

HOUSE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TUCK

Introduced: 1/30/17

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring licensure of occupations relating to radiologic technology, radiation**
2 **therapy, and nuclear medicine technology; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

5 (42) regulation of radiologic technologists under AS 08.89.

6 * **Sec. 2.** AS 08 is amended by adding a new chapter to read:

7 **Chapter 89. Radiologic Technologists.**

8 **Article 1. Licensing Requirements.**

9 **Sec. 08.89.100. Unlicensed practice prohibited.** (a) Except as provided in (b)
10 of this section, a person may not knowingly

11 (1) use radioactive materials or equipment emitting radiation on a
12 human for diagnostic or therapeutic purposes without a license or permit issued under
13 this chapter that authorizes the person to do so; or

14 (2) employ another to use radioactive materials or equipment emitting

1 radiation on a human for diagnostic or therapeutic purposes unless the employee has
 2 an appropriate license or permit issued under this chapter.

3 (b) The licensing or permit requirement in (a) of this section does not apply to
 4 a person who is

5 (1) a licensed practitioner, if the practitioner certifies to the department
 6 on a form prepared by the department that the practitioner has obtained education or
 7 training to ensure the examination or test is performed safely;

8 (2) a dental assistant who uses equipment emitting radiation on
 9 humans under the direct supervision of a licensed practitioner;

10 (3) licensed under another provision of state law if the license
 11 authorizes the person to use radioactive materials or equipment emitting radiation on a
 12 human for diagnostic or therapeutic purposes;

13 (4) a student enrolled in and attending a school or college of medicine,
 14 osteopathy, dentistry, dental hygiene, chiropractic, podiatry, radiologic technology,
 15 radiation therapy, or nuclear medicine, while, as part of course work in the school or
 16 college, the student uses radioactive materials or equipment emitting radiation on
 17 humans under the direct supervision of a

18 (A) licensed practitioner; or

19 (B) person licensed under this chapter as a radiologic
 20 technologist, radiation therapist, or nuclear medicine technologist, as
 21 appropriate to the course;

22 (5) in the regular medical service of the armed services of the United
 23 States or the United States Public Health Service while in the discharge of the person's
 24 official duties; or

25 (6) in the regular medical service of the armed services of the United
 26 States or the United States Public Health Service volunteering services without pay or
 27 other remuneration to a hospital, clinic, medical office, or other medical facility in the
 28 state.

29 (c) In this section, "under the direct supervision" includes the amount of
 30 supervision needed to ensure that an examination or test conducted is performed safely
 31 and appropriately.

(d) Violation of this section is a class A misdemeanor.

Sec. 08.89.110. Use of title prohibited. (a) Unless a person holds the corresponding license, limited license, or permit issued under this chapter or proof of certification by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board, a person may not use

(1) the title "radiologic technologist," "radiation therapist," "nuclear medicine technologist," "limited radiologic imager," "temporary permitted radiologic technologist," "temporary permitted radiation therapist," "temporary permitted nuclear medicine technologist," or "temporary permitted limited radiologic imager";

(2) an abbreviation that corresponds to a title listed in (1) of this subsection; or

(3) another title, abbreviation, letters, figures, signs, or other devices that would lead a reasonable person to believe that the person is licensed or permitted under this chapter.

(b) Violation of this section is a class B misdemeanor.

Sec. 08.89.120. Qualifications for licensure. (a) To receive a license under this chapter, a person must apply to the department in a manner that indicates whether the person is applying to practice as a radiologic technologist, radiation therapist, or nuclear medicine technologist. In addition, the person shall

(1) be at least 18 years of age;

(2) have graduated from secondary school or have passed an approved equivalency test;

(3) have graduated from a program approved by the department under AS 08.89.130 in the area of practice for which the person seeks licensure;

(4) have met the examination requirement under AS 08.89.140 for the area of practice for which the person seeks licensure; and

(5) pay the required fees.

(b) A license shall specify the area of practice authorized under the license.

(c) A person with a license may practice in the authorized area of practice only under the direction of a licensed practitioner.

Sec. 08.89.130. Program approval; licensure. (a) The department shall, on

1 application by a program, evaluate an educational program that trains persons to
 2 receive licensure under this chapter and approve or disapprove the program according
 3 to the criteria in (b) of this section.

4 (b) The department shall approve a program evaluated under this section only
 5 if

6 (1) the program is affiliated with at least one hospital that provides a
 7 clinical component for the program that the department considers to be adequate;

8 (2) the program's curriculum for each course of study in the areas of
 9 practice licensed under AS 08.89.120 meets the standards approved by the Joint
 10 Review Committee on Education in Radiologic Technology, the Joint Review
 11 Committee on Educational Programs in Nuclear Medicine Technology, the United
 12 States Department of Education, or another appropriate accreditation agency whose
 13 standards the department considers equivalent; and

14 (3) a recognized national voluntary accrediting organization has
 15 reviewed the program's application to the department and submitted the review
 16 comments to the department.

17 **Sec. 08.89.140. Examinations; licensure.** The examination requirement under
 18 AS 08.89.120 may be fulfilled by meeting one of the following criteria:

19 (1) successfully passing an examination approved by the department in
 20 the area of practice for which the license is sought;

21 (2) proof of current certification by the American Registry of
 22 Radiologic Technologists, Nuclear Medicine Technology Certification Board; or

23 (3) proof of current licensure in the area of practice for which a license
 24 is sought by another jurisdiction with standards for licensure that the department
 25 considers to be equivalent to the standards of this state.

26 **Sec. 08.89.150. Qualifications for limited radiologic imager.** (a) To be
 27 licensed as a limited radiologic imager, a person must

28 (1) be at least 18 years of age;

29 (2) have graduated from secondary school or have passed an approved
 30 equivalency test;

31 (3) have graduated from a program approved by the department under

AS 08.89.160 or have completed not less than two years of clinical experience in limited diagnostic radiologic imaging under the supervision of a licensed radiologic technologist or practitioner;

(4) have passed the examination approved by the department for limited radiologic imager licensure; and

(5) pay the required fees.

(b) A limited radiologic imager

(1) may perform limited radiologic diagnostic imaging only under the supervision of a licensed radiologic technologist or practitioner;

(2) may perform only radiography of the chest, abdomen, and axial-appendicular skeleton; in this paragraph, "axial-appendicular skeleton" means the skull, including the mandible, sinuses, and facial bones; spine, including cervical, thoracic, lumbar, sacrum, and coccyx areas; pelvis; ribs; and upper and lower extremities;

(3) may not perform radiologic procedures involving the use of contrast media, fluoroscopic equipment, mammography, tomography, magnetic resonance imaging (MRI), bone densitometry using ionizing radiation, nuclear medicine, radiation therapy, or computed tomography imaging (CT scan).

Sec. 08.89.160. Program approval for limited radiologic imager. (a) The department shall, on application by a program, evaluate a program that trains persons to be limited radiologic imagers and approve or disapprove the program according to the criteria in (b) of this section.

(b) The department shall approve a program evaluated under this section if the program includes didactic instruction and clinical instruction considered adequate by the department, as determined under the department's regulations. In this subsection, "clinical instruction" means hands-on experience in a health facility setting, such as in a hospital or clinic, under the supervision of a licensed radiologic technologist or licensed practitioner.

Sec. 08.89.165. Examination; limited radiologic imagers. (a) The department shall provide for an examination for qualification for licensure of a limited radiologic imager under AS 08.89.150. The department shall offer the examination at

1 regular intervals to provide maximum access and sufficient opportunity for interested
2 applicants.

3 (b) The examination provided under this section must be based in whole or in
4 part on a limited scope of practice in radiologic technology examination designed by
5 the American Registry of Radiologic Technologists, and the department shall design
6 the examination in consultation with the Department of Health and Social Services,
7 the state Medical Board, the Alaska Society of Radiologic Technologists, and at least
8 one member of the American College of Radiology who resides in the state.

9 (c) A passing score on an examination taken under this section is 75 percent as
10 a general average rating.

11 **Sec. 08.89.170. Temporary permit.** (a) The department may issue to a person
12 a nonrenewable temporary

13 (1) limited permit authorizing practice in an area corresponding to the
14 person's scope of radiology training if the person pays the appropriate fee and

15 (A) is enrolled in a program approved under AS 08.89.160 for
16 that area; or

17 (B) demonstrates to the satisfaction of the department that the
18 applicant has performed limited scope radiologic diagnostic imaging as
19 described under AS 08.89.150(b) for at least two years before July 1, 2015; or

20 (2) permit authorizing practice in an area corresponding to the person's
21 scope of radiology training if the person

22 (A) has taken an examination described under AS 08.89.140
23 for that area and the results are not yet available;

24 (B) applies for the temporary permit within one year after
25 completing a program approved under AS 08.89.130; and

26 (C) pays the appropriate fee.

27 (b) A temporary permit issued under this section must indicate the area of
28 practice authorized. Except as provided in (c) of this section, the permit expires two
29 years after the date of issuance of the permit.

30 (c) Notwithstanding (a) and (b) of this section, if an applicant has provided
31 proof of certification by a recognized national credentialing body that covers the area

1 of practice for which a license is sought, the department may issue to the applicant, on
 2 payment of a fee determined by the department, a nonrenewable temporary permit
 3 valid for a period of one year.

4 (d) A person who holds a permit under this section is entitled to use the title
 5 "temporary permitted radiologic technologist," "temporary permitted radiation
 6 therapist," "temporary permitted nuclear medicine technologist," or "temporary
 7 permitted limited radiologic imager."

8 **Sec. 08.89.180. License renewal; continuing education.** (a) The department
 9 may not renew a license issued under this chapter unless the licensee pays the required
 10 fee and submits evidence satisfactory to the department that the person has met the
 11 applicable continuing education requirements as determined by the department.

12 (b) The department may not require a person who is licensed to practice in
 13 more than one area of practice to complete more continuing education than a person
 14 who is licensed in only one area of practice.

15 (c) The department may not renew a limited radiologic imager license issued
 16 under this chapter unless the licensee pays the required fee and submits evidence
 17 satisfactory to the department that the person has met the applicable continuing
 18 competency requirements as determined by the department.

19 **Sec. 08.89.190. License or permit to be kept on file.** A person licensed or
 20 holding a permit under this chapter shall keep on file at each place of the person's
 21 employment the license or permit document issued under this chapter or a verified
 22 copy of the license or permit document.

23 **Sec. 08.89.200. Notification of address changes.** A licensee or permittee
 24 under this chapter shall notify the department in writing within 30 days after a name or
 25 address change.

26 **Sec. 08.89.210. Reapplication after revocation.** A person whose license or
 27 permit is revoked by the department for a reason other than nonpayment of fees may
 28 not apply to be licensed under this chapter until one year has elapsed from the date of
 29 revocation. The department may require an examination for reinstatement.

30 **Sec. 08.89.220. Fees.** The department shall set fees under AS 08.01.065 for
 31 each of the following:

- (1) application;
- (2) examination;
- (3) initial license;
- (4) initial limited license;
- (5) temporary permit;
- (6) temporary limited permit;
- (7) license renewal;
- (8) limited license renewal;
- (9) adding an area of practice to an existing license;
- (10) program approval under AS 08.89.130.

Article 2. Prohibitions; Penalties; Disciplinary Sanctions.

Sec. 08.89.300. Prescription required. (a) A person holding a license or permit issued under this chapter may not knowingly use a radioactive substance or equipment for radiologic procedures on a human for diagnostic or therapeutic purposes except as prescribed by a licensed practitioner.

(b) Violation of this section is a class A misdemeanor.

Sec. 08.89.310. Civil penalty for unlicensed practice. A person required to be licensed or to hold a permit under this chapter who engages or offers to engage in a type of diagnostic radiologic imaging, radiation therapy, or nuclear medicine technology for which the person is not licensed or for which the person does not hold a permit may be fined up to \$5,000 under the citation procedures of AS 08.01.102 - 08.01.104.

Sec. 08.89.320. Application requirement for licenses and permits; criminal penalty for certain fraudulent practices. (a) The department shall require that applications for a license or permit issued under this chapter be submitted under oath or affirmation or with notice that false statements made are punishable as unsworn falsification in the second degree under AS 11.56.210.

(b) A person who obtains or attempts to obtain a license or permit issued under this chapter by false, fraudulent, or dishonest means is subject to prosecution for perjury or unsworn falsification.

(c) A person who knowingly forges, counterfeits, or alters a license or permit

1 issued under this chapter is subject to prosecution for forgery under AS 11.46.505.

2 **Sec. 08.89.330. Grounds for disciplinary sanctions or denial of license.** The
3 department may impose a disciplinary sanction authorized under AS 08.89.340 on a
4 person licensed or holding a permit under this chapter or refuse to issue or renew a
5 license or permit if the department finds that the person

6 (1) used fraud or deceit in the procurement or holding of the license or
7 permit or in the application process for the license or permit;

8 (2) has been convicted of a felony in a court of competent jurisdiction,
9 either within or outside of this state, unless the conviction has been reversed and the
10 person has been discharged or acquitted, or unless the person has been pardoned with
11 full restoration of civil rights;

12 (3) is or has been afflicted with a medical problem, disability, or
13 addiction that, in the opinion of the department, impairs professional competence;

14 (4) has aided a person who is not licensed or permitted under this
15 chapter, or otherwise authorized to perform the duties of a licensee or permittee, to
16 perform diagnostic radiologic imaging, radiation therapy, or nuclear medicine
17 technology;

18 (5) has undertaken or engaged in a radiologic technology practice
19 beyond the scope of practice authorized by the license;

20 (6) has, under an assumed name, impersonated a person licensed or
21 formerly licensed under this chapter or is performing duties of a licensee, a limited
22 licensee, or a person holding a permit;

23 (7) is a licensee or permittee under this chapter and has violated the
24 code of ethics established by the department;

25 (8) has interpreted a diagnostic image for a clinician, a patient, the
26 patient's family, or the public;

27 (9) is a licensee or permittee under this chapter and is or has been
28 incompetent or negligent in performance of the licensee's or permittee's duties.

29 **Sec. 08.89.340. Disciplinary sanctions.** (a) When the department finds that a
30 person licensed or holding a permit under this chapter has committed an act listed in
31 AS 08.89.330, the department may impose the following sanctions singly or in

1 combination:

2 (1) permanently revoke a license to practice;

3 (2) suspend a license for a determinate period of time;

4 (3) censure a licensee;

5 (4) issue a letter of reprimand;

6 (5) place a licensee on probationary status and require the licensee to

7 (A) report regularly to the department on matters involving the
8 basis of probation;

9 (B) limit practice to those areas prescribed;

10 (C) continue professional education until a satisfactory degree
11 of skill has been attained in those areas determined by the department to need
12 improvement;

13 (6) impose limitations or conditions on the practice of a licensee.

14 (b) The department may withdraw a limitation, condition, or probationary
15 status if it finds that the deficiency that required the sanction has been remedied.

16 (c) The department may summarily suspend a license before final hearing or
17 during the appeals process if the department finds that the licensee poses a clear and
18 immediate danger to the public welfare and safety. A person is entitled to a hearing
19 conducted by the office of administrative hearings under AS 44.64.010 within seven
20 days after the suspension order is issued. A person may appeal an adverse decision
21 after hearing to the superior court.

22 (d) The department may reinstate a license that has been suspended or revoked
23 if the department finds after a hearing that the person is able to practice with
24 reasonable skill and safety.

25 **Article 3. General Provisions.**

26 **Sec. 08.89.900. Unified occupation for fee purposes.** For purposes of
27 AS 08.01.065, all persons licensed or holding a permit under this chapter are
28 considered to be engaged in the same occupation.

29 **Sec. 08.89.910. Regulations.** The department shall adopt regulations necessary
30 to implement this chapter.

31 **Sec. 08.89.990. Definitions.** In this chapter,

(1) "department" means the Department of Commerce, Community, and Economic Development;

(2) "diagnostic radiologic imaging" means the making of film records or digital records by passage of radiation through the body to act on specially sensitized film or digital sensors;

(3) "direct supervision" means in the physical presence of a person who assists, evaluates, and approves the performance of tasks;

(4) "knowingly" has the meaning given in AS 11.81.900(a);

(5) "licensed practitioner" means a physician, physician assistant, nurse practitioner, podiatrist, osteopath, dentist, or chiropractor who is either licensed in this state or, if practicing as a physician, podiatrist, or osteopath, is exempt from licensure under AS 08.64.370(1) or (4);

(6) "limited radiologic imager" means a person licensed under AS 08.89.150 to perform diagnostic radiologic imaging within the limits specified in AS 08.89.150(b);

(7) "nuclear medicine technologist" means a person who prepares, calibrates, and administers radiopharmaceutical agents to humans for diagnostic or therapeutic purposes;

(8) "radiation therapist" means a person who applies radiation to humans for therapeutic purposes;

(9) "radiologic technologist" means a person who uses radiation on humans for diagnostic purposes.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Commerce, Community, and Economic Development may adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the effective date of the law implemented by the regulations.

* **Sec. 4.** AS 08.89.100 and 08.89.310, enacted by sec. 2 of this Act, take effect July 1, 2018.

* **Sec. 5.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

1 * **Sec. 6.** Except as provided in secs. 4 and 5 of this Act, this Act takes effect July 1, 2017.