

CS FOR HOUSE BILL NO. 186(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/31/03

Referred: Health, Education and Social Services, Finance

Sponsor(s): REPRESENTATIVES ANDERSON, Foster

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Radiologic Technology Board of Examiners; requiring
2 licensure of occupations relating to radiologic technology, radiation therapy, and
3 nuclear medicine technology; and providing for an effective date."

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

5 * **Section 1.** AS 08 is amended by adding a new chapter to read:

6 **Chapter 89. Radiologic Technologists.**

7 **Article 1. Radiologic Technology Board of Examiners.**

8 **Sec. 08.89.010. Board established.** (a) There is established the Radiologic
9 Technology Board of Examiners consisting of seven residents of the state who are
10 appointed by the governor as follows:

11 (1) three persons licensed with a full certificate under AS 08.89.120, at
12 least two of whom are fully licensed as radiologic technologists;

13 (2) one physician certified by the American Board of Radiology,
14 American Osteopathic Board of Radiology, British Royal College of Radiologists, or

1 Canadian College of Physicians and Surgeons;

2 (3) in addition to the person appointed under (2) of this subsection, one
3 physician, podiatrist, osteopath, or chiropractor;

4 (4) one person who is certified in radiological physics or one of the
5 subspecialties of radiological physics by the American Board of Radiology, American
6 Board of Medical Physics, American Board of Health Physics, American Board of
7 Science in Nuclear Medicine, or Canadian College of Physicists in Medicine; and

8 (5) one public member.

9 (b) The commissioner shall provide staff, logistic, budgetary, and other
10 support to the board, as appropriate, including the appointment of a person who is not
11 a member of the board to act as secretary for the board.

12 (c) The board shall meet at least twice a year.

13 **Sec. 08.89.020. Duties of the board.** The board shall

14 (1) authorize the issuance of full and limited certificates of licensure
15 and temporary permits under this chapter;

16 (2) establish continuing education requirements for the renewal of full
17 and limited certificates of licensure under this chapter;

18 (3) establish a code of ethics for persons licensed or holding permits
19 under this chapter;

20 (4) approve programs for the training of persons seeking or holding
21 full or limited certificates of licensure under this chapter.

22 **Article 2. Licensing Requirements.**

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

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

28 (2) employ another to use radioactive materials or equipment emitting
29 radiation on a human for diagnostic or therapeutic purposes unless the employee has
30 an appropriate license or permit issued under this chapter.

31 (b) The licensing or permit requirement in (a) of this section does not apply to

1 a person who is

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

5 (2) a student enrolled in and attending a school or college of medicine,
6 osteopathy, chiropractic, podiatry, radiologic technology, radiation therapy, or nuclear
7 medicine, while, as part of course work in the school or college, the student uses
8 radioactive materials or equipment emitting radiation on humans under

9 (A) the supervision of a licensed practitioner; or

10 (B) the direct supervision of a person fully licensed under this
11 chapter as a radiologic technologist, radiation therapist, or nuclear medicine
12 technologist, as appropriate to the course.

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

14 **Sec. 08.89.110. Use of title prohibited.** (a) Unless a person holds the
15 corresponding full or limited certificate of licensure or permit issued under this
16 chapter, a person may not use

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

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

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

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

27 **Sec. 08.89.120. Qualifications for full certificate licensure.** (a) In order to
28 receive a full certificate of licensure under this chapter, a person must apply to the
29 department in a manner that indicates whether the person is applying to practice as a
30 radiologic technologist, radiation therapist, or nuclear medicine technologist. In
31 addition, the person must

- 1 (1) be at least 18 years of age;
- 2 (2) have graduated from secondary school or have passed an approved
- 3 equivalency test;
- 4 (3) have graduated from a program approved by the board under
- 5 AS 08.89.130 in the area of practice for which the person seeks licensure;
- 6 (4) have met the examination requirement under AS 08.89.140 for the
- 7 area of practice for which the person seeks licensure; and
- 8 (5) pay the required fees.

9 (b) A full certificate shall specify the area of practice authorized under it.

10 (c) A person with a full certificate of licensure may practice in the authorized

11 area of practice only under the direction of a licensed practitioner.

12 **Sec. 08.89.130. Program approval; full certificates.** (a) The board shall,

13 upon application by a program, evaluate an educational program that trains persons to

14 receive full certificates of licensure under this chapter and approve or disapprove the

15 program according to the criteria in (b) of this section.

16 (b) The board shall approve a program evaluated under this section if and only

17 if

18 (1) the program is affiliated with at least one hospital that provides a

19 clinical component for the program that is considered to be adequate by the board;

20 (2) the program's curriculum for each course of study in the areas of

21 practice licensed under AS 08.89.120 meets the standards approved by the Joint

22 Review Committee on Education in Radiologic Technology, the Joint Review

23 Committee on Educational Programs in Nuclear Medicine Technology, the United

24 States Department of Education, or another appropriate accreditation agency whose

25 standards are considered equivalent by the board; and

26 (3) a recognized national voluntary accrediting organization has

27 reviewed the program's application to the board and submitted the review comments to

28 the board.

29 **Sec. 08.89.140. Examinations; full certificates.** The examination

30 requirement under AS 08.89.120 may be met by meeting one of the following criteria:

- 31 (1) successfully passing an examination approved by the board in the

1 area of practice for which the full certificate of licensure is sought;

2 (2) proof of certification by the American Registry of Radiologic
3 Technologists, Nuclear Medicine Technology Certification Board, or another
4 recognized national voluntary credentialing body if the certification was issued on the
5 basis of passing an examination satisfactory to the board that covers the area of
6 practice for which a full certificate of licensure is sought; or

7 (3) proof of current licensure in the area of practice for which a full
8 certificate of licensure is sought by another jurisdiction with standards for licensure
9 considered by the board to be equivalent to the standards of this state.

10 **Sec 08.89.150. Qualifications for limited radiologic imager.** (a) In order to
11 be licensed as a limited radiologic imager, a person must

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

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

15 (3) have graduated from a program approved by the board under
16 AS 08.89.160;

17 (4) have passed the exam approved by the board for limited radiologic
18 imager licensure; and

19 (5) pay the required fees.

20 (b) A limited radiologic imager

21 (1) may perform limited radiologic diagnostic imaging only in a
22 community with a population of 800 or less, according to the latest federal or state
23 census;

24 (2) may perform limited radiologic diagnostic imaging only under the
25 supervision of a fully licensed radiologic technologist or a licensed practitioner;

26 (3) may perform only radiography of the chest, abdomen, and axial-
27 appendicular skeleton;

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

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

5 (b) The board shall approve a program evaluated under this section if and only
 6 if the program

7 (1) is at least four months in length; and

8 (2) includes didactic instruction and clinical instruction considered
 9 adequate by the board in axial-appendicular skeleton radiography, chest and abdomen
 10 radiography, equipment maintenance and operation, radiation safety and protection,
 11 image production and evaluation, radiographic anatomy and positioning procedures,
 12 and applicable federal and state requirements relating to patient care and safety; in this
 13 paragraph, "clinical instruction" means hands-on experience in a health facility setting,
 14 such as in a hospital or clinic, under the supervision of a licensed practitioner or fully
 15 licensed radiologic technologist.

16 **Sec. 08.89.170. Temporary permit.** (a) The board may grant a
 17 nonrenewable temporary full permit or temporary limited permit to a person
 18 authorizing practice in an area corresponding to the person's scope of radiology
 19 training if the person

20 (1) has satisfactorily completed a program for that area approved under
 21 AS 08.89.130 or 08.89.160;

22 (2) has taken an examination described under AS 08.89.140 or
 23 08.89.150 for that area and the results are not yet available;

24 (3) applies for the temporary permit within one year after completing
 25 the program approved under AS 08.89.130 or 08.89.160; and

26 (4) pays the appropriate fee.

27 (b) A temporary permit issued under this section must indicate the area of
 28 practice authorized. The permit expires one year after completion of the program
 29 described in (a)(1) of this section or upon receipt of the examination results referred to
 30 in (a)(2) of this section, whichever is earlier.

31 (c) A person who holds a permit under this section is entitled to use the title

1 "temporary permitted radiologic technologist," "temporary permitted radiation
2 therapist," "temporary permitted nuclear medicine technologist," or "temporary
3 permitted limited radiologic imager."

4 **Sec. 08.89.180. License renewal; continuing education.** (a) The board may
5 not renew a license issued under this chapter unless the licensee pays the required fee
6 and submits evidence satisfactory to the board that the person has met the board's
7 continuing education requirements.

8 (b) The board shall require a minimum of 20 hours of approved continuing
9 education or training in radiology per biennium, at least 12 hours of which must be
10 approved as Category A credits by the American Registry of Radiologic
11 Technologists.

12 (c) A person with a full certificate of licensure who is licensed to practice in
13 more than one area of practice is not required to complete more continuing education
14 than a person with a full certificate of licensure who is licensed in only one area of
15 practice. However, the board, in its communications with persons who have a full
16 certificate of licensure in more than one area of practice, shall encourage those persons
17 to receive continuing education in all of the areas for which they are licensed.

18 (d) The board shall make available a list of continuing education sponsors
19 approved by the American Registry of Radiologic Technologists.

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

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

27 **Sec. 08.89.210. Reapplication after revocation.** A person whose license or
28 permit is revoked by the board for a reason other than nonpayment of fees may not
29 apply to be licensed under this chapter until 24 months have elapsed from the date of
30 revocation.

31 **Sec. 08.89.220. Fees.** The department shall set fees under AS 08.01.065 for

1 each of the following:

- 2 (1) application;
- 3 (2) examination;
- 4 (3) full certificate of licensure;
- 5 (4) limited certificate of licensure;
- 6 (5) temporary full permit;
- 7 (6) temporary limited permit;
- 8 (7) license renewal.

9 **Article 3. Prohibitions; Penalties; Disciplinary Sanctions.**

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

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

15 **Sec. 08.89.310. Civil penalty for unlicensed practice.** A person required to
 16 be licensed or to have a permit under this chapter who engages or offers to engage in a
 17 type of diagnostic radiologic imaging, radiation therapy, or nuclear medicine
 18 technology for which the person is not licensed or for which the person does not hold
 19 a permit may be fined up to \$5,000 under the citation procedures of AS 08.01.102 -
 20 08.01.104.

21 **Sec. 08.89.320. Criminal penalty for certain fraudulent practices.** A
 22 person who knowingly obtains or attempts to obtain a license or permit under this
 23 chapter by dishonest or fraudulent means or who knowingly forges, counterfeits, or
 24 fraudulently alters a license or permit issued under this chapter is guilty of a class B
 25 misdemeanor.

26 **Sec. 08.89.330. Grounds for disciplinary sanctions or denial of license.**
 27 The board may impose a disciplinary sanction authorized under AS 08.01.075 on a
 28 person licensed or holding a permit under this chapter or refuse to issue or renew a
 29 license or permit if the board finds that the person

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

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

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

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

11 (5) has undertaken or engaged in a radiologic technology practice
 12 beyond the scope of duties permitted by law;

13 (6) has, under an assumed name, impersonated a person licensed or
 14 formerly licensed under this chapter or is performing duties of a fully certificated
 15 licensee, a limited certificate licensee, or a person holding a permit;

16 (7) is a licensee or permittee under this chapter and has violated the
 17 code of ethics established by the board;

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

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

22 **Article 4. General Provisions.**

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

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

27 (1) "axial-appendicular skeleton" means the skull, including the
 28 mandible, sinuses, and facial bones; spine, including cervical, thoracic, lumbar,
 29 sacrum, and coccyx areas; pelvis; ribs; and upper and lower extremities;

30 (2) "board" means the Radiologic Technology Board of Examiners
 31 established under AS 08.89.010;

1 (3) "contrast media" means an examination where contrast media is
 2 introduced into a human body to define a part or parts not normally visualized on a
 3 radiograph;

4 (4) "department" means the Department of Community and Economic
 5 Development;

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

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

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

12 (8) "licensed practitioner" means a physician, podiatrist, osteopath,
 13 dentist, or chiropractor who is either licensed in this state or exempt from licensure
 14 under AS 08.64.370(1) or (4);

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

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

20 (11) "radiologic technologist" means a person who uses radiation on
 21 humans for diagnostic purposes;

22 (12) "limited radiologic imager" means a person licensed under
 23 AS 08.89.150 to perform diagnostic radiologic imaging within the limits specified in
 24 AS 08.89.150(b).

25 * **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

26 (38) Radiologic Technology Board of Examiners (AS 08.89.010).

27 * **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

28 (22) Radiologic Technology Board of Examiners -- June 30, 2007.

29 * **Sec. 4.** AS 44.62.330(a) is amended by adding a new paragraph to read:

30 (60) Radiologic Technology Board of Examiners.

31 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 INITIAL BOARD MEMBERS. Notwithstanding AS 08.89.010, enacted by sec. 1 of
3 this Act, a member of the Radiologic Technology Board of Examiners who, under
4 AS 08.89.010, would be required to be licensed under AS 08.89 need not be licensed unless
5 the member serves on the board after June 30, 2005.

6 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 REGULATIONS. Notwithstanding secs. 7 and 8 of this Act, the Radiologic
9 Technology Board of Examiners may begin the process to adopt regulations to implement this
10 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act) but not
11 before the effective date of the statutes implemented by the regulations.

12 * **Sec. 7.** Except as provided by sec. 8 of this Act, this Act takes effect July 1, 2003.

13 * **Sec. 8.** AS 08.89.100 and 08.89.310, enacted by sec. 1 of this Act, take effect July 1,
14 2005.