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**By: Delegate Conroy**

Introduced and read first time: February 23, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Medical Radiation and Magnetic Resonance Imaging Specialists**

3 FOR the purpose of establishing a State Board of Medical Radiation and Magnetic  
4 Resonance Imaging Specialists in the Department of Health and Mental Hygiene to  
5 certify and regulate the practice of magnetic resonance imaging technology, nuclear  
6 medical technology, radiation therapy technology, and radiologic technology;  
7 providing for the appointment, terms, powers, and duties of the Board; establishing  
8 a Medical Radiation and Magnetic Resonance Imaging Specialty Fund; providing  
9 for the funding and administration of the Fund; specifying certain qualifications,  
10 procedures, and related requirements concerning certifications issued by the Board;  
11 authorizing the Board to take certain disciplinary action under certain  
12 circumstances and subject to certain procedures; prohibiting certain conduct;  
13 providing certain penalties for violations of this Act; repealing certain authority of  
14 the State Board of Physician Quality Assurance concerning certain medical  
15 radiation technologists and nuclear medical technologists; defining certain terms;  
16 providing that this Act may not be construed to require a certain insurance  
17 reimbursement; providing for the termination of certain provisions of this Act; and  
18 generally relating to a certain certification program administered by a State Board  
19 of Medical Radiation and Magnetic Resonance Imaging Specialists.

20 BY adding to

21 Article - Health Occupations  
22 Section 6A-101 through 6A-502, inclusive, to be under the new title "Title 6A.  
23 Medical Radiation and Magnetic Resonance Imaging Specialists"  
24 Annotated Code of Maryland  
25 (1994 Replacement Volume and 1995 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article - Health Occupations  
28 Section 14-101(a) and (b) and 14-306  
29 Annotated Code of Maryland  
30 (1994 Replacement Volume and 1995 Supplement)

31 BY repealing

32 Article - Health Occupations

2

1 Section 14-606  
2 Annotated Code of Maryland  
3 (1994 Replacement Volume and 1995 Supplement)

4 BY adding to

5 Article - State Government  
6 Section 8-403(l)  
7 Annotated Code of Maryland  
8 (1995 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health Occupations**

12 TITLE 6A. MEDICAL RADIATION AND MAGNETIC RESONANCE IMAGING  
13 SPECIALISTS.

14 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

15 6A-101.

16 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

17 (B) "BOARD" MEANS THE STATE BOARD OF MEDICAL RADIATION AND  
18 MAGNETIC RESONANCE IMAGING SPECIALISTS.

19 (C) "CERTIFICATE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
20 CERTIFICATE ISSUED BY THE BOARD TO PRACTICE:

21 (1) RADIOLOGIC TECHNOLOGY;

22 (2) RADIATION THERAPY TECHNOLOGY;

23 (3) MAGNETIC RESONANCE IMAGING TECHNOLOGY; OR

24 (4) NUCLEAR MEDICAL TECHNOLOGY.

25 (D) "MAGNETIC RESONANCE IMAGING TECHNOLOGIST" MEANS A PERSON  
26 CERTIFIED BY THE BOARD TO PRACTICE MAGNETIC RESONANCE IMAGING  
27 TECHNOLOGY.

28 (E) "MEDICAL RADIATION SPECIALIST" MEANS:

29 (1) A RADIATION THERAPY TECHNOLOGIST;

30 (2) A NUCLEAR MEDICAL TECHNOLOGIST; OR

31 (3) A RADIOLOGIC TECHNOLOGIST.

32 (F) "NUCLEAR MEDICAL TECHNOLOGIST" MEANS A PERSON CERTIFIED BY  
33 THE BOARD TO PRACTICE NUCLEAR MEDICAL TECHNOLOGY.

3

1 (G) "PRACTICE MAGNETIC RESONANCE IMAGING TECHNOLOGY" MEANS TO  
2 USE THE TECHNIQUE OF SUBJECTING AN OBJECT PLACED IN A SPATIALLY VARYING  
3 MAGNETIC FIELD TO A PULSE OF RADIO-FREQUENCY RADIATION AND COMBINING  
4 THE RESULTING NUCLEAR MAGNETIC RESONANCE SPECTRA TO GIVE SECTIONAL  
5 IMAGES.

6 (H) "PRACTICE NUCLEAR MEDICAL TECHNOLOGY" MEANS:

7 (1) TO PREPARE AND ADMINISTER RADIOPHARMACEUTICALS TO  
8 HUMAN BEINGS; OR

9 (2) TO CONDUCT IN VIVO DETECTION AND MEASUREMENT OF  
10 RADIOACTIVITY FOR MEDICAL PURPOSES TO ASSIST IN THE DIAGNOSIS AND  
11 TREATMENT OF DISEASE OR INJURY.

12 (I) "PRACTICE RADIOLOGIC TECHNOLOGY" MEANS TO USE IONIZING  
13 RADIATION TO DEMONSTRATE PORTIONS OF THE HUMAN BODY TO ASSIST IN THE  
14 DIAGNOSIS OF DISEASE OR INJURY;

15 (J) "PRACTICE RADIATION THERAPY TECHNOLOGY" MEANS TO USE  
16 IONIZING RADIATION:

17 (1) TO PERFORM TUMOR LOCALIZATION RADIOGRAPHY; OR

18 (2) TO APPLY THERAPEUTIC DOSES OF RADIATION FOR THE  
19 TREATMENT OF DISEASE.

20 (K) "RADIOLOGIC TECHNOLOGIST" MEANS A PERSON CERTIFIED BY THE  
21 BOARD TO PRACTICE RADIOLOGIC TECHNOLOGY.

22 (L) "RADIATION THERAPY TECHNOLOGIST" MEANS A PERSON CERTIFIED BY  
23 THE BOARD TO PRACTICE RADIATION THERAPY TECHNOLOGY.

24 6A-102.

25 THIS TITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A  
26 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER  
27 THIS ARTICLE.

28 SUBTITLE 2. STATE BOARD OF MEDICAL RADIATION AND MAGNETIC RESONANCE  
29 IMAGING SPECIALISTS.

30 6A-201.

31 THERE IS A STATE BOARD OF MEDICAL RADIATION AND MAGNETIC  
32 RESONANCE IMAGING SPECIALISTS IN THE DEPARTMENT.

33 6A-202.

34 (A) (1) THE BOARD SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY  
35 THE GOVERNOR.

36 (2) OF THE SEVEN MEMBERS OF THE BOARD:

4

1 (I) TWO SHALL BE CERTIFIED RADIOLOGIC TECHNOLOGISTS  
2 APPOINTED FROM A LIST SUBMITTED AS PROVIDED IN SUBSECTION (C) OF THIS  
3 SECTION;

4 (II) ONE SHALL BE A CERTIFIED RADIATION THERAPY  
5 TECHNOLOGIST APPOINTED FROM A LIST SUBMITTED AS PROVIDED IN SUBSECTION  
6 (C) OF THIS SECTION;

7 (III) ONE SHALL BE A CERTIFIED NUCLEAR MEDICAL  
8 TECHNOLOGIST APPOINTED FROM A LIST SUBMITTED AS PROVIDED IN SUBSECTION  
9 (C) OF THIS SECTION;

10 (IV) ONE SHALL BE A CERTIFIED MAGNETIC RESONANCE IMAGING  
11 TECHNOLOGIST APPOINTED FROM A LIST SUBMITTED AS PROVIDED IN SUBSECTION  
12 (C) OF THIS SECTION; AND

13 (V) TWO SHALL BE CONSUMER MEMBERS.

14 (B) EACH CERTIFIED MEMBER OF THE BOARD SHALL:

15 (1) BE A RESIDENT OF THE STATE; AND

16 (2) FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT,  
17 HAVE BEEN ENGAGED IN THE PRACTICE OF A MEDICAL RADIATION OR MAGNETIC  
18 RESONANCE IMAGING SPECIALTY IN THE STATE.

19 (C) FOR EACH VACANCY OF A CERTIFIED MEMBER OF THE BOARD, THE  
20 BOARD SHALL COMPILE A LIST OF NAMES AND SUBMIT THE LIST TO THE GOVERNOR  
21 IN THE FOLLOWING MANNER:

22 (1) THE BOARD SHALL NOTIFY ALL CERTIFIED MEDICAL RADIATION  
23 AND MAGNETIC RESONANCE IMAGING SPECIALISTS IN THE STATE OF THE VACANCY  
24 TO SOLICIT NOMINATIONS TO FILL THE VACANCY; AND

25 (2) EACH PROFESSIONAL ASSOCIATION OF MEDICAL RADIATION  
26 SPECIALISTS IN THE STATE SHALL NOMINATE AT LEAST ONE PERSON FOR EVERY  
27 TWO VACANCIES THAT EXIST.

28 (D) EACH CONSUMER MEMBER:

29 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

30 (2) MAY NOT BE OR EVER HAVE BEEN A MEDICAL RADIATION OR  
31 MAGNETIC RESONANCE IMAGING SPECIALIST OR IN TRAINING TO BECOME A  
32 MEDICAL RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALIST;

33 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MEDICAL  
34 RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALIST OR IN TRAINING TO  
35 BECOME A MEDICAL RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALIST;

36 (4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A  
37 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO A MEDICAL RADIATION OR  
38 MAGNETIC RESONANCE IMAGING SPECIALTY;

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1 (5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A  
2 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO A MEDICAL RADIATION OR  
3 MAGNETIC RESONANCE IMAGING SPECIALTY; AND

4 (6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
5 SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

6 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT  
7 HAVE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE  
8 BOARD.

9 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE  
10 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE STATE CONSTITUTION.

11 (G) (1) THE TERM OF A MEMBER IS 3 YEARS.

12 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
13 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 1996.

14 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
15 SUCCESSOR IS APPOINTED AND QUALIFIES.

16 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL  
17 TERMS.

18 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
20 QUALIFIES.

21 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
22 MISCONDUCT.

23 6A-203.

24 FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT OFFICERS IN A  
25 MANNER AND FOR TERMS THAT THE BOARD DETERMINES.

26 6A-204.

27 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS  
28 A QUORUM.

29 (B) THE BOARD SHALL MEET AT LEAST ONCE EVERY 3 MONTHS AT THE  
30 TIMES AND PLACES THAT IT DETERMINES.

31 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO:

32 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

33 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE  
34 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

35 (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE  
36 BUDGET.

6

1 6A-205.

2 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE  
3 BOARD MAY ADOPT:

4 (1) REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE; AND

5 (2) A CODE OF ETHICS FOR CERTIFICATE HOLDERS.

6 (B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE  
7 BOARD SHALL KEEP:

8 (1) RECORDS AND MINUTES NECESSARY FOR THE ORDERLY CONDUCT  
9 OF BUSINESS; AND

10 (2) A LIST OF EACH CURRENTLY CERTIFIED MEDICAL RADIATION AND  
11 MAGNETIC RESONANCE IMAGING SPECIALIST.

12 6A-206.

13 (A) THERE IS A MEDICAL RADIATION AND MAGNETIC RESONANCE IMAGING  
14 SPECIALTY FUND.

15 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND  
16 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

17 (2) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE  
18 BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

19 (C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
20 PROVISIONS OF THIS TITLE TO THE COMPTROLLER OF THE STATE.

21 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE MEDICAL  
22 RADIATION AND MAGNETIC RESONANCE IMAGING SPECIALTY FUND.

23 (D) (1) THE FUND SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL  
24 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND  
25 REGULATORY DUTIES OF THE BOARD AS SPECIFIED IN THIS TITLE.

26 (2) (I) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT  
27 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (II) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE  
29 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL  
30 REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.

31 (E) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND  
32 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1215 OF THE STATE GOVERNMENT  
33 ARTICLE.

7

1           SUBTITLE 3. CERTIFICATION.

2 6A-301.

3           (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL  
4 BE CERTIFIED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE A MEDICAL  
5 RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALTY IN THE STATE.

6           (B) THIS SECTION DOES NOT APPLY TO:

7                   (1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT AS A  
8 MEDICAL RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALIST WHILE  
9 PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT; OR

10                   (2) A STUDENT OR TRAINEE WHO IS DESIGNATED AS A STUDENT OR  
11 TRAINEE, WHILE PARTICIPATING IN A COURSE OF STUDY OR TRAINING UNDER THE  
12 SUPERVISION OF A CERTIFIED MEDICAL RADIATION OR MAGNETIC RESONANCE  
13 IMAGING SPECIALIST IN A PROGRAM THAT IS APPROVED BY THE BOARD OR THE  
14 MARYLAND HIGHER EDUCATION COMMISSION.

15 6A-302.

16           (A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL BE AN  
17 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

18           (B) THE APPLICANT SHALL:

19                   (1) BE OF GOOD MORAL CHARACTER;

20                   (2) BE AT LEAST 18 YEARS OLD;

21                   (3) DEMONSTRATE COMPETENCE IN PERFORMING A MEDICAL  
22 RADIATION OR MAGNETIC RESONANCE IMAGING SPECIALTY BY MEETING ONE OF  
23 THE FOLLOWING STANDARDS FOR EDUCATION, TRAINING, AND DEMONSTRATED  
24 EXPERIENCE:

25                           (I) GRADUATION FROM A PROGRAM WHICH IS RECOGNIZED BY  
26 THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS IN:

27                                   1. RADIATION TECHNOLOGY;

28                                   2. RADIATION THERAPY TECHNOLOGY;

29                                   3. NUCLEAR MEDICAL TECHNOLOGY; OR

30                                   4. MAGNETIC RESONANCE IMAGING TECHNOLOGY;

31                           (II) ACHIEVEMENT OF A PASSING SCORE OF AT LEAST 75, AFTER  
32 ADJUSTMENT FOR ERROR, ON AN EXAMINATION:

33                                   1. CONSTRUCTED BY THE AMERICAN REGISTRY OF  
34 RADIOLOGIC TECHNOLOGISTS FOR RADIOLOGIC TECHNOLOGISTS;

35                                   2. CONSTRUCTED BY THE AMERICAN REGISTRY OF  
36 RADIOLOGIC TECHNOLOGISTS FOR RADIATION THERAPY TECHNOLOGISTS;

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1                               3. CONSTRUCTED BY THE AMERICAN REGISTRY OF  
2 RADIOLOGIC TECHNOLOGISTS FOR NUCLEAR MEDICAL TECHNOLOGISTS;

3                               4. CONSTRUCTED BY THE NUCLEAR MEDICINE  
4 TECHNOLOGY CERTIFICATION BOARD; OR

5                               5. DETERMINED BY THE BOARD TO BE EQUIVALENT TO AN  
6 EXAMINATION SPECIFIED IN ITEMS 1, 2, 3, OR 4 OF THIS SUBPARAGRAPH; OR

7                               (III) PERFORMANCE OF THE PRACTICE OF A MEDICAL RADIATION  
8 AND MAGNETIC RESONANCE IMAGING SPECIALTY IN ACCORDANCE WITH THE LAW  
9 OF ANOTHER JURISDICTION FOR A PERIOD OF AT LEAST 3 YEARS WITHIN THE 5  
10 YEARS IMMEDIATELY BEFORE APPLICATION; AND

11                              (4) MEET ANY OTHER QUALIFICATION THAT THE BOARD ESTABLISHES  
12 BY REGULATION.

13 6A-303.

14               TO APPLY FOR A CERTIFICATE, AN INDIVIDUAL SHALL:

15                              (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
16 BOARD REQUIRES; AND

17                              (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

18 6A-304.

19               THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE  
20 REQUIREMENTS OF THIS TITLE AND THE REGULATIONS ADOPTED BY THE BOARD  
21 UNDER THIS TITLE.

22 6A-305.

23               EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A CERTIFICATE  
24 AUTHORIZES AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICAL TECHNOLOGY,  
25 RADIOLOGIC TECHNOLOGY, RADIATION THERAPY TECHNOLOGY, OR MAGNETIC  
26 RESONANCE IMAGING TECHNOLOGY WHILE THE CERTIFICATE IS EFFECTIVE.

27 6A-306.

28                              (A) (1) A CERTIFICATE EXPIRES ON THE DATE SET BY THE BOARD, UNLESS  
29 THE CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS  
30 SECTION.

31                              (2) A CERTIFICATE MAY NOT BE RENEWED FOR A TERM LONGER THAN  
32 3 YEARS.

33                              (B) AT LEAST 1 MONTH BEFORE A CERTIFICATE EXPIRES, THE BOARD SHALL  
34 SEND TO THE CERTIFICATE HOLDER, BY FIRST-CLASS MAIL TO THE LAST KNOWN  
35 ADDRESS OF THE CERTIFICATE HOLDER, A RENEWAL NOTICE THAT STATES:

36                              (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

9

1 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
2 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
3 THE CERTIFICATE EXPIRES; AND

4 (3) THE AMOUNT OF THE RENEWAL FEE.

5 (C) BEFORE THE CERTIFICATE EXPIRES, A CERTIFICATE HOLDER  
6 PERIODICALLY MAY RENEW THE CERTIFICATE FOR AN ADDITIONAL TERM, IF THE  
7 CERTIFICATE HOLDER:

8 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

9 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

10 (3) SUBMITS TO THE BOARD:

11 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD  
12 REQUIRES; AND

13 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
14 CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SECTION FOR RENEWAL  
15 OF A CERTIFICATE.

16 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
17 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING  
18 EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF A CERTIFICATE  
19 UNDER THIS SECTION.

20 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH CERTIFICATE  
21 HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.

22 6A-307.

23 (A) THE BOARD SHALL PLACE A CERTIFICATE HOLDER ON INACTIVE STATUS  
24 IF THE CERTIFICATE HOLDER SUBMITS TO THE BOARD:

25 (1) AN APPLICATION FOR INACTIVE STATUS ON THE FORM REQUIRED  
26 BY THE BOARD; AND

27 (2) THE INACTIVE STATUS FEE SET BY THE BOARD.

28 (B) THE BOARD SHALL ISSUE A CERTIFICATE TO AN INDIVIDUAL WHO IS ON  
29 INACTIVE STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL  
30 REQUIREMENTS THAT EXISTED WHEN THE INDIVIDUAL WAS PLACED ON INACTIVE  
31 STATUS.

32 (C) THE BOARD SHALL REINSTATE THE CERTIFICATE OF AN INDIVIDUAL  
33 WHO HAS FAILED TO RENEW THE CERTIFICATE FOR ANY REASON AND HAS NOT  
34 BEEN PUT ON INACTIVE STATUS IF THE INDIVIDUAL:

35 (1) MEETS THE RENEWAL REQUIREMENTS OF § 6A-306 OF THIS  
36 SUBTITLE; AND

37 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

10

1 6A-308.

2 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A  
3 CERTIFICATE, A CERTIFICATE HOLDER MAY NOT SURRENDER THE CERTIFICATE  
4 NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE THE  
5 CERTIFICATE HOLDER IS UNDER INVESTIGATION OR WHILE CHARGES ARE  
6 PENDING AGAINST THE CERTIFICATE HOLDER.

7 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH A  
8 CERTIFICATE HOLDER UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE  
9 PENDING TO ACCEPT SURRENDER OF THE CERTIFICATE.

10 6A-309.

11 SUBJECT TO THE HEARING PROVISIONS OF § 6A-310 OF THIS SUBTITLE, THE  
12 BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED  
13 MEMBERSHIP, MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY  
14 CERTIFICATE HOLDER, OR SUSPEND OR REVOKE A CERTIFICATE OF ANY  
15 CERTIFICATE HOLDER IF THE APPLICANT OR CERTIFICATE HOLDER:

16 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
17 OBTAIN A CERTIFICATE FOR THE APPLICANT OR CERTIFICATE HOLDER OR FOR  
18 ANOTHER;

19 (2) FRAUDULENTLY OR DECEPTIVELY:

20 (I) USES A CERTIFICATE; OR

21 (II) SOLICITS OR ADVERTISES;

22 (3) ENGAGES IN IMMORAL OR UNPROFESSIONAL CONDUCT IN THE  
23 PRACTICE OF A MEDICAL RADIATION OR MAGNETIC RESONANCE IMAGING  
24 SPECIALTY;

25 (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

26 (5) PROVIDES PROFESSIONAL SERVICES WHILE:

27 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

28 (II) USES ANY NARCOTIC OR CONTROLLED DANGEROUS  
29 SUBSTANCE, AS DEFINED IN ARTICLE 27 OF THE CODE, OR OTHER DRUG THAT IS IN  
30 EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT A VALID MEDICAL INDICATION;

31 (6) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE OR ANY  
32 REGULATION OF THE BOARD ADOPTED PURSUANT TO THIS TITLE;

33 (7) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A  
34 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY  
35 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA  
36 SET ASIDE;

37 (8) PRACTICES A MEDICAL RADIATION OR MAGNETIC RESONANCE  
38 IMAGING SPECIALTY WITH AN UNAUTHORIZED PERSON OR AIDS AN

11

1 UNAUTHORIZED PERSON IN THE PRACTICE OF A MEDICAL RADIATION OR  
2 MAGNETIC RESONANCE IMAGING SPECIALTY;

3 (9) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF  
4 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF  
5 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR  
6 DISCIPLINARY ACTION UNDER THIS SECTION;

7 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE  
8 PRACTICE OF A MEDICAL RADIATION OR MAGNETIC RESONANCE IMAGING  
9 SPECIALTY;

10 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED  
11 BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE  
12 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

13 (12) SUBMITS A FALSE STATEMENT TO COLLECT A FEE; OR

14 (13) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
15 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES  
16 FOR WHICH THE CERTIFICATE HOLDER IS CERTIFIED AND QUALIFIED TO RENDER  
17 BECAUSE THE INDIVIDUAL IS HIV POSITIVE.

18 6A-310.

19 (A) EXCEPT AS PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE  
20 GOVERNMENT ARTICLE, BEFORE THE BOARD MAY TAKE ANY ACTION UNDER §  
21 6A-309 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION  
22 IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

23 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
24 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

25 (C) THE HEARING NOTICE THE BOARD GIVES TO THE INDIVIDUAL SHALL BE  
26 SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK  
27 FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE  
28 INDIVIDUAL AT LEAST 30 DAYS BEFORE THE HEARING.

29 (D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

30 (E) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
31 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND  
32 DETERMINE THE MATTER.

33 (F) OVER THE SIGNATURE OF AN OFFICER OF THE BOARD OR THE  
34 ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND  
35 ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE  
36 AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

37 6A-311.

38 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON  
39 AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS  
40 DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY:

12

1 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

2 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY TITLE 10, SUBTITLE  
3 2 OF THE STATE GOVERNMENT ARTICLE.

4 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §  
5 6A-309 OF THIS SUBTITLE:

6 (1) MAY NOT APPEAL TO THE BOARD OF REVIEW; BUT

7 (2) MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED IN TITLE 10,  
8 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

9 6A-312.

10 ON APPLICATION BY AN INDIVIDUAL WHOSE CERTIFICATE HAS BEEN  
11 SUSPENDED OR REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A  
12 MAJORITY OF ITS FULL AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED  
13 CERTIFICATE.

14 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

15 6A-401.

16 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT  
17 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE NUCLEAR MEDICAL  
18 TECHNOLOGY, RADIOLOGIC TECHNOLOGY, RADIATION THERAPY TECHNOLOGY,  
19 OR MAGNETIC RESONANCE IMAGING TECHNOLOGY IN THIS STATE UNLESS  
20 CERTIFIED BY THE BOARD.

21 6A-402.

22 (A) UNLESS AUTHORIZED TO PRACTICE NUCLEAR MEDICAL TECHNOLOGY,  
23 RADIOLOGIC TECHNOLOGY, RADIATION THERAPY TECHNOLOGY, OR MAGNETIC  
24 RESONANCE IMAGING TECHNOLOGY UNDER THIS TITLE, A PERSON MAY NOT  
25 REPRESENT TO THE PUBLIC, BY DESCRIPTION OF SERVICES, METHODS, OR  
26 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE  
27 NUCLEAR MEDICAL TECHNOLOGY, RADIOLOGIC TECHNOLOGY, RADIATION  
28 THERAPY TECHNOLOGY, OR MAGNETIC RESONANCE IMAGING TECHNOLOGY IN  
29 THIS STATE.

30 (B) UNLESS AUTHORIZED TO PRACTICE NUCLEAR MEDICAL TECHNOLOGY,  
31 RADIOLOGIC TECHNOLOGY, RADIATION THERAPY TECHNOLOGY, OR MAGNETIC  
32 RESONANCE IMAGING TECHNOLOGY UNDER THIS TITLE, A PERSON MAY NOT USE  
33 THE WORDS OR TERMS "NUCLEAR MEDICAL TECHNOLOGIST", "CERTIFIED  
34 NUCLEAR MEDICAL TECHNOLOGIST", "CNMT", "RADIOLOGIC TECHNOLOGIST",  
35 "CERTIFIED RADIOLOGIC TECHNOLOGIST", "CRT", "RADIATION THERAPY  
36 TECHNOLOGIST", "CERTIFIED RADIATION THERAPY TECHNOLOGIST", "CRTT",  
37 "MAGNETIC RESONANCE IMAGING TECHNOLOGIST", "CERTIFIED MAGNETIC  
38 RESONANCE IMAGING TECHNOLOGIST", "CMRIT", OR ANY OTHER WORDS, LETTERS,  
39 OR SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED  
40 TO PRACTICE NUCLEAR MEDICAL TECHNOLOGY, RADIOLOGIC TECHNOLOGY,

13

1 RADIATION THERAPY TECHNOLOGY, OR MAGNETIC RESONANCE IMAGING  
2 TECHNOLOGY.

3 6A-403.

4 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
5 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
6 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

7 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

8 6A-501.

9 THIS TITLE MAY BE CITED AS THE "MARYLAND MEDICAL RADIATION AND  
10 MAGNETIC RESONANCE IMAGING SPECIALTIES ACT".

11 6A-502.

12 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE  
13 PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES AND REGULATIONS  
14 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER  
15 JULY 1, 2010.

16 14-101.

17 (a) In this title the following words have the meanings indicated.

18 (b) "Board" means the State Board of Physician Quality Assurance.

19 14-306.

20 (a) To the extent permitted by the rules, regulations, and orders of the Board, an  
21 individual to whom duties are delegated by a licensed physician may perform those duties  
22 without a license as provided in this section.

23 (b) The individuals to whom duties may be delegated under this section include  
24 any individual authorized to practice any other health occupation regulated under this  
25 article.

26 (c) The Board shall adopt rules and regulations to delineate the scope of this  
27 section. Before it adopts any rule or regulation under this section, the Board shall invite  
28 and consider proposals from any individual or health group that could be affected by the  
29 rule or regulation.

30 (d) (1) If a duty that is to be delegated under this section is a part of the  
31 practice of a health occupation that is regulated under this article by another board, any  
32 rule or regulation concerning that duty shall be adopted jointly by the Board of Physician  
33 Quality Assurance and the board that regulates the other health occupation.

34 (2) If the two boards cannot agree on a proposed rule or regulation, the  
35 proposal shall be submitted to the Secretary for a final decision.

36 (e) An individual may perform X-ray duties without a license only if the duties:

37 (1) Do not include:

14

1 (i) Computerized or noncomputerized tomography;

2 (ii) Fluoroscopy;

3 (iii) Invasive radiology;

4 (iv) Mammography;

5 (v) Nuclear medicine;

6 (vi) Radiation therapy; or

7 (vii) Xerography.

8 (2) Are limited to X-ray procedures of the:

9 (i) Chest, [anterior-posterior] POSTERIOR-ANTERIOR and lateral;

10 (ii) Spine, anterior-posterior and lateral; or

11 (iii) Extremities, anterior-posterior and lateral, not including the head.

12 (3) Are performed:

13 (i) By an individual who is not employed primarily to perform X-ray  
14 duties;

15 (ii) In the medical office of the physician who delegates the duties; and

16 (iii) By an individual who has:

17 1. Taken a course consisting of at least 30 hours of training in  
18 performing X-ray procedures approved by the Maryland Radiological Society in  
19 consultation with the Maryland Society of Radiologic Technologists; and

20 2. Successfully passed an examination based on that course that  
21 has been approved by the Maryland Radiological Society in consultation with the  
22 Maryland Society of Radiologic Technologists.

23 (f) The Maryland Radiological Society, in consultation with the Maryland Society  
24 of Radiologic Technologists, may develop continuing education requirements for  
25 individuals performing X-ray procedures under subsection (e) of this section to ensure  
26 competency in new safety and technological advances.

27 [14-606.

28 (a) The Board shall:

29 (1) Define, for the purpose of this section, a "medical radiation  
30 technologist", a "nuclear medical technologist", "practice nuclear medical technology",  
31 and "practice medical radiation technology";

32 (2) Adopt rules and regulations concerning qualifications, training,  
33 certification, monitoring of, and enforcement requirements for a medical radiation  
34 technologist and a nuclear medical technologist; and

15

1 (3) Provide for a requirement to ensure competency in new safety and  
2 technological advances.

3 (b) The qualifications required of applicants for Board certification as a medical  
4 radiation technologist or a nuclear medical technologist shall include requirements  
5 established and approved by:

6 (1) The American College of Radiology - Maryland Chapter;

7 (2) The Maryland Society of Radiologic Technologists;

8 (3) The Maryland Association of Nuclear Medicine Technologists;

9 (4) The Maryland Society of Nuclear Medicine; and

10 (5) Any applicable federal standards for training and certification.

11 (c) After February 1, 1990, an individual must be certified by the Board as a  
12 medical radiation technologist or a nuclear medical technologist before a licensed  
13 physician may employ the individual to practice medical radiation technology or practice  
14 nuclear medical technology.

15 (d) This section does not apply to an individual who:

16 (1) Performs X-ray duties delegated by a licensed physician in accordance  
17 with § 14-306 of this title; or

18 (2) (i) Is otherwise certified or licensed under the provisions of this  
19 article; and

20 (ii) Has within the individual's scope of practice the duties of a  
21 medical radiation technologist or a nuclear medical technologist.

22 (e) After February 1, 1990, an individual may not practice medical radiation  
23 technology or nuclear medical technology unless certified by the Board.

24 (f) Subject to the hearing provisions of § 14-405 of this title, the Board, on the  
25 affirmative vote of a majority of its full authorized membership, may reprimand or place  
26 a medical radiation technologist or a nuclear medical technologist on probation or  
27 suspend or revoke the certification of a medical radiation technologist or a nuclear  
28 medical technologist for any conduct prohibited under the provisions of this section or  
29 prohibited under any regulation adopted pursuant to the provisions of this section.

30 (g) An individual certified by the American Registry of Radiologic Technologists,  
31 the Nuclear Medicine Technology Certification Board, or the American Society of  
32 Clinical Pathologists as a radiographer, radiation therapy technologist, or a nuclear  
33 technologist on or before February 1, 1990 shall be considered certified in that specialty  
34 under the provisions of this section.]

35 **Article - State Government**

36 8-403.

37 (L) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,  
38 ON OR BEFORE JULY 1, 2009, AN EVALUATION SHALL BE MADE OF THE STATE BOARD

16

1 OF MEDICAL RADIATION AND MAGNETIC RESONANCE IMAGING SPECIALISTS AND  
2 THE REGULATIONS THAT RELATE TO THE STATE BOARD OF MEDICAL RADIATION  
3 AND MAGNETIC RESONANCE IMAGING SPECIALISTS.

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) The initial terms of the certified radiologic technologist, certified radiation  
6 therapy technologist, certified nuclear medical technologist, and certified magnetic  
7 resonance imaging technologist members of the State Board of Medical Radiation and  
8 Magnetic Resonance Imaging Specialists shall be as follows:

9 (1) Two members shall have an initial term of 1 year;

10 (2) Two members shall have an initial term of 2 years; and

11 (3) One member shall have an initial term of 3 years.

12 (b) The initial term of the consumer members of the Board shall be 3years.

13 SECTION 3. AND BE IT FURTHER ENACTED, That any medical radiation  
14 technologist or nuclear medical technologist certified by the State Board of Physician  
15 Quality Assurance on or before June 30, 1996, shall be deemed to be certified by the  
16 State Board of Medical Radiation and Magnetic Resonance Imaging Specialists under the  
17 provisions of this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
19 require direct reimbursement of a medical radiation or magnetic resonance imaging  
20 specialist by a nonprofit health service plan, an insurer, or a health maintenance  
21 organization.

22 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 1996.