

HOUSE BILL NO. 384

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CISSNA, Kawasaki, Gardner

Introduced: 2/23/10

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 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, 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 radiographer, radiation therapist, or nuclear medicine technologist,
21 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 "radiographer," "radiation therapist," "nuclear medicine
7 technologist," "limited radiologic imager," "temporary permitted radiographer,"
8 "temporary permitted radiation therapist," "temporary permitted nuclear medicine
9 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 licensure.** (a) To receive a
17 full certificate of licensure under this chapter, a person must apply to the department in
18 a manner that indicates whether the person is applying to practice as a radiographer,
19 radiation therapist, or nuclear medicine technologist. In addition, the person shall

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

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

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

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

27 (5) pay the required fees.

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

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

31 **Sec. 08.89.130. Program approval; full certificates.** (a) The department

1 shall, upon application by a program, evaluate an educational program that trains
 2 persons to receive full certificates of licensure under this chapter and approve or
 3 disapprove the program according to the criteria in (b) of this section.

4 (b) The department shall approve a program evaluated under this section only
 5 if

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

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

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

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

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

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

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

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

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

30 (2) have graduated from secondary school or have passed an approved
 31 equivalency test;

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

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

7 (5) pay the required fees.

8 (b) A limited radiologic imager

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

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

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

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

21 (b) The department shall approve a program evaluated under this section if the
 22 program includes didactic instruction and clinical instruction considered adequate by
 23 the department in axial-appendicular skeleton radiography, chest and abdomen
 24 radiography, equipment maintenance and operation, radiation safety and protection,
 25 image production and evaluation, radiographic anatomy and positioning procedures,
 26 and applicable federal and state requirements relating to patient care and safety or, if
 27 the program is instructed by and under the supervision of a fully licensed radiographer
 28 or licensed practitioner and sponsored by a medical facility, as defined in
 29 AS 18.26.900; in this subsection, "clinical instruction" means hands-on experience in
 30 a health facility setting, such as in a hospital or clinic, under the supervision of a
 31 licensed practitioner or fully licensed radiographer.

1 **Sec. 08.89.165. Examination; limited radiologic imagers.** (a) The
 2 department shall provide for an examination for qualification for licensure of a limited
 3 radiologic imager under AS 08.89.150. The examination must be offered at regular
 4 intervals to provide maximum access and sufficient opportunity for interested
 5 applicants.

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

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

14 **Sec. 08.89.170. Temporary permit.** (a) The department may issue a
 15 nonrenewable temporary

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

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

21 (B) demonstrates to the satisfaction of the department that the
 22 applicant has performed limited scope radiologic diagnostic imaging as
 23 described under AS 08.89.150(b) for at least two years before July 1, 2011; or

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

26 (A) has taken an examination described under AS 08.89.140 or
 27 08.89.150 for that area and the results are not yet available;

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

30 (C) pays the appropriate fee.

31 (b) A temporary permit issued under this section must indicate the area of

1 practice authorized. Except as provided in (c) of this section, the permit expires two
2 years after the date of issuance of the permit.

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

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

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

17 (b) A person with a full certificate of licensure who is licensed to practice in
18 more than one area of practice is not required to complete more continuing education
19 than a person with a full certificate of licensure who is licensed in only one area of
20 practice. However, the department, in its communications with persons who have a
21 full certificate of licensure in more than one area of practice, shall encourage those
22 persons to receive continuing education in all of the areas for which they are licensed.

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

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

31 **Sec. 08.89.200. Notification of address changes.** A licensee or permittee

1 under this chapter shall notify the department in writing within 30 days after a name or
2 address change.

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

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

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

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 person
31 who obtains or attempts to obtain a license or permit under this chapter by dishonest or

1 fraudulent means or who knowingly forges, counterfeits, or fraudulently alters a
 2 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.** The
 4 department 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 department 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 department, 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 department;

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 department 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 department 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 department to need
13 improvement;

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

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

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

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

26 **Article 3. General Provisions.**

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

30 **Sec. 08.89.910. Regulations.** The department shall adopt regulations necessary
31 to implement this chapter.

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

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

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

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

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

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

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

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

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

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

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

28 (11) "radiographer" means a person who uses radiation on humans for
29 diagnostic purposes.

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

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

5 * **Sec. 4.** Except as provided in secs. 5 and 6 of this Act, this Act takes effect July 1, 2010.

6 * **Sec. 5.** AS 08.89.100 and 08.89.310, enacted by sec. 2 of this Act, take effect July 1,
7 2011.

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