

HOUSE No. 04097

The committee on Public Health, reports, on House, No. 3515, a Bill relative to the practice of medical physics (House, No. 4097). May 17, 2012. Jeffrey Sánchez, for the committee.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act relative to the practice of medical physics.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following
2 section:

3 Section 109. (a) There shall be a board of registration in medical physics, herein called the board.
4 The board shall consist of 8 members who are residents of the commonwealth, who shall be
5 appointed by the governor, 4 of whom shall be licensed medical physicists, 3 of whom shall be
6 physicians registered pursuant to chapter 112, and 1 of whom shall be a member of the general
7 public, subject to the provisions of section 9B.

8 Licensed medical physicist board members shall include representatives from the following
9 specialties: diagnostic radiological physics, therapeutic radiological or radiation oncology
10 physics,
11 medical nuclear physics, and medical health physics.

12 Physician board members shall include representatives from the following specialties: diagnostic
13 radiology, radiation therapy or radiation oncology, and nuclear medicine.

14 (b) Members of the board shall be appointed for a term of 3 years, except that of the members of
15 the first board, 4 members shall be appointed for terms of 3 years, and 4 members shall be
16 appointed for terms of 2 years. No member may be appointed to more than 2 consecutive full
17 terms, provided, however, that a member appointed for less than a full term may serve 2 full
18 terms in addition to such of a part of a full term, and a former member shall again be eligible for
19 appointment after a lapse of 1 or more years.

20 (c) Any member of the board may be removed by the governor for neglect of duty, misconduct
21 or malfeasance or misfeasance in office after being given a written statement of the charges
22 against him and sufficient opportunity to be heard thereon. Upon the death or removal for cause
23 of a member of the board, the governor shall fill the vacancy for the remainder of that member's
24 term.

25 (d) The board shall meet not less than 2 times per calendar year. At its first meeting and
26 annually thereafter, the board shall elect from among its members a chairperson, a vice-
27 chairperson and a secretary who shall each serve for 1 year and until a successor is appointed and
28 qualified. Board members shall serve without compensation but shall be reimbursed for actual
29 and reasonable expenses incurred in the performance of their duties.

30 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the following 14
31 sections:-

32 Section 263. As used in sections 263 to 276, inclusive, the following words shall have the
33 following meanings:-

34 “Board”, the board of registration in medical physics, established under section 109 of chapter
35 13.

36 "Clinical", activities directly relating to the treatment or diagnosis of human ailments.

37 “Diagnostic radiological physics", the medical physics specialty relating to the diagnostic

38 applications of x rays, gamma rays from sealed sources, ultrasonic radiation, radio frequency

39 radiation and magnetic fields; the equipment associated with their production, use, measurement

40 and evaluation; the quality of images resulting from their production and the use of medical

41 health physics associated with this specialty.

42 “Direct Supervision”, a qualified medical physicist exercising general supervision and present in

43 the facility and immediately available to furnish assistance and direction throughout the

44 performance of the procedure but is not required to be present in the room when the procedure is

45 being performed.

46 “General Supervision”, a procedure is performed under a qualified medical physicist’s (QMP)

47 overall direction and control but the QMP’s presence is not required during the performance of

48 the procedure. The training of the personnel who actually perform the procedure and the

49 maintenance of the necessary equipment and supplies are the continuing responsibility of the

50 QMP.

51 “Medical health physics", the medical physics specialty pertaining to the safe use of x rays,

52 gamma rays, electron and other charged particle beams, neutrons or radionuclides and of

53 radiation from sealed radionuclide sources for both diagnostic and therapeutic purposes, except

54 with regard to the application of radiation to patients for diagnostic or therapeutic purposes and

55 the instrumentation required to perform appropriate radiation surveys.

56 "Medical nuclear physics", the medical physics specialty pertaining to the therapeutic and
57 diagnostic applications of radionuclides, except those used in sealed sources for therapeutic
58 purposes; the equipment associated with their production, use, measurement and evaluation; the
59 quality of images resulting from their production and use and the medical health physics
60 associated with this specialty.

61 "Medical physics", the subfield of physics that is associated with the practice of medicine.

62 "Personal Supervision", a qualified medical physicist exercising general supervision and is
63 present in the room during the performance of the procedure.

64 "Radiation", ionizing or non-ionizing radiation above background levels which is used to
65 perform a diagnostic or therapeutic medical or dental radiological procedure.

66 "Radiological physics", diagnostic radiological physics, therapeutic radiological physics or
67 radiation oncology physics, medical nuclear physics and medical health physics.

68 "Radiological procedure", a test, measurement, calculation, or radiation
69 exposure used in the diagnosis or treatment of diseases or other medical or dental conditions in
70 human beings that includes therapeutic radiation, diagnostic radiation, nuclear magnetic
71 resonance, or nuclear medicine procedures.

72 "Specialty" or "specialty area", the following subfield or subfields of special competence within
73 medical physics: diagnostic radiological physics, medical health physics, medical nuclear
74 physics and therapeutic radiological physics or radiation oncology physics.

75 "Therapeutic radiological physics" or "radiation oncology physics", the medical physics specialty
76 relating to the therapeutic applications of x-rays, gamma rays, electron and charged particle

77 beams, neutrons and radiations from sealed radionuclide sources; the equipment associated with
78 their production, use, measurement and evaluation; the quality of images resulting from their
79 production and use; and the medical health physics associated with this specialty.

80 Section 264. The board shall adopt, amend and rescind rules and regulations as it deems
81 necessary for the proper conduct of its duties.

82 Section 265. The board shall keep a full record of its proceedings and keep a register of all
83 persons licensed by it, which shall be available for public inspection. The register shall contain
84 the name of every living licensee, the licensee's last known place of business and last known
85 place of residence, and the date and number of the licensee's license as a medical physicist.

86 Section 266: The board shall:

- 87 (1) issue licenses to those applicants it finds qualified;
- 88 (2) adopt regulations establishing licensing and licensing renewal requirements;
- 89 (3) investigate complaints against persons licensed under this section;
- 90 (4) hold hearings and order the disciplinary sanction of a person who violates any provisions
91 of sections 263 to 276, inclusive, or a regulation of the board;
- 92 (5) approve education and training programs that meet the requirements of the board and
93 sections 263 to 276, inclusive, and deny revoke, or suspend approval of such programs for failure
94 to meet the requirements;
- 95 (6) adopt standards for approved medical physicist education and training;
- 96 (7) adopt professional continuing education requirements for medical physicists; and

97 (8) adopt ethical standards.

98 Section 267. The practice of the profession of medical physics, as referred to in sections 263 to
99 276 inclusive, shall mean the use of principles and accepted protocols of physics to provide the
100 quality, quantity, and placement of radiation during the performance of a radiological procedure.

101 A license to practice medical physics may be issued with special competency in one or more
102 specialty areas in which the licensee has satisfied the provisions of section 270.

103 The practice in any specialty by a person whose license is not issued with special competency for
104 such specialty shall be deemed the unauthorized practice of the profession of medical physics.

105 Only a person licensed under sections 263 to 276 shall practice the profession of medical
106 physics.

107 Section 268. Only a person licensed under section 270 shall use the title "licensed medical
108 physicist".

109 Section 269. A person who desires to be licensed as a medical physicist shall apply to the board
110 in writing on an application form prescribed and furnished by the board. The applicant shall
111 include in the application statements under oath satisfactory to the board showing that the
112 applicant possesses the qualifications required by section 270. At the time of filing the
113 application, an applicant shall pay to the board a fee which shall be set by the secretary of
114 administration and finance.

115 Section 270. To be eligible for licensure by the board as a medical physicist, an applicant shall:

116 (1) have received an education including a graduate degree from an accredited college or
117 university in accordance with requirements prescribed by the board. Such person shall have

118 completed such courses as defined by the board to practice in the medical physics specialty in
119 which the applicant has applied for a license;

120 (2) meet practical experience requirements prescribed by the board in his or her medical
121 physics specialty; and

122 (3) receive and maintain board certification in his or her medical physics specialty
123 satisfactory to the board.

124 Section 271. (a) The board may issue a provisional license to persons who:

125 (1) fulfills all requirements for a licensed medical physicist under section 270 except those
126 relating to board certification or experience; or

127 (2) is enrolled in a medical physics graduate or post-graduate program approved by the
128 board; or

129 (3) has been licensed or certified in good standing as a practitioner of 1 of the subspecialties
130 of medical physics for at least 2 years in another jurisdiction, including a foreign country, that
131 has licensing or certification requirements substantially equivalent to the requirements of
132 sections 263 to 276 as determined by the board, and

133 i. has passed a national or other examination recognized by the board relating to the
134 subspecialties of medical physics; and

135 ii. is sponsored by a person licensed under sections 263 to 276 with whom the provisional
136 license holder will practice during the time the person holds a provisional license.

137 (b) An individual with a provisional license shall be authorized to practice medical physics only
138 under the direct supervision of a licensed medical physicist and only in the sub-specialty of such
139 licensed medical physicist.

140 (c) A provisional license permit shall be valid for 2 years. It may be renewed at the discretion of
141 the board.

142 (d) Medical physics experience obtained in the commonwealth to be credited towards the
143 experience requirement for licensure shall be obtained under a provisional license.

144 Section 272. Nothing in sections 263 to 276 shall be construed to:

145 (a) Affect, prevent or in any manner expand or limit the authority of any person otherwise
146 authorized by law or regulation to practice any function of a medical physicist, or any
147 department or agency authorized by law or regulation to regulate the use of radiation; nor

148 (b) Prohibit the repair or calibration of any test equipment used by licensed medical physicists by
149 any person otherwise allowed to do so under state or federal law; nor

150 (c) Serve to limit radiologic and/or imaging technologists or any individual otherwise authorized
151 by law or regulation from performing quality control measurements or obtaining quality control
152 data under the supervision of a licensed medical physicist; nor

153 (d) Serve to limit neither a service engineer in the repair of radiation producing equipment nor an
154 installation engineer in the installation of radiation producing equipment.

155 Section 273. The board may issue a license to practice medical physics within 1 or more
156 specialties in this state, without board certification, to a person who meets the requirements of
157 clause (1) and (2) of section 270 and who in addition has earned a bachelor's, master's or doctoral

158 degree from an accredited college or university that signifies the completion of a course of study
159 acceptable to the board, and has demonstrated to the board's satisfaction, in the case of an earned
160 bachelor's degree, the completion of at least 15 years of full-time work experience in the medical
161 physics specialty for which application is made, or, in the case of an earned master's or doctoral
162 degree, the completion of at least 2 years of full-time work experience in the 7 years preceding
163 the date of application in the medical physics specialty for which application is made and the
164 equivalent of 1 year or more of full-time work experience in the 10 years preceding the date of
165 application for each additional specialty for which application is made.

166 Applicants for licensure under this section shall be filed with the board not later than 18 months
167 after the effective date of this act.

168 Section 274. The board shall require continuing education sufficient to maintain professional
169 certification.

170 Section 275. (a) The board may, after a hearing pursuant to chapter 30A, revoke, suspend, or
171 cancel the license of a medical physicist, or reprimand or censure a medical physicist if it finds
172 upon proof satisfactory to the board that such medical physicist:

173 (1) Fraudulently or deceptively obtains or attempts to obtain licensure as a medical physicist;

174 (2) violated any provision of law relating to the practice of medicine or medical physics, or
175 any rule or regulation adopted thereunder;

176 (3) acted with gross misconduct in the practice of medical physics or of practicing medical
177 physics fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross
178 negligence on a particular occasion or negligence on repeated occasions;

179 (4) practiced medical physics while the ability to practice is impaired by alcohol, drugs,
180 physical disability or mental instability;

181 (5) knowingly permitted, aided or abetted an unlicensed person to perform activities
182 requiring a license for purposes of fraud, deception or personal gain;

183 (6) has been convicted of a criminal offense which reasonably calls into question the ability
184 to practice medical physics;

185 (7) violated any rule or regulation of the board;

186 (8) acted in a manner which is professionally unethical according to ethical standards of the
187 profession of medical physics or violated any provision of sections 263 to 276; or

188 (9) is disciplined by a licensing or disciplinary authority or convicted or disciplined by a
189 court of any state or country or disciplined by any branch of the United States uniformed services
190 or the Veterans' Administration for an act that would be grounds for disciplinary action under
191 this section.

192 (b) If after a hearing the board finds that there are grounds to suspend or revoke a license to
193 practice medical physics, or to reprimand a licensed medical physicist, the board may impose a
194 fine instead of suspending the license or in addition to suspending or revoking the license or
195 reprimanding the licensee.

196 (c) Unless the board agrees to accept the surrender of a license of an individual the board
197 licenses, the individual may not surrender the license nor may the license lapse by operation of
198 law while the individual is under investigation or while charges are pending. The board may set
199 conditions on its agreement to accept surrender of a license.

200 Section 276. (a) Any person who practices medical physics without a license granted pursuant to
201 sections 263 to 276, inclusive, shall be punished by a fine of not less than \$100 nor more than
202 \$1,000, or by imprisonment for not more than 3 months, or by both. The board may petition in
203 any court of competent jurisdiction for an injunction against any person practicing medical
204 physics or any specialty thereof without a license. Such injunction may be issued without proof
205 of damage sustained by any person. Such injunction shall not relieve such person from criminal
206 prosecution for practicing without a license.

207 (b) Nothing in this section shall be construed to prevent or restrict the practice, service or
208 activities of (1) any person licensed in the commonwealth from engaging in activities within the
209 scope of practice of the profession or occupation for which such person is licensed, provided that
210 such person does not represent to the public, directly or indirectly, that such person is licensed
211 under sections 263 to 276, inclusive, and that such person does not use any name, title or
212 designation indicating that such person is licensed under said sections 263 to 276, inclusive; (2)
213 any person employed as a medical physicist by the federal government or an agency thereof if
214 that person provides medical physics services solely under the direction and control of the
215 organization by which such person is employed.

216 SECTION 3. The board of medical physicists, established pursuant to section 109 of chapter 13
217 of the general laws, shall establish regulations for the licensure of individuals practicing medical
218 physics prior to the date on which the board commences issuing licenses.

219 SECTION 4. Nothing in this act shall preclude any person who was practicing medical physics
220 before the effective date of this act from practicing medical physics in the commonwealth until

221 the board of medical physics establishes procedures for the licensure of medical physics

222 pursuant to sections 263 to 276, inclusive, of chapter 112 of the general laws.