

**CS FOR HOUSE BILL NO. 150(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/22/05

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVE ANDERSON

**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 is amended by adding a new chapter to read:

5 **Chapter 89. Radiologic Technologists.**

6 **Article 1. Licensing Requirements.**

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

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

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

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

3 (1) a licensed practitioner;

4 (2) a dental hygienist or dental assistant who uses equipment emitting  
5 radiation on humans under the direct supervision of a licensed practitioner;

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

9 (4) a student enrolled in and attending a school or college of medicine,  
10 osteopathy, chiropractic, podiatry, radiologic technology, radiation therapy, or nuclear  
11 medicine, while, as part of course work in the school or college, the student uses  
12 radioactive materials or equipment emitting radiation on humans under

13 (A) the direct supervision of a licensed practitioner; or

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

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

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

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

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

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

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

1           **Sec. 08.89.120. Qualifications for full certificate licensure.** (a) In order to  
2 receive a full certificate of licensure under this chapter, a person must apply to the  
3 division in a manner that indicates whether the person is applying to practice as a  
4 radiologic technologist, radiation therapist, or nuclear medicine technologist. In  
5 addition, the person shall

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

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

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

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

13                   (5) pay the required fees.

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

15           (c) A person with a full certificate of licensure may practice in the authorized  
16 area of practice only under the direction of a licensed practitioner.

17           **Sec. 08.89.130. Program approval; full certificates.** (a) The division shall,  
18 upon application by a program, evaluate an educational program that trains persons to  
19 receive full certificates of licensure under this chapter and approve or disapprove the  
20 program according to the criteria in (b) of this section.

21           (b) The division shall approve a program evaluated under this section only if

22                   (1) the program is affiliated with at least one hospital that provides a  
23 clinical component for the program that is considered to be adequate by the division;

24                   (2) the program's curriculum for each course of study in the areas of  
25 practice licensed under AS 08.89.120 meets the standards approved by the Joint  
26 Review Committee on Education in Radiologic Technology, the Joint Review  
27 Committee on Educational Programs in Nuclear Medicine Technology, the United  
28 States Department of Education, or another appropriate accreditation agency whose  
29 standards are considered equivalent by the division; and

30                   (3) a recognized national voluntary accrediting organization has  
31 reviewed the program's application to the division and submitted the review comments

1 to the division.

2 **Sec. 08.89.140. Examinations; full certificates.** The examination  
3 requirement under AS 08.89.120 may be met by meeting one of the following criteria:

4 (1) successfully passing an examination approved by the division in  
5 the area of practice for which the full certificate of licensure is sought;

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

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

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

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

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

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

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

20 (5) pay the required fees.

21 (b) A limited radiologic imager

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

24 (2) may perform only radiography of the chest, abdomen, and axial-  
25 appendicular skeleton;

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

30 **Sec. 08.89.160. Program approval for limited radiologic imager.** (a) The  
31 division shall, upon application by a program, evaluate a program that trains persons

1 to be limited radiologic imagers and approve or disapprove the program according to  
2 the criteria in (b) of this section.

3 (b) The division shall approve a program evaluated under this section only if  
4 the program includes didactic instruction and clinical instruction considered adequate  
5 by the division in axial-appendicular skeleton radiography, chest and abdomen  
6 radiography, equipment maintenance and operation, radiation safety and protection,  
7 image production and evaluation, radiographic anatomy and positioning procedures,  
8 and applicable federal and state requirements relating to patient care and safety; in this  
9 subsection, "clinical instruction" means hands-on experience in a health facility  
10 setting, such as in a hospital or clinic, under the direct supervision of a licensed  
11 practitioner or fully licensed radiologic technologist.

12 **Sec. 08.89.170. Temporary permit.** (a) The division may issue a  
13 nonrenewable temporary full permit or temporary limited permit to a person  
14 authorizing practice in an area corresponding to the person's scope of radiology  
15 training if the person

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

18 (2) has taken an examination described under AS 08.89.140 or  
19 08.89.150 for that area and the results are not yet available;

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

22 (4) pays the appropriate fee.

23 (b) A temporary permit issued under this section must indicate the area of  
24 practice authorized. Except as provided in (c) and (d) of this section, the permit  
25 expires one year after completion of the program described in (a)(1) of this section or  
26 upon receipt of the examination results referred to in (a)(2) of this section, whichever  
27 is earlier.

28 (c) Notwithstanding (a) and (b) of this section, the division may issue a  
29 temporary permit valid for two years to an applicant who pays a fee determined by the  
30 division and who demonstrates to the satisfaction of the division that the applicant has  
31 been performing limited scope radiologic diagnostic imaging under AS 08.89.150(b)

1 for three out of the five years preceding application. A two-year temporary permit  
 2 issued under this subsection qualifies the applicant for employment only as specified  
 3 in AS 08.89.150(b).

4 (d) Notwithstanding (a) - (c) of this section, if an applicant has provided proof  
 5 of certification by a recognized national credentialing body that covers the area of  
 6 practice for which a certificate of licensure is sought, the division may issue a  
 7 temporary permit valid for a period of one year to the applicant upon payment of a fee  
 8 determined by the division.

9 (e) A person who holds a permit under this section is entitled to use the title  
 10 "temporary permitted radiologic technologist," "temporary permitted radiation  
 11 therapist," "temporary permitted nuclear medicine technologist," or "temporary  
 12 permitted limited radiologic imager."

13 **Sec. 08.89.180. License renewal; continuing education.** (a) The division  
 14 may not renew a license issued under this chapter unless the licensee pays the required  
 15 fee and submits evidence satisfactory to the division that the person has met the  
 16 applicable continuing education requirements.

17 (b) The division shall require a minimum of 20 hours of approved continuing  
 18 education or training in radiology each biennium, at least 12 hours of which must be  
 19 approved as Category A credits by the American Registry of Radiologic  
 20 Technologists.

21 (c) A person with a full certificate of licensure who is licensed to practice in  
 22 more than one area of practice is not required to complete more continuing education  
 23 than a person with a full certificate of licensure who is licensed in only one area of  
 24 practice. However, the division, in its communications with persons who have a full  
 25 certificate of licensure in more than one area of practice, shall encourage those persons  
 26 to receive continuing education in all of the areas for which they are licensed.

27 (d) The division shall make available a list of continuing education sponsors  
 28 approved by the American Registry of Radiologic Technologists.

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

1 copy of the license or permit document.

2 **Sec. 08.89.200. Notification of address changes.** A licensee or permittee  
3 under this chapter shall notify the division in writing within 30 days after a name or  
4 address change.

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

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

- 11 (1) application;
- 12 (2) examination;
- 13 (3) full certificate of licensure;
- 14 (4) limited certificate of licensure;
- 15 (5) temporary full permit;
- 16 (6) temporary limited permit;
- 17 (7) license renewal.

18 **Article 2. Prohibitions; Penalties; Disciplinary Sanctions.**

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

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

24 **Sec. 08.89.310. Civil penalty for unlicensed practice.** A person required to  
25 be licensed or to have a permit under this chapter who engages or offers to engage in a  
26 type of diagnostic radiologic imaging, radiation therapy, or nuclear medicine  
27 technology for which the person is not licensed or for which the person does not hold  
28 a permit may be fined up to \$5,000 under the citation procedures of AS 08.01.102 -  
29 08.01.104.

30 **Sec. 08.89.320. Criminal penalty for certain fraudulent practices.** A  
31 person who obtains or attempts to obtain a license or permit under this chapter by

1 dishonest or fraudulent means or who knowingly forges, counterfeits, or fraudulently  
2 alters a license or permit issued under this chapter is guilty of a class B misdemeanor.

3 **Sec. 08.89.330. Grounds for disciplinary sanctions or denial of license.**

4 The division may impose a disciplinary sanction authorized under AS 08.89.340 on a  
5 person licensed or holding a permit under this chapter or refuse to issue or renew a  
6 license or permit if the division finds that the person

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

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

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

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

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

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

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

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

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

30 **Sec. 08.89.340. Disciplinary sanctions.** (a) When it finds that a person  
31 licensed or holding a permit under this chapter has committed an act listed in

1 AS 08.89.330, the division may impose the following sanctions singly or in  
2 combination:

3 (1) permanently revoke a license to practice;

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

5 (3) censure a licensee;

6 (4) issue a letter of reprimand;

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

8 (A) report regularly to the division on matters involving the  
9 basis of probation;

10 (B) limit practice to those areas prescribed;

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

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

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

17 (c) The division may summarily suspend a license before final hearing or  
18 during the appeals process if the division finds that the licensee poses a clear and  
19 immediate danger to the public welfare and safety if the licensee continues to practice.  
20 An individual whose license is suspended under this subsection is entitled to a hearing  
21 by the division not later than seven days after the effective date of the order. The  
22 individual may appeal the suspension after the hearing to the superior court.

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

26 (e) One year after revocation of a license issued under this chapter, the  
27 individual whose license was revoked may reapply for the license. The division may  
28 require an examination for reinstatement.

29 **Article 3. General Provisions.**

30 **Sec. 08.89.900. Unified occupation for fee purposes.** For purposes of  
31 AS 08.01.065, all persons licensed or holding a permit under this chapter are

1 considered to be engaged in the same occupation.

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

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

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

9 (3) "department" means the Department of Commerce, Community,  
10 and Economic Development;

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

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

16 (6) "division" means the division of occupational licensing in the  
17 Department of Commerce, Community, and Economic Development;

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

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

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

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

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

31 (12) "radiologic technologist" means a person who uses radiation on

1 humans for diagnostic purposes.

2 \* **Sec. 2.** AS 44.64.030(a)(6) is amended to read:

3 (6) AS 08 (occupational licensing), other than AS 08.08, [AND]  
4 AS 08.62.046, and AS 08.89.340(c);

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

7 REGULATIONS. Notwithstanding secs. 5 and 6 of this Act, the Department of  
8 Commerce, Community, and Economic Development and the division of occupational  
9 licensing, Department of Commerce, Community, and Economic Development, may begin  
10 the process to adopt regulations to implement this Act. The regulations take effect under  
11 AS 44.62 (Administrative Procedure Act) but not before the effective date of the statutes  
12 implemented by the regulations.

13 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 REVISOR'S INSTRUCTIONS. The revisor of statutes shall reconcile sec. 2 of this  
16 Act and sec. 82, ch. 163, SLA 2004, so that both provisions are given effect.

17 \* **Sec. 5.** Except as provided by secs. 6 and 7 of this Act, this Act takes effect July 1, 2005.

18 \* **Sec. 6.** AS 08.89.100 and 08.89.310, enacted by sec. 1 of this Act, take effect July 1,  
19 2007.

20 \* **Sec. 7.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).