

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 337 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/6/92

Referred: Health, Education & Social Services, Finance

Sponsor(s): REPRESENTATIVES MARTIN, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating the practice of radiologic technology; and providing for an effective
2 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 (33) regulation of radiologic technologists and technicians (AS 08.89).

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

7 **CHAPTER 89. RADIOLOGIC TECHNOLOGY.**

8 **Sec. 08.89.010. QUALIFICATIONS FOR RADIOLOGIC TECHNOLOGIST LICENSE.**

9 The department shall issue a license to an individual as a radiologic technologist who

10 (1) is 18 years of age or older;

11 (2) applies on a form provided by the department;

12 (3) pays an application fee prescribed by the department under AS 08.01.065;

13 (4) provides certification to the department that the individual

14 (A) has not engaged in conduct that is a ground for imposing discipline

- 1 under AS 08.89.080;
- 2 (B) has not voluntarily surrendered a license or had a license suspended
- 3 or revoked in another jurisdiction for grounds substantially similar to one of those
- 4 specified in AS 08.89.080;
- 5 (C) has completed a course of study in radiologic technology approved by
- 6 the department; and
- 7 (D) has
- 8 (i) passed an examination provided by the department for licensure
- 9 as a radiologic technologist or an examination provided by a national certifying
- 10 radiologic technologist organization approved by the department for licensing as
- 11 a radiologic technologist; or
- 12 (ii) been licensed by another jurisdiction as a radiologic
- 13 technologist and is at the time of application licensed by the other jurisdiction, if
- 14 the license was issued on the basis of an examination reasonably equivalent to the
- 15 examination administered by the department under this section.

16 Sec. 08.89.020. QUALIFICATIONS FOR RADIOLOGIC TECHNICIAN CERTIFICATE.

17 An individual who does not meet the qualifications established by the department for licensure

18 as a radiologic technologist may be certified by the department as a radiologic technician if the

19 individual

20 (1) meets the requirements for licensure as a radiologic technologist under

21 AS 08.89.010(1) - (4)(A) and (B);

22 (2) has demonstrated to the satisfaction of the department that the individual is

23 capable of performing diagnostic X-ray examinations on specific body parts without endangering

24 the public health and safety; in determining if the individual has demonstrated the capacity of

25 performing diagnostic X-ray examinations, the department may require the applicant to have

26 satisfactorily completed

- 27 (A) an educational program approved or accepted by the department;
- 28 (B) a training program approved or accepted by the department;
- 29 (C) an examination approved or accepted by the department; or
- 30 (D) a combination of (A) - (C) of this paragraph.

31 Sec. 08.89.030. RENEWALS. A license issued under AS 08.89.010, or a certificate

1 issued under AS 08.89.020 expires annually on a date set by the department and may be renewed
2 upon payment of the required fee and the submission of evidence satisfactory to the department
3 that a licensed radiologic technologist or certified radiologic technician has met the continuing
4 education requirements set by the department, has demonstrated continued practical professional
5 competence, and has not committed an act that is a ground for discipline under AS 08.89.080.

6 Sec. 08.89.040. SPECIAL RADIOLOGIC TECHNICIAN PERMIT. (a) The department
7 may issue a special radiologic technician permit to an individual not qualified for licensure as
8 a radiologic technologist or certification as a radiologic technician to apply radiation to specific
9 parts of the human body for diagnostic purposes under the direct supervision of a person licensed
10 to prescribe the application if the department finds that the individual should be granted a special
11 permit because of regional hardship or emergency condition.

12 (b) A special radiologic technician permit issued under (a) of this section is valid for a
13 term set by the department but not exceeding one year.

14 (c) Only one special radiologic technician permit under (a) of this section may be issued
15 to an individual.

16 (d) An individual issued a special radiologic technician permit may perform all of the
17 activities of a certified radiologic technician as permitted by the special permit.

18 Sec. 08.89.050. DISPLAY OF LICENSE OR CERTIFICATE. (a) An individual
19 licensed as a radiologic technologist or certified as a radiologic technician in the state shall
20 display the license or certificate in a prominent place at each place of business of the individual.

21 (b) If an individual licensed as a radiologic technologist or certified as a radiologic
22 technician has more than one place of business, the department shall, on request and payment of
23 a fee, issue a duplicate license or certificate for each place of business of the individual.

24 Sec. 08.89.060. PERMITTED ACTIVITIES. (a) A licensed radiologic technologist may
25 select techniques, position patients, and apply radiation to persons for diagnostic or therapeutic
26 purposes under the general supervision of a person licensed to prescribe the application.

27 (b) A certified radiologic technician may select techniques, position patients, and apply
28 radiation to specific parts of the human body for diagnostic purposes under the indirect
29 supervision of a person licensed to prescribe the treatment.

30 Sec. 08.89.070. EXEMPTIONS. The provisions of this chapter do not apply to

31 (1) a student attending a school or college of medicine, osteopathy, podiatry,

1 dentistry, dental hygiene, chiropractic, or radiation technology if, at the time of application, the
2 unlicensed student is under the direct supervision of a licensed practitioner who is licensed to
3 prescribe the examination or treatment;

4 (2) a licensed practitioner;

5 (3) a dental hygienist licensed under AS 08.32, applying radiation to a person
6 solely for the exposure of radiographs for dental diagnosis while under the direct or indirect
7 supervision of a dentist licensed under AS 08.36;

8 (4) an employee of the United States government who as part of the employee's
9 duties applies radiation to a person for purposes of diagnosis or treatment.

10 Sec. 08.89.080. GROUNDS FOR DISCIPLINE, SUSPENSION, OR REVOCATION OF
11 LICENSE, CERTIFICATE, OR PERMIT. The department may impose a disciplinary sanction
12 on an individual holding a license, certificate, or permit under this chapter if the department finds
13 that the individual

14 (1) secured a license, certificate, or permit through deceit, fraud, or intentional
15 misrepresentation;

16 (2) engaged in deceit, fraud, or intentional misrepresentation in the course of
17 providing professional services or engaging in professional activities;

18 (3) advertised professional services in a false or misleading manner;

19 (4) has been convicted of a felony or other crime that affects the individual's
20 ability to continue to practice competently and safely;

21 (5) intentionally or negligently engaged in or permitted the performance of client
22 care by persons under the individual's supervision that does not conform to minimum
23 professional standards regardless of whether actual injury to the client occurred;

24 (6) failed to comply with this chapter, with a regulation adopted under this
25 chapter, or with an order of the department;

26 (7) continued to practice after becoming unfit due to

27 (A) professional incompetence;

28 (B) failure to keep informed of current professional practices;

29 (C) addiction to or severe dependency on alcohol or other drugs that
30 impairs the ability to practice safely;

31 (D) physical or mental disability;

1 (8) engaged in lewd or immoral conduct in connection with the delivery of
2 professional service to clients.

3 Sec. 08.89.090. DISCIPLINARY SANCTIONS. (a) When it finds that an individual
4 holding a license, certificate, or permit is guilty of an offense under AS 08.89.080, the
5 department, in addition to the powers provided in AS 08.01.075, may impose the following
6 sanctions singly or in combination:

7 (1) permanently revoke a license, certificate, or permit to practice;

8 (2) suspend a license, certificate, or permit for a determinate period of time;

9 (3) censure an individual holding a license, certificate, or permit;

10 (4) issue a letter of reprimand;

11 (5) place an individual holding a license, certificate, or permit on probationary
12 status and require the individual to

13 (A) report regularly to the department upon matters involving the basis of
14 probation;

15 (B) limit practice to those areas prescribed;

16 (C) continue professional education until a satisfactory degree of skill has
17 been attained in those areas determined by the board to need improvement;

18 (6) impose limitations or conditions on the practice of an individual holding a
19 license, certificate, or permit.

20 (b) The department may withdraw probationary status if it finds that the deficiencies that
21 required the sanction have been remedied.

22 (c) The department may summarily suspend a license, certificate, or permit before final
23 hearing or during the appeals process if the department finds that the individual holding a license,
24 certificate, or permit poses a clear and immediate danger to the public health and safety if the
25 individual continues to practice. An individual whose license, certificate, or permit is suspended
26 under this subsection shall be entitled to a hearing by the department no later than seven days
27 after the effective date of the order. After a hearing, the individual may appeal the suspension
28 to the superior court.

29 (d) The department may reinstate a certificate or permit that has been suspended or
30 revoked if the department finds after a hearing that the applicant is able to practice with
31 reasonable skill and safety.

1 (e) The department shall seek consistency in the application of disciplinary sanctions, and
2 significant departure from prior decisions involving similar situations shall be explained in
3 findings of fact or orders.

4 Sec. 08.89.100. LICENSE OR CERTIFICATION REQUIRED IF DESIGNATION
5 USED. An individual who is not licensed or certified under this chapter or whose license or
6 certification is suspended or revoked, or whose license or certification has lapsed, who knowingly
7 uses in connection with the individual's name the words or letters "L.R.T.," "Licensed Radiologic
8 Technologist," "C.R.T.," "Certified Radiologic Technician," or other letters, words, or insignia
9 indicating or implying that the individual is licensed or certified as a radiologic technologist or
10 radiologic technician by this state or who in any way, orally or in writing, directly or by
11 implication, knowingly holds out as being licensed or certified by the state as a radiologic
12 technologist or radiologic technician in this state is guilty of a class B misdemeanor.

13 Sec. 08.89.900. DEFINITIONS. In this chapter,

14 (1) "certificate" means a legal authorization to apply radiation for diagnostic
15 purposes to specific body parts of a person;

16 (2) "department" means the Department of Commerce and Economic
17 Development;

18 (3) "direct supervision" means the licensed practitioner that has authorized the
19 application of radiation is in the office, personally authorizes the application of radiation, and
20 before dismissal of the patient evaluates the performance of the individual applying the radiation;

21 (4) "general supervision" means the licensed practitioner has authorized the
22 application of radiation and it is being carried out in accordance with the licensed practitioner's
23 diagnosis and treatment plan;

24 (5) "indirect supervision" means a licensed practitioner is in the medical facility,
25 authorizes the application of radiation, and remains in the medical facility while the procedures
26 are being performed by the person applying the radiation;

27 (6) "license" means a legal authorization to apply radiation for diagnostic or
28 therapeutic purposes to a person;

29 (7) "licensed practitioner" means an individual licensed or otherwise authorized
30 by law to practice medicine, dentistry, podiatry, osteopathy, or chiropractic in the state;

31 (8) "radiation" means ionizing radiation including gamma rays and x-rays, alpha

1 particles, beta particles, electrons, neutrons, protons, and other nuclear particles, but not sound
2 or radio waves or visible, infrared, or ultraviolet light;

3 (9) "radiologic technician" means an individual who applies radiation to specific
4 parts of the human body for diagnostic purposes;

5 (10) "radiologic technologist" means an individual who applies radiation to
6 persons for diagnostic or therapeutic purposes;

7 (11) "radiologic technology" is the application of radiation to persons for
8 diagnostic or therapeutic purposes.

9 * Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:

10 (57) Department of Commerce and Economic Development concerning the
11 licensing and regulation of radiologic technologists and radiologic technicians under AS 08.89.

12 * Sec. 4. This Act takes effect January 1, 1993.