

HOUSE BILL NO. 338

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/22/12

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 (39) 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 exam 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

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

19 (B) the direct supervision of a person fully licensed under this
20 chapter as a radiologic technologist, radiation therapist, or nuclear medicine
21 technologist, as 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 United States Public Health
26 Service or the armed services of the United States 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.

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

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

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

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

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

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

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

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

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

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

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

28 (5) pay the required fees.

29 (b) A full certificate shall specify the area of practice authorized under the
30 certificate.

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

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

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

6 (b) The department shall approve a program evaluated under this section only
7 if

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

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

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

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

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

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

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

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

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

31 (2) have graduated from secondary school or have passed an approved

1 equivalency test;

2 (3) have graduated from a program approved by the department under
3 AS 08.89.160 or have completed not less than two years of clinical experience in
4 limited diagnostic radiologic imaging under the supervision of a fully licensed
5 radiologic technologist or a licensed practitioner;

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

8 (5) pay the required fees.

9 (b) A limited radiologic imager

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

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

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

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

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

28 **Sec. 08.89.165. Examination; limited radiologic imagers.** (a) The
29 department shall provide for an examination for qualification for licensure of a limited
30 radiologic imager under AS 08.89.150. The examination must be offered at regular
31 intervals to provide maximum access and sufficient opportunity for interested

1 applicants.

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

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

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

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

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

16 (B) demonstrates to the satisfaction of the department that the
17 applicant has performed limited scope radiologic diagnostic imaging as
18 described under AS 08.89.150(b) for at least two years before July 1, 2012; or

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

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

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

25 (C) pays the appropriate fee.

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

29 (c) Notwithstanding (a) and (b) of this section, if an applicant has provided
30 proof of certification by a recognized national credentialing body that covers the area
31 of practice for which a certificate of licensure is sought, the department may issue to

1 the applicant, on payment of a fee determined by the department, a nonrenewable
2 temporary permit valid for a period of one year.

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

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

12 (b) 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 department, in its communications with persons who have a
16 full certificate of licensure in more than one area of practice, shall encourage those
17 persons to receive continuing education in all of the areas for which they are licensed.

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

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

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

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

1 revocation. The department may require an examination for reinstatement.

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

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

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

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

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

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

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

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

1 perjury or unsworn falsification.

2 (c) A person who knowingly forges, counterfeits, or alters a license or permit
3 issued under this chapter is subject to prosecution for forgery under AS 11.46.505.

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

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

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

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

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

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

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

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

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

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

31 **Sec. 08.89.340. Disciplinary sanctions.** (a) When the department finds that a

1 person licensed or holding a permit under this chapter has committed an act listed in
 2 AS 08.89.330, the department may impose the following sanctions singly or in
 3 combination:

4 (1) permanently revoke a license to practice;

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

6 (3) censure a licensee;

7 (4) issue a letter of reprimand;

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

9 (A) report regularly to the department on matters involving the
 10 basis of probation;

11 (B) limit practice to those areas prescribed;

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

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

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

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

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

27 **Article 3. General Provisions.**

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

31 **Sec. 08.89.910. Regulations.** The department shall adopt regulations necessary

1 to implement this chapter.

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

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

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

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

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

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

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

1 read:

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

6 * **Sec. 4.** Except as provided in secs. 5 and 6 of this Act, this Act takes effect July 1, 2012.

7 * **Sec. 5.** AS 08.89.100 and 08.89.310, enacted by sec. 2 of this Act, take effect July 1,
8 2013.

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