

CS FOR HOUSE BILL NO. 150(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/6/06

Referred: 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 08.01.010 is amended by adding a new paragraph to read:

5 (39) regulation of radiographers under AS 08.89.

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

7 **Chapter 89. Radiographers.**

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;

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

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

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

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

17 (B) the direct supervision of a person fully licensed under this
18 chapter as a radiographer, radiation therapist, or nuclear medicine technologist,
19 as appropriate to the course.

20 (c) A licensed practitioner may perform an examination or test under this
21 section if the examination or test is otherwise performed in compliance with
22 applicable laws and if the practitioner has obtained sufficient education and training to
23 ensure that the examination or test is performed safely and appropriately.

24 (d) In this section, "under the direct supervision" includes the amount of
25 supervision needed to ensure that an examination or test conducted is performed safely
26 and appropriately.

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

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

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

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

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

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

11 **Sec. 08.89.120. Qualifications for full certificate licensure.** (a) In order to
12 receive a full certificate of licensure under this chapter, a person must apply to the
13 department in a manner that indicates whether the person is applying to practice as a
14 radiographer, radiation therapist, or nuclear medicine technologist. In addition, the
15 person shall

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

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

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

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

23 (5) pay the required fees.

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

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

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

31 (b) The department shall approve a program evaluated under this section only

1 if

2 (1) the program is affiliated with at least one hospital that provides a
3 clinical component for the program that is considered to be adequate by the
4 department;

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

11 (3) a recognized national voluntary accrediting organization has
12 reviewed the program's application to the department and submitted the review
13 comments to the department.

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

16 (1) successfully passing an examination approved by the department in
17 the area of practice for which the full certificate of licensure is sought;

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

20 (3) proof of current licensure in the area of practice for which a full
21 certificate of licensure is sought by another jurisdiction with standards for licensure
22 considered by the department to be equivalent to the standards of this state.

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

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

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

28 (3) have graduated from a program approved by the department under
29 AS 08.89.160 or have demonstrated experience sufficient in the opinion of the
30 department to waive the program;

31 (4) have passed the exam approved by the department for limited

1 radiologic imager licensure; and

2 (5) pay the required fees.

3 (b) A limited radiologic imager

4 (1) may perform limited radiologic diagnostic imaging only under the
5 supervision of a fully licensed radiographer or a licensed practitioner;

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

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

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

16 (b) The department shall approve a program evaluated under this section only
17 if the program includes didactic instruction and clinical instruction considered
18 adequate by the department in axial-appendicular skeleton radiography, chest and
19 abdomen radiography, equipment maintenance and operation, radiation safety and
20 protection, image production and evaluation, radiographic anatomy and positioning
21 procedures, and applicable federal and state requirements relating to patient care and
22 safety; in this subsection, "clinical instruction" means hands-on experience in a health
23 facility setting, such as in a hospital or clinic, under the supervision of a licensed
24 practitioner or fully licensed radiographer.

25 **Sec. 08.89.170. Temporary permit.** (a) The department may issue a
26 nonrenewable temporary

27 (1) limited permit to a person authorizing practice in an area
28 corresponding to the person's scope of radiology training if the person

29 (A) is enrolled in a program for that area approved under
30 AS 08.89.160; and

31 (B) pays the appropriate fee; or

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

3 (A) has taken an examination described under AS 08.89.140 or
4 08.89.150 for that area and the results are not yet available;

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

7 (C) pays the appropriate fee.

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

13 (c) Notwithstanding (a) and (b) of this section, the department may issue a
14 nonrenewable temporary permit valid for two years to an applicant who pays a fee
15 determined by the department and who demonstrates to the satisfaction of the
16 department that the applicant has been performing limited scope radiologic diagnostic
17 imaging under AS 08.89.150(b) for two years preceding July 1, 2008. A two-year
18 temporary permit issued under this subsection qualifies the applicant for employment
19 only as specified in AS 08.89.150(b).

20 (d) Notwithstanding (a) - (c) of this section, if an applicant has provided proof
21 of certification by a recognized national credentialing body that covers the area of
22 practice for which a certificate of licensure is sought, the department may issue a
23 nonrenewable temporary permit valid for a period of one year to the applicant upon
24 payment of a fee determined by the department .

25 (e) A person who holds a permit under this section is entitled to use the title
26 "temporary permitted radiographer," "temporary permitted radiation therapist,"
27 "temporary permitted nuclear medicine technologist," or "temporary permitted limited
28 radiologic imager."

29 **Sec. 08.89.180. License renewal; continuing education.** (a) The department
30 may not renew a full certificate of licensure issued under this chapter unless the
31 licensee pays the required fee and submits evidence satisfactory to the department that

1 the person has met the applicable continuing education requirements as determined by
2 the department.

3 (b) A person with a full certificate of licensure who is licensed to practice in
4 more than one area of practice is not required to complete more continuing education
5 than a person with a full certificate of licensure who is licensed in only one area of
6 practice. However, the department, in its communications with persons who have a
7 full certificate of licensure in more than one area of practice, shall encourage those
8 persons to receive continuing education in all of the areas for which they are licensed.

9 (c) The department may not renew a limited radiological imager license issued
10 under this chapter unless the licensee pays the required fee and submits evidence
11 satisfactory to the department that the person has met the applicable continuing
12 competency requirements as determined by the department.

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

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

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

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

- 26 (1) application;
- 27 (2) examination;
- 28 (3) full certificate of licensure;
- 29 (4) limited certificate of licensure;
- 30 (5) temporary full permit;
- 31 (6) temporary limited permit;

1 (7) license renewal;

2 (8) adding an area of practice to an existing license;

3 (9) program approval under AS 08.89.130.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **Sec. 08.89.340. Disciplinary sanctions.** (a) When it finds that a person
 17 licensed or holding a permit under this chapter has committed an act listed in
 18 AS 08.89.330, the department may impose the following sanctions singly or in
 19 combination:

20 (1) permanently revoke a license to practice;

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

22 (3) censure a licensee;

23 (4) issue a letter of reprimand;

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

25 (A) report regularly to the department on matters involving the
 26 basis of probation;

27 (B) limit practice to those areas prescribed;

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

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

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

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

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

12 **Article 3. General Provisions.**

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

16 **Sec. 08.89.910. Regulations.** The department shall adopt regulations necessary
17 to implement this chapter.

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

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

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

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

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

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

- 1 (6) "knowingly" has the meaning given in AS 11.81.900(a);
- 2 (7) "licensed practitioner" means a physician, physician assistant,
3 nurse practitioner, podiatrist, osteopath, dentist, or chiropractor who is either licensed
4 in this state or, if practicing as a physician, podiatrist, or osteopath, is exempt from
5 licensure under AS 08.64.370(1) or (4);
- 6 (8) "limited radiologic imager" means a person licensed under
7 AS 08.89.150 to perform diagnostic radiologic imaging within the limits specified in
8 AS 08.89.150(b);
- 9 (9) "nuclear medicine technologist" means a person who prepares,
10 calibrates, and administers radiopharmaceutical agents to humans for diagnostic or
11 therapeutic purposes;
- 12 (10) "radiation therapist" means a person who applies radiation to
13 humans for therapeutic purposes;
- 14 (11) "radiographer" means a person who uses radiation on humans for
15 diagnostic purposes.

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

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

22 * **Sec. 4.** Except as provided in secs. 5 and 6 of this Act, this Act takes effect July 1, 2006.

23 * **Sec. 5.** AS 08.89.100 and 08.89.310, enacted by sec. 2 of this Act, take effect July 1,
24 2008.

25 * **Sec. 6.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).