this chapter; and

31 (5) To recommend to the director adoption of rules and regulations pursuant to this  
32 chapter.

33 **5-68.1-4. License required.** -- (a) No individual shall practice radiologic technology or  
34 shall represent themselves as practicing radiologic technology, unless they are licensed under this

1 chapter. The provisions of this section do not apply to:

2 (1) A licensed practitioner when practicing within his or her field of expertise.

3 (2) A student of medicine, when under the general supervision of an instructor who is a  
4 radiologist and when acting within the scope of practice.

5 (3) A dentist, licensed dental hygienist or certified dental assistant when practicing within  
6 his or her field of expertise.

7 (4) A podiatry assistant who has received a "certificate of completion" from the  
8 Community College of Rhode Island or other equivalent training approved by the board, after  
9 having taken and passed the course on "radiography for podiatry assistance" and when acting  
10 within the practice of podiatry.

11 (5) A medical physicist when practicing within his or her field of expertise.

12 (b) Nothing in this chapter is intended to limit, preclude or interfere with the practice of  
13 persons and health care providers licensed by appropriate agencies of Rhode Island.

14 (c) This chapter does not prohibit an individual enrolled in an approved school of  
15 radiologic technology, under the direct supervision of a radiologist or a licensed radiologic  
16 technologist, from performing those duties essential for completion of a student's clinical service.

17 (d) This chapter is not intended to supersede the mammography rules and regulations  
18 promulgated pursuant to section 23-17-32.

19 **5-68.1-5. Licensure standards.** – (a) The director shall develop standards for licensure  
20 of the following categories of radiologic technology:

21 (1) Radiographer;

22 (2) Nuclear medicine technologist;

23 (3) Radiation therapist; and

24 (4) Radiologist assistant.

25 (b) The director may promulgate rules and regulations which authorize additional  
26 categories of licensure, consistent with a radiologic technology certification established by the  
27 American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification  
28 Board or other national organization.

29 (c) The director may promulgate rules and regulations that establish requirements for  
30 radiologic technologist authorization to operate hybrid imaging modalities, including, but not  
31 limited to, a combination nuclear medicine-computed tomography device.

32 **5-68.1-6. Licensing by training and examination.** – (a) Any individual desiring to  
33 become a licensed radiologic technologist shall make application to the board on a written form  
34 and in the manner that the board prescribes, shall pay all the required application fees and shall

1 furnish evidence to the board that the applicant:

2 (1) Has successfully completed a training program approved by the board;

3 (2) Has passed the appropriate examination(s) given by the American Registry of  
4 Radiologic Technologists, the Nuclear Medicine Technology Certification Board or other  
5 national organization specified in rules and regulations adopted pursuant to this chapter; and

6 (b) Graduate practice. Any graduate of a training program approved by the board who  
7 has filed a completed application (including all documents except for examination scores) for  
8 licensing shall be recognized, upon receiving a receipt from the director, as a graduate  
9 technologist for a period not to exceed ninety (90) days from the date on the application fee  
10 receipt.

11 (1) This receipt shall authorize the applicant to practice that branch of radiologic  
12 technology specified on the application until the results of the exam are distributed and acted  
13 upon by the board, but in no case shall the authorized period exceed ninety (90) days. During this  
14 authorized period, the applicant shall identify him or herself only as a "graduate technologist."

15 (2) If the applicant fails to take the examination and receive a license, as specified in  
16 subsection 5-68.1-6(a), during this authorized ninety (90) day period or fails to pass the  
17 examination, all authorization to practice as a graduate technologist shall immediately become  
18 null and void.

19 (3) Authorization to practice as a graduate technologist shall only be granted by the board  
20 to an individual for a single period not to exceed ninety (90) days, and shall not be extended or  
21 renewed.

22 **5-68.1-7. Licensing by endorsement.** – Any individual desiring to become a licensed  
23 radiologic technologist by endorsement shall make application to the board on a written form and  
24 in a manner that the board prescribes and shall pay all the required application fees. The  
25 applicant shall also furnish evidence to the board that he or she holds a current certificate, license  
26 or registration to practice radiologic technology in another state, and the requirements for such  
27 certificate, license or registration, as determined by the board, are substantially equivalent to  
28 those established under this chapter, and rules and regulations promulgated pursuant to this  
29 chapter.

30 **5-68.1-8. Other licensing provisions.** – (a) Each radiologic technologist license issued  
31 by the director shall only specify one category of radiologic technology. An individual qualified  
32 to practice more than one category of radiologic technology shall submit a separate application  
33 for each category to be licensed. Each radiologic technologist license issued by the director shall  
34 indicate, as appropriate, that the individual is a licensed radiographer, a licensed nuclear medicine

1 technologist, a licensed radiation therapist, a licensed radiologist assistant or other category of  
2 radiologic technology license established by the director pursuant to subsection 5-68.1-5(c).

3 (b) Unless licensed as a radiologic technologist pursuant to this chapter, no individual  
4 shall use any title or abbreviation to indicate that the individual is a licensed radiologic  
5 technologist.

6 (1) An individual holding a license as a radiographer may use the title "Licensed  
7 Radiologic Technologist-Radiographer" or the letters "LRT-R" after his or her name.

8 (2) An individual holding a license as a radiation therapy technologist may use the title  
9 "Licensed Radiologic Technologist-Therapy" or the letters "LRT-T" after his or her name.

10 (3) An individual holding a license as a nuclear medicine technologist may use the title  
11 "Licensed Radiologic Technologist-Nuclear Medicine" or the letters "LRT-N" after his or her  
12 name.

13 (4) An individual holding a license as a radiologist assistant may use the title "Licensed  
14 Radiologist Assistant" or the letters "LRA" after his or her name.

15 (c) A valid license issued pursuant to this chapter shall be carried on the person of the  
16 radiologic technologist while performing the duties for which the license is required.

17 (d) Licenses, with the exception of initial licenses, shall be issued for a period of two (2)  
18 years.

19 (e) The director shall promulgate rules and regulations which specify a renewal date for  
20 all licenses issued pursuant to this chapter.

21 (f) The director shall promulgate rules and regulations which specify the minimum  
22 continuing education credits required for renewal of a radiologic technologist license. Failure to  
23 attest to completion of the minimum continuing education credits shall constitute grounds for  
24 revocation, suspension or refusal to renew the license.

25 **5-68.1-9. Special requirements pertaining to licensure of radiologist assistants. – (a)**

26 The director shall promulgate rules and regulations that delineate the specific duties allowed for a  
27 licensed radiologist assistant. These duties shall be consistent with guidelines adopted by the  
28 American College of Radiology, the American Society of Radiologic Technologists and the  
29 American Registry of Radiologic Technologists, with the level of supervision required by such  
30 guidelines.

31 (b) A licensed radiologist assistant is specifically not authorized to:

32 (1) Perform nuclear medicine or radiation therapy procedures unless currently licensed  
33 and trained to perform those duties under the individual's nuclear medicine technologist or  
34 radiation therapy technologist license;

- 1           (2) Interpret images;
- 2           (3) Make diagnoses; and
- 3           (4) Prescribe medications or therapies.

4           **5-68.1-10. Fees.** – (a) The director, in consultation with the board, shall establish an  
5 initial application fee that shall not exceed one hundred seventy dollars (\$170) and a license  
6 renewal fee that shall be prescribed in rules and regulations promulgated pursuant to section 5-  
7 68.1-15.

8           (b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be  
9 deposited in the general fund as general revenues.

10           **5-68.1-11. Denial, suspension, revocation and reinstatement of licenses.** – (a) The  
11 board may recommend refusal, suspension or revocation of any license, in accordance with the  
12 provisions of section 42-35, for any of the following causes:

13           (1) Having a certificate, license or registration to practice radiologic technology revoked,  
14 suspended, or otherwise acted against, including being denied certification by a national  
15 organization, by a specialty board recognized by the director, or by a certification authority of  
16 another state, territory or country;

17           (2) Fraud in the procurement of any license under this chapter, including, but not limited  
18 to, impersonating or acting a proxy for an applicant in an examination for licensure in the field of  
19 radiologic technology;

20           (3) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a  
21 crime that directly relates to the practice of radiologic technology or to the ability to practice  
22 radiologic technology. Pleading nolo contendere shall be considered a conviction for the purpose  
23 of this provision.

24           (4) Incompetence or engaging in negligent or unprofessional conduct, which includes, but  
25 is not limited to, any departure from, or the failure to conform to, the standards of practice of  
26 radiologic technology as established by the director, in which case actual injury need not be  
27 established;

28           (5) Being unable to practice radiologic technology with reasonable skill and safety to  
29 patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or other materials or as  
30 a result of any mental or physical condition. A licensee affected under this paragraph shall, at  
31 reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the  
32 competent practice of radiologic technology with reasonable skill and safety.

33           (6) Making or filing a false report or record that the licensee knows to be false,  
34 intentionally or negligently failing to file a report or record required by state or federal law, or

1 willfully impeding or obstructing such filing or inducing another to so. Such reports or records  
2 include only those reports or records which are signed in the capacity of the licensee.

3 (7) Violating, or aiding or abetting any person to violate, any provision of this chapter,  
4 any rule or regulation promulgated pursuant to this chapter, or any lawful order of the director  
5 previously entered in a disciplinary proceeding or failing to comply with a lawfully issued  
6 subpoena of the director.

7 (b) Five (5) years from the date of revocation of a license under this chapter, application  
8 may be made for reinstatement, restoration or modification of probation. The board has the  
9 discretion to accept or reject any application for the reinstatement.

10 **5-68.1-12. Grounds for discipline without hearing.** – The director may temporarily  
11 suspend the license of a radiologic technologist without a hearing if the director finds that  
12 evidence in his or her possession indicates that a radiologic technologist's continuation in practice  
13 would constitute an immediate danger to the public. In the event that the director temporarily  
14 suspends the license of a radiologic technologist without a hearing, a hearing by the board must  
15 be held within ten (10) days after the suspension has occurred.

16 **5-68.1-13. Appeals from board or director.** – An appeal from any decision or order of  
17 the board or director may be taken in accordance with the provisions of chapter 42-35.

18 **5-68.1-14. Penalties.** – A violation of any provision of this chapter shall be punishable by  
19 a civil fine of not less than three hundred dollars (\$300) for the first offense. Each subsequent  
20 offense shall be punishable by a fine of not less than five hundred dollars (\$500).

21 **5-68.1-15. Rules and regulations.** – The director is authorized to promulgate rules and  
22 regulations as are in accord with the purposes of this chapter, and in accordance with the  
23 provisions of chapter 42-35.

24 **5-68.1-16. Severability.** – If any provision of this chapter, or of any rule or regulation  
25 made under this chapter, or the application of this chapter to any person or circumstances is held  
26 invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and  
27 the application of this provision to other persons or circumstances, shall not be affected.

28 SECTION 3. This act shall take effect upon passage.

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LC00845/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS – RADIOLOGIC TECHNOLOGISTS  
LICENSING

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1           This act would repeal the existing radiologic technology licensing act and adopt a revised  
2 radiologic technology licensing act. This revised act would allow the director of health to  
3 appropriately license radiologic technologists in accordance with current standards of practice  
4 established by national professional associations which examine, register, certify or approve  
5 individuals and education programs relating to operators of sources of radiation.

6           This act would take effect upon passage.

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LC00845/SUB A  
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