

HOUSE BILL 518

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2002 Regular Session
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By: **Chairman, Environmental Matters Committee**

Introduced and read first time: January 31, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2002

CHAPTER 373

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Radiation Oncology/Therapy,**
3 **Medical Radiation, and Nuclear Medicine Technologists**

4 FOR the purpose of altering and repealing certain provisions of law authorizing
5 certain individuals to perform certain X-ray duties without a license under
6 certain circumstances; specifying that this Act does not limit the right of certain
7 individuals to practice certain occupations; requiring the State Board of
8 Physician Quality Assurance (the Board) to adopt certain regulations related to
9 radiation oncology/therapy technologists, medical radiation technologists, and
10 nuclear medicine technologists; requiring the Board to set certain fees and to
11 pay certain fees collected to the Comptroller of the State; requiring the
12 Comptroller to distribute certain fees to a certain fund; establishing a Radiation
13 Oncology/Therapy, Medical Radiation, and Nuclear Medicine Technology
14 Advisory Committee (Advisory Committee) within the Board; specifying the
15 membership, powers, and duties of the Advisory Committee; specifying the
16 terms of the members of the Advisory Committee; requiring certain
17 technologists to only practice under the supervision of a licensed physician;
18 providing that the failure of a licensed physician to properly supervise certain
19 technologists is unprofessional conduct in the practice of medicine; providing
20 that the practice of certain technologists is limited to certain practice listed in
21 regulation; prohibiting the practice of radiation oncology/therapy technology,
22 medical radiation technology, or nuclear medicine technology without a
23 certificate; prohibiting a licensed physician from employing an individual
24 practicing radiation oncology/therapy technology, medical radiation technology,
25 or nuclear medicine technology without a certificate; specifying the
26 qualifications for certification as a radiation oncology/therapy technologist,
27 medical radiation technologist, and nuclear medicine technologist; authorizing
28 the Board to adopt a certain internship program; providing for the application of

1 this Act; establishing an application process and requirements for certification
 2 as a radiation oncology/therapy, medical radiation, or nuclear medicine
 3 technologist; specifying the expiration date of certain certificates and requiring
 4 the Board to send a certain renewal notice by a certain date; authorizing the
 5 renewal and reinstatement of certain certificates under certain circumstances;
 6 ~~requiring the Board to place certain certificates on inactive status under certain~~
 7 ~~circumstances and to change a certificates to active status under certain~~
 8 ~~circumstances~~; prohibiting the surrender of certain certificates under certain
 9 circumstances; authorizing the Board to deny a certificate to certain applicants,
 10 reprimand certain certified individuals, place certain certified individuals on
 11 probation, or to suspend or revoke certain certificates under certain
 12 circumstances; specifying certain grounds for discipline of certified radiation
 13 oncology/therapy technologists, medical radiation technologists, or nuclear
 14 medicine technologists subject to certain hearing requirements; requiring
 15 certain entities to report certain employment actions or termination of
 16 employment of radiation oncology/therapy, medical radiation, and nuclear
 17 medicine technologists; providing certain exceptions to the reporting
 18 requirement under certain circumstances; authorizing the Board to reinstate
 19 certain revoked certificates; prohibiting a person from making certain
 20 representations or from providing, attempting to provide, or offering to provide
 21 certain care unless authorized to practice radiation oncology/therapy technology,
 22 medical radiation technology, or nuclear medicine technology; establishing
 23 certain penalties for a violation of this Act; providing that the Advisory
 24 Committee is subject to the provisions of the Maryland Program Evaluation Act;
 25 defining certain terms; and generally relating to radiation oncology/therapy
 26 technologists, medical radiation technologists, and nuclear medicine
 27 technologists.

28 BY renumbering

29 Article - State Government
 30 Section 8-403(b)(41) through (68), respectively
 31 to be Section 8-403(b)(42) through (69), respectively
 32 Annotated Code of Maryland
 33 (1999 Replacement Volume and 2001 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article - Health Occupations
 36 Section 14-306
 37 Annotated Code of Maryland
 38 (2000 Replacement Volume and 2001 Supplement)

39 BY adding to

40 Article - Health Occupations
 41 Section 14-5B-01 through ~~14-5B-20~~ 14-5B-21, inclusive, to be under the new
 42 subtitle "Subtitle 5B. Radiation Oncology/Therapy, Medical Radiation
 43 ~~Technologists~~, and Nuclear Medicine Technologists"

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2001 Supplement)

3 BY repealing

4 Article - Health Occupations
5 Section 14-606
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article - State Government
10 Section 8-403(a)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2001 Supplement)

13 BY adding to

14 Article - State Government
15 Section 8-403(b)(41)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

18 BY renumbering

19 Article - Health Occupations
20 Section 14-607 and 14-608, respectively
21 to be Section 14-606 and 14-607, respectively
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 8-403(b)(41) through (68), respectively, of Article -
26 State Government of the Annotated Code of Maryland be renumbered to be Section(s)
27 8-403(b)(42) through (69), respectively.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article - Health Occupations**

31 14-306.

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

1 (b) The individuals to whom duties may be delegated under this section
2 include any individual authorized to practice any other health occupation regulated
3 under this article or § 13-516 of the Education Article.

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

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

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

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

17 (1) Do not include:

18 (i) Computerized or noncomputerized tomography;

19 (ii) Fluoroscopy;

20 (iii) Invasive radiology;

21 (iv) Mammography;

22 (v) Nuclear medicine;

23 (vi) Radiation therapy; or

24 (vii) Xerography.

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

26 (i) Chest, anterior-posterior and lateral;

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

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

30 (3) Are performed:

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

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

3 (iii) By an individual who, BEFORE OCTOBER 1, 2002, has:

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

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

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

14 SUBTITLE 5B. RADIATION ONCOLOGY/THERAPY, MEDICAL RADIATION
15 TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS.

16 14-5B-01.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "BOARD" MEANS THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE.

20 (C) "COMMITTEE" MEANS THE RADIATION ONCOLOGY/THERAPY
21 TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, AND NUCLEAR MEDICINE
22 TECHNOLOGY ADVISORY COMMITTEE OF THE BOARD.

23 (D) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE BOARD TO
24 PRACTICE AS A MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE
25 TECHNOLOGIST.

26 (E) "CERTIFIED MEDICAL RADIATION TECHNOLOGIST" MEANS A MEDICAL
27 RADIATION TECHNOLOGIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE
28 MEDICAL RADIATION TECHNOLOGY.

29 (F) "CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST" MEANS A NUCLEAR
30 MEDICINE TECHNOLOGIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE
31 NUCLEAR MEDICINE TECHNOLOGY.

32 (G) "PRACTICE MEDICAL RADIATION TECHNOLOGY" MEANS TO USE IONIZING
33 RADIATION TO:

34 (1) DEMONSTRATE PORTIONS OF THE HUMAN BODY TO ASSIST IN THE
35 DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY;

1 (2) PERFORM TUMOR LOCALIZATION RADIOGRAPHY; OR

2 (3) APPLY THERAPEUTIC DOSES OF RADIATION FOR TREATMENT OF
3 DISEASE.

4 (H) "PRACTICE NUCLEAR MEDICINE TECHNOLOGY" MEANS TO:

5 (1) PREPARE AND ADMINISTER RADIOPHARMACEUTICALS TO HUMAN
6 BEINGS; OR

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

10 (I) "PRACTICE RADIATION ONCOLOGY/THERAPY TECHNOLOGY" MEANS TO
11 PERFORM TUMOR LOCALIZATION RADIOGRAPHY AND APPLY THERAPEUTIC DOSES
12 OF RADIATION FOR THE TREATMENT OF DISEASE OR INJURY.

13 (J) "SUPERVISION" MEANS THE RESPONSIBILITY OF A LICENSED PHYSICIAN
14 TO EXERCISE ON-SITE OR IMMEDIATELY AVAILABLE DIRECTION FOR A CERTIFIED
15 MEDICAL RADIATION TECHNOLOGIST OR A CERTIFIED NUCLEAR MEDICINE
16 TECHNOLOGIST.

17 14-5B-02.

18 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
19 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
20 THIS ARTICLE.

21 14-5B-03.

22 THE BOARD SHALL ADOPT REGULATIONS FOR THE CERTIFICATION OF
23 RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL RADIATION
24 TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS AND FOR THE
25 PRACTICE OF RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION
26 TECHNOLOGY, AND NUCLEAR MEDICINE TECHNOLOGY.

27 14-5B-04.

28 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
29 AND RENEWAL OF CERTIFICATES AND OTHER SERVICES IT PROVIDES TO RADIATION
30 ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL RADIATION TECHNOLOGISTS, AND
31 NUCLEAR MEDICINE TECHNOLOGISTS.

32 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
33 APPROXIMATE THE COST OF MAINTAINING THE CERTIFICATION PROGRAM AND THE
34 OTHER SERVICES PROVIDED TO RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS,
35 MEDICAL RADIATION TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS.

1 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
2 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

3 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE STATE
4 BOARD OF PHYSICIAN QUALITY ASSURANCE ESTABLISHED UNDER § 14-201 OF THIS
5 TITLE.

6 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT
7 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES
8 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

9 14-5B-05.

10 (A) THERE IS A RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL
11 RADIATION TECHNOLOGY, AND NUCLEAR MEDICINE TECHNOLOGY ADVISORY
12 COMMITTEE WITHIN THE BOARD.

13 (B) (1) THE COMMITTEE CONSISTS OF ~~SEVEN~~ EIGHT MEMBERS APPOINTED
14 BY THE BOARD.

15 (2) OF THE ~~SEVEN~~ EIGHT MEMBERS:

16 (I) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
17 RADIOLOGY;

18 (II) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
19 NUCLEAR MEDICINE;

20 (III) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
21 RADIATION ONCOLOGY;

22 (IV) ONE SHALL BE A MEDICAL RADIATION ONCOLOGY/THERAPY
23 TECHNOLOGIST WHO PERFORMS BOTH TUMOR LOCALIZATION RADIOTHERAPY AND
24 APPLICATION OF THERAPEUTIC DOSES OF RADIATION FOR THE TREATMENT OF
25 DISEASE OR INJURY;

26 (V) ONE SHALL BE A MEDICAL RADIATION TECHNOLOGIST ~~WHO~~
27 ~~USES IONIZING RADIATION TO DEMONSTRATE PORTIONS OF THE HUMAN BODY TO~~
28 ~~ASSIST IN THE DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY;~~

29 (VI) ONE SHALL BE A NUCLEAR MEDICINE TECHNOLOGIST; ~~AND~~

30 (VII) ONE SHALL BE A CONSUMER MEMBER; AND

31 (VIII) ONE SHALL BE A MEMBER OF THE BOARD.

32 (C) THE BOARD MEMBER SHALL SERVE AS CHAIRMAN OF THE COMMITTEE.

33 (D) THE CONSUMER MEMBER OF THE COMMITTEE:

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

1 (2) MAY NOT BE OR EVER HAVE BEEN A HEALTH CARE PROFESSIONAL
2 OR IN TRAINING TO BE A HEALTH CARE PROFESSIONAL;

3 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH CARE
4 PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

5 (4) MAY NOT:

6 (I) ~~PARTICIPATE IN A COMMERCIAL OR PROFESSIONAL FIELD~~
7 ~~RELATED TO HAVE A SUBSTANTIAL PERSONAL, BUSINESS, PROFESSIONAL, OR~~
8 ~~PECUNIARY CONNECTION WITH A MEDICAL FIELD, AN INSTITUTION OF MEDICAL~~
9 ~~EDUCATION, OR A HEALTH CARE FACILITY;~~

10 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
11 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO HEALTH CARE; OR

12 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
13 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

14 ~~(C)~~ (E) (1) THE TERM OF A MEMBER IS 3 YEARS.

15 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY ~~THE~~
16 ~~REGULATIONS ADOPTED BY THE BOARD IN 1990~~ REGULATION.

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

19 (4) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
20 TERMS.

21 14-4B-06.

22 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
23 COMMITTEE SHALL:

24 (1) MAKE RECOMMENDATIONS TO THE BOARD ON REGULATIONS
25 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

26 (2) ~~MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF ETHICS~~
27 ~~FOR THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY AND NUCLEAR MEDICINE~~
28 ~~TECHNOLOGY FOR ADOPTION BY THE BOARD;~~

29 ~~(3)~~ (3) MAKE RECOMMENDATIONS TO THE BOARD ON THE REQUIREMENTS
30 FOR ~~CERTIFICATION AS A~~ RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
31 MEDICAL RADIATION TECHNOLOGIST, OR ~~CERTIFICATION AS A~~ NUCLEAR MEDICINE
32 TECHNOLOGIST;

33 ~~(4)~~ (3) REVIEW APPLICATIONS FOR CERTIFICATION AS A RADIATION
34 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
35 NUCLEAR MEDICINE TECHNOLOGIST, IF REQUESTED, AND MAKE
36 RECOMMENDATIONS TO THE BOARD;

1 ~~(5)~~ (4) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS
2 AGAINST CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS, CERTIFIED
3 MEDICAL RADIATION TECHNOLOGISTS, AND CERTIFIED NUCLEAR MEDICINE
4 TECHNOLOGISTS;

5 ~~(6)~~ (5) ADVISE THE BOARD ON MATTERS RELATED TO THE PRACTICE
6 OF RADIATION ONCOLOGY/THERAPY TECHNOLOGY, THE PRACTICE OF MEDICAL
7 RADIATION TECHNOLOGY, AND THE PRACTICE OF NUCLEAR MEDICINE
8 TECHNOLOGY;

9 ~~(7)~~ (6) KEEP A RECORD OF ITS PROCEEDINGS; AND

10 ~~(8)~~ (7) SUBMIT AN ANNUAL REPORT TO THE BOARD.

11 14-5B-07.

12 (A) (1) A RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL
13 RADIATION TECHNOLOGIST, OR NUCLEAR MEDICINE TECHNOLOGIST MAY ONLY
14 PRACTICE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN.

15 (2) THE FAILURE OF A LICENSED PHYSICIAN TO PROPERLY SUPERVISE
16 A RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION
17 TECHNOLOGIST, OR NUCLEAR MEDICINE TECHNOLOGIST IS UNPROFESSIONAL
18 CONDUCT IN THE PRACTICE OF MEDICINE UNDER § 14-404(A)(3) OF THIS TITLE.

19 (B) THE PRACTICE OF A RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
20 MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICINE TECHNOLOGIST IS
21 LIMITED TO THOSE PROCEDURES, OPERATIONS, PREPARATIONS, AND PRACTICES
22 LISTED IN REGULATION.

23 ~~14-5B-08.~~

24 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
25 SHALL BE CERTIFIED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
26 RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY,
27 OR NUCLEAR MEDICINE TECHNOLOGY IN THIS STATE.

28 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
29 PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING
30 RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY,
31 OR NUCLEAR MEDICINE TECHNOLOGY WITHOUT A CERTIFICATE.

32 ~~14-5B-08.~~ 14-5B-09.

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

35 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
36 APPLICANT SHALL:

- 1 (1) BE OF GOOD MORAL CHARACTER;
- 2 (2) BE AT LEAST 18 YEARS OLD;
- 3 (3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS
4 REQUIRED BY THE BOARD; AND
- 5 (4) MEET ANY EDUCATIONAL, TRAINING, OR EXAMINATION
6 REQUIREMENTS REQUIRED BY THE BOARD.

7 (C) THE BOARD MAY ADOPT AN INTERNSHIP PROGRAM TO PERMIT THE
8 PRACTICE OF RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION
9 TECHNOLOGY, OR NUCLEAR MEDICINE TECHNOLOGY BY AN INDIVIDUAL WITHOUT A
10 CERTIFICATE WHO HAS NOT MET THE EXAMINATION REQUIREMENT IF THE
11 INDIVIDUALS MEET ALL OTHER REQUIREMENTS OF SUBSECTION (B) OF THIS
12 SECTION AND IS WAITING FOR:

13 (1) THE OPPORTUNITY TO TAKE THE ~~FIRST~~ EXAMINATION AVAILABLE
14 WITHIN 60 DAYS AFTER GRADUATION FROM AN EDUCATIONAL PROGRAM APPROVED
15 BY THE BOARD; OR

16 (2) THE RESULTS OF THE ~~FIRST~~ EXAMINATION TAKEN WITHIN 60 DAYS
17 AFTER GRADUATION FROM AN EDUCATIONAL PROGRAM APPROVED BY THE BOARD.

18 (D) EXCEPT FOR REQUIREMENTS ADOPTED BY THE BOARD FOR CERTIFICATE
19 RENEWAL UNDER § 14-5B-10 OF THIS SUBTITLE, NOTHING IN THIS SUBTITLE MAY BE
20 CONSTRUED TO REQUIRE AN INDIVIDUAL WHO IS CERTIFIED BY THE BOARD AS A
21 RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION
22 TECHNOLOGIST, OR NUCLEAR MEDICINE TECHNOLOGIST AS OF JULY 1, 2001 TO
23 MEET ADDITIONAL EDUCATION, TRAINING, OR EXAMINATION REQUIREMENTS IN
24 ORDER TO REMAIN CERTIFIED.

25 ~~14-5B-09;~~ 14-5B-10.

26 (A) TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

27 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
28 BOARD REQUIRES; AND

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

30 (B) THE BOARD SHALL ISSUE THE APPROPRIATE CERTIFICATE TO AN
31 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT
32 CERTIFICATE.

33 ~~14-5B-10;~~ 14-5B-11.

34 (A) CERTIFICATION AS A MEDICAL RADIATION TECHNOLOGIST AUTHORIZES
35 AN INDIVIDUAL TO PRACTICE MEDICAL RADIATION TECHNOLOGY WHILE THE
36 CERTIFICATE IS EFFECTIVE.

1 (B) CERTIFICATION AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES
2 AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE
3 CERTIFICATE IS EFFECTIVE.

4 (C) CERTIFICATION AS A RADIATION ONCOLOGY/THERAPY TECHNOLOGIST
5 AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIATION ONCOLOGY/THERAPY
6 TECHNOLOGY WHILE THE CERTIFICATE IS EFFECTIVE.

7 ~~14-5B-11.~~ 14-5B-12.

8 (A) A CERTIFICATE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
9 CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS
10 SECTION.

11 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
12 SHALL SEND TO THE CERTIFIED INDIVIDUAL, BY FIRST CLASS MAIL TO THE LAST
13 KNOWN ADDRESS OF THE INDIVIDUAL, A RENEWAL NOTICE THAT STATES:

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

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

18 (3) THE AMOUNT OF THE RENEWAL FEE.

19 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A
20 CERTIFICATE EXPIRES, THE CERTIFIED INDIVIDUAL MAY PERIODICALLY RENEW IT
21 FOR AN ADDITIONAL TERM, IF THE INDIVIDUAL:

22 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

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

24 (3) SUBMITS TO THE BOARD:

25 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
26 REQUIRES; AND

27 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
28 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER
29 REQUIREMENTS REQUIRED BY THE BOARD FOR CERTIFICATE RENEWAL.

30 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
31 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
32 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL
33 OF CERTIFICATES UNDER THIS SECTION.

34 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH INDIVIDUAL WHO
35 MEETS THE REQUIREMENTS OF THIS SECTION.

1 (F) THE BOARD SHALL REINSTATE THE CERTIFICATE OF A RADIATION
 2 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
 3 NUCLEAR MEDICINE TECHNOLOGIST ~~WHO HAS NOT PLACED THE CERTIFICATE ON~~
 4 ~~AN INACTIVE STATUS AND~~ WHO HAS FAILED TO RENEW A CERTIFICATE FOR ANY
 5 REASON IF THE RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL
 6 RADIATION TECHNOLOGIST, OR NUCLEAR MEDICINE TECHNOLOGIST:

7 (1) ~~MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;~~

8 ~~(2)~~ MEETS ANY ADDITIONAL REINSTATEMENT REQUIREMENTS
 9 REQUIRED BY THE BOARD; AND

10 ~~(3)~~ (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE
 11 BOARD.

12 (G) (1) ~~THE BOARD SHALL PLACE THE CERTIFICATE OF A MEDICAL~~
 13 ~~RADIATION TECHNOLOGIST OR THE CERTIFICATE OF NUCLEAR MEDICINE~~
 14 ~~TECHNOLOGIST ON INACTIVE STATUS, IF THE CERTIFIED MEDICAL RADIATION~~
 15 ~~TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST SUBMITS TO~~
 16 ~~THE BOARD:~~

17 ~~(1)~~ AN APPLICATION FOR INACTIVE STATUS ON THE FORM
 18 ~~REQUIRED BY THE BOARD; AND~~

19 ~~(1)~~ THE INACTIVE STATUS FEE SET BY THE BOARD.

20 (2) THE BOARD SHALL ISSUE A CERTIFICATE TO A MEDICAL RADIATION
 21 TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST WHO IS ON INACTIVE
 22 STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL REQUIREMENTS THAT
 23 EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM INACTIVE TO ACTIVE STATUS.
 24 ~~14-5B-12; 14-5B-13.~~

25 UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A CERTIFICATE, A
 26 CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, A CERTIFIED MEDICAL
 27 RADIATION TECHNOLOGIST, OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST
 28 MAY NOT SURRENDER THE CERTIFICATE AND THE CERTIFICATE MAY NOT LAPSE BY
 29 OPERATION OF LAW WHILE THE CERTIFIED RADIATION ONCOLOGY/THERAPY
 30 TECHNOLOGIST, CERTIFIED MEDICAL RADIATION TECHNOLOGIST, OR CERTIFIED
 31 NUCLEAR MEDICINE TECHNOLOGIST IS UNDER INVESTIGATION OR WHILE CHARGES
 32 ARE PENDING AGAINST THE CERTIFIED RADIATION ONCOLOGY/THERAPY
 33 TECHNOLOGIST, CERTIFIED MEDICAL RADIATION TECHNOLOGIST, OR CERTIFIED
 34 NUCLEAR MEDICINE TECHNOLOGIST.

35 ~~14-5B-13; 14-5B-14.~~

36 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE
 37 BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT FOR A CERTIFICATE,
 38 REPRIMAND ANY CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
 39 CERTIFIED MEDICAL RADIATION TECHNOLOGIST, OR CERTIFIED NUCLEAR

1 MEDICINE TECHNOLOGIST, PLACE ANY CERTIFIED RADIATION ONCOLOGY/THERAPY
2 TECHNOLOGIST, CERTIFIED MEDICAL RADIATION TECHNOLOGIST, OR CERTIFIED
3 NUCLEAR MEDICINE TECHNOLOGIST ON PROBATION, OR SUSPEND OR REVOKE A
4 CERTIFICATE IF THE APPLICANT, CERTIFIED RADIATION ONCOLOGY/THERAPY
5 TECHNOLOGIST, CERTIFIED MEDICAL RADIATION TECHNOLOGIST, OR CERTIFIED
6 NUCLEAR MEDICINE TECHNOLOGIST:

7 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
8 OBTAIN A CERTIFICATE FOR THE APPLICANT, CERTIFIED INDIVIDUAL, OR FOR
9 ANOTHER;

10 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

11 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE
12 PRACTICE OF RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION
13 TECHNOLOGY, OR NUCLEAR MEDICINE TECHNOLOGY;

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

15 (5) ABANDONS A PATIENT;

16 (6) IS HABITUALLY INTOXICATED;

17 (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR
18 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE;

19 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

20 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

21 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
22 SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE OR ANY OTHER DRUG THAT IS
23 IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

24 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,
25 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

26 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
27 PRACTICE OF RESPIRATORY CARE;

28 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
29 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
30 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

31 (12) BREACHES PATIENT CONFIDENTIALITY;

32 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
33 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR
34 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
35 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
36 REFERRING A PATIENT;

1 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING
2 RADIATION ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY,
3 OR NUCLEAR MEDICINE TECHNOLOGY;

4 (15) KNOWINGLY PRACTICES RADIATION ONCOLOGY/THERAPY
5 TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, OR NUCLEAR MEDICINE
6 TECHNOLOGY WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED
7 INDIVIDUAL IN THE PRACTICE OF RADIATION ONCOLOGY/THERAPY TECHNOLOGY,
8 MEDICAL RADIATION TECHNOLOGY, OR NUCLEAR MEDICINE TECHNOLOGY;

9 (16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY
10 A SECRET METHOD, TREATMENT, OR MEDICINE;

11 (17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS
12 CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
13 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
14 THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR
15 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

16 (18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
17 QUALITY RADIATION ONCOLOGY/THERAPY TECHNOLOGY CARE, MEDICAL
18 RADIATION TECHNOLOGY CARE, OR NUCLEAR MEDICINE TECHNOLOGY CARE
19 PERFORMED IN ANY OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL OR
20 RELATED INSTITUTION, OR ANY OTHER LOCATION IN THIS STATE;

21 (19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
22 WHICH SERVICES ARE NOT PROVIDED;

23 (20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
24 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
25 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
26 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

27 (II) THE CERTIFIED INDIVIDUAL:

28 1. SURRENDERED THE CERTIFICATE OR LICENSE ISSUED BY
29 THE STATE OR COUNTRY; OR

30 2. ALLOWED THE CERTIFICATE OR LICENSE ISSUED BY THE
31 STATE OR COUNTRY TO EXPIRE OR LAPSE;

32 (21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
33 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

34 (22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR
35 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

36 (23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED
37 SCOPE OF PRACTICE;

1 (24) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
2 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT ANY
3 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
4 SET ASIDE;

5 (25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
6 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
7 WHICH THE RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, CERTIFIED MEDICAL
8 RADIATION TECHNOLOGIST, OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST IS
9 CERTIFIED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;
10 OR

11 (26) PRACTICES OR ATTEMPTS TO PRACTICE A RADIATION
12 ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, OR
13 NUCLEAR MEDICINE TECHNOLOGY PROCEDURE OR USES RADIATION
14 ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, OR
15 NUCLEAR MEDICINE TECHNOLOGY EQUIPMENT IF THE APPLICANT OR CERTIFIED
16 INDIVIDUAL HAS NOT RECEIVED EDUCATION, INTERNSHIP, TRAINING, OR
17 EXPERIENCE IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE
18 EQUIPMENT.

19 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
20 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS
21 SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
22 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN
23 ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

24 (C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD
25 BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE
26 SUSPENSION OF A CERTIFIED INDIVIDUAL IF THE INDIVIDUAL IS CONVICTED OF OR
27 PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING
28 MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS
29 PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

30 (2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE
31 CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE
32 WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL
33 ORDER THE REVOCATION OF A CERTIFICATE ON THE CERTIFICATION BY THE OFFICE
34 OF THE ATTORNEY GENERAL.

35 ~~14-5B-14~~, 14-5B-15.

36 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,
37 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED
38 IN § 14-501 OF THIS TITLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A REPORT
39 THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
40 EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR TERMINATED ANY
41 RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, CERTIFIED MEDICAL RADIATION
42 TECHNOLOGIST, OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST FOR ANY

1 REASONS THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5B-13
2 OF THIS SUBTITLE.

3 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
4 EMPLOYER THAT HAS REASON TO KNOW THAT A CERTIFIED RADIATION
5 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
6 NUCLEAR MEDICAL TECHNOLOGIST HAS COMMITTED AN ACTION OR HAS A
7 CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE
8 CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION
9 TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST OR SUSPENSION OR
10 REVOCATION OF THE CERTIFICATION BECAUSE THE CERTIFIED RADIATION
11 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
12 NUCLEAR MEDICAL TECHNOLOGIST IS ALCOHOL IMPAIRED OR DRUG IMPAIRED IS
13 NOT REQUIRED TO REPORT THE TECHNOLOGIST TO THE BOARD IF:

14 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
15 SYSTEM, OR EMPLOYER KNOWS THAT THE CERTIFIED RADIATION
16 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
17 NUCLEAR MEDICAL TECHNOLOGIST IS:

18 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
19 ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE
20 ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

21 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS
22 COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;

23 (2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
24 SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE CERTIFIED RADIATION
25 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
26 NUCLEAR MEDICAL TECHNOLOGIST REMAINS IN THE TREATMENT PROGRAM UNTIL
27 DISCHARGE; AND

28 (II) THE ACTION OR CONDITION OF THE CERTIFIED RADIATION
29 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
30 NUCLEAR MEDICAL TECHNOLOGIST HAS NOT CAUSED INJURY TO ANY PERSON
31 WHILE THE TECHNOLOGIST IS PRACTICING AS A CERTIFIED RADIATION
32 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL TECHNOLOGIST, OR NUCLEAR
33 MEDICAL TECHNOLOGIST.

34 (C) (1) IF THE CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
35 MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST
36 ENTERS, OR IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT
37 PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF
38 HEALTH CARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE
39 CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION
40 TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST SHALL NOTIFY THE
41 HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER
42 OF THE CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST'S, MEDICAL

1 RADIATION TECHNOLOGIST'S, OR NUCLEAR MEDICAL TECHNOLOGIST'S DECISION TO
2 ENTER THE TREATMENT PROGRAM.

3 (2) IF THE CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
4 MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST FAILS
5 TO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION,
6 AND THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
7 EMPLOYER LEARNS THAT THE CERTIFIED RADIATION ONCOLOGY/THERAPY
8 TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICAL
9 TECHNOLOGIST HAS ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED
10 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE
11 BOARD THAT THE CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
12 MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST HAS
13 ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED
14 NOTICE.

15 (3) IF THE CERTIFIED RADIATION ONCOLOGY/THERAPY TECHNOLOGIST,
16 MEDICAL RADIATION TECHNOLOGIST, OR NUCLEAR MEDICAL TECHNOLOGIST IS
17 FOUND TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND
18 PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM
19 SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
20 SYSTEM, OR EMPLOYER OF THE CERTIFIED RADIATION ONCOLOGY/THERAPY
21 TECHNOLOGIST'S, MEDICAL RADIATION TECHNOLOGIST'S, OR NUCLEAR MEDICAL
22 TECHNOLOGIST'S NONCOMPLIANCE.

23 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH
24 (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
25 HEALTH SYSTEM, OR EMPLOYER OF THE CERTIFIED RADIATION
26 ONCOLOGY/THERAPY TECHNOLOGIST, MEDICAL RADIATION TECHNOLOGIST, OR
27 NUCLEAR MEDICAL TECHNOLOGIST SHALL REPORT THE CERTIFIED RADIATION
28 ONCOLOGY/THERAPY TECHNOLOGIST'S, MEDICAL RADIATION TECHNOLOGIST'S, OR
29 NUCLEAR MEDICAL TECHNOLOGIST'S NONCOMPLIANCE TO THE BOARD.

30 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT
31 THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR
32 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE
33 PATIENT RECORDS.

34 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
35 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION
36 DESCRIBED IN THIS SECTION.

37 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR
38 DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF A
39 HEARING AND DECISION OF THE BOARD UNDER THIS TITLE.

40 ~~14-5B-15.~~ 14-5B-16.

41 ON THE APPLICATION OF AN INDIVIDUAL WHOSE CERTIFICATE HAS BEEN
42 REVOKED, THE BOARD MAY REINSTATE A REVOKED CERTIFICATE.

1 14-5B-16.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
3 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MEDICAL RADIATION
4 TECHNOLOGY IN THIS STATE UNLESS CERTIFIED TO PRACTICE MEDICAL RADIATION
5 TECHNOLOGY BY THE BOARD.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
7 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE NUCLEAR MEDICINE
8 TECHNOLOGY IN THIS STATE UNLESS CERTIFIED TO PRACTICE NUCLEAR MEDICINE
9 TECHNOLOGY BY THE BOARD.

10 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
11 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE RADIATION
12 ONCOLOGY/THERAPY TECHNOLOGY IN THIS STATE UNLESS CERTIFIED TO PRACTICE
13 RADIATION ONCOLOGY/THERAPY TECHNOLOGY BY THE BOARD.

14 ~~14-5B-17.~~ 14-5B-18.

15 (A) UNLESS AUTHORIZED TO PRACTICE RADIATION ONCOLOGY/THERAPY
16 TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, OR NUCLEAR MEDICINE
17 TECHNOLOGY UNDER THIS SUBTITLE, A PERSON MAY NOT REPRESENT TO THE
18 PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
19 OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE RADIATION
20 ONCOLOGY/THERAPY TECHNOLOGY, MEDICAL RADIATION TECHNOLOGY, OR
21 NUCLEAR MEDICINE TECHNOLOGY IN THIS STATE.

22 (B) A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE,
23 OR REPRESENT THAT THE PERSON PROVIDES RADIATION ONCOLOGY/THERAPY
24 TECHNOLOGY CARE, MEDICAL RADIATION TECHNOLOGY CARE, OR NUCLEAR
25 MEDICINE TECHNOLOGY CARE UNLESS THE MEDICAL RADIATION TECHNOLOGY
26 CARE OR NUCLEAR MEDICINE TECHNOLOGY CARE IS PROVIDED BY AN INDIVIDUAL
27 WHO IS AUTHORIZED TO PRACTICE RADIATION ONCOLOGY/THERAPY TECHNOLOGY,
28 MEDICAL RADIATION TECHNOLOGY, OR NUCLEAR MEDICINE TECHNOLOGY UNDER
29 THIS SUBTITLE.

30 ~~14-5B-18.~~ 14-5B-19.

31 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
32 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
33 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

34 (B) ANY PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL FINE
35 OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

36 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
37 INTO THE BOARD OF PHYSICIAN QUALITY ASSURANCE FUND.

1 ~~14-5B-19.~~ 14-5B-20.

2 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND RADIATION
3 ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL RADIATION TECHNOLOGISTS, AND
4 NUCLEAR MEDICINE TECHNOLOGISTS ACT".

5 ~~14-5B-20.~~ 14-5B-21.

6 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
7 MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF
8 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND
9 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO
10 EFFECT AFTER JULY 1, 2013.

11 [14-606.

12 (a) The Board shall:

13 (1) Define, for the purpose of this section, a "medical radiation
14 technologist", a "nuclear medical technologist", "practice nuclear medical technology",
15 and "practice medical radiation technology";

16 (2) Adopt rules and regulations concerning qualifications, training,
17 certification, monitoring of, and enforcement requirements for a medical radiation
18 technologist and a nuclear medical technologist; and

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

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

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

25 (2) The Maryland Society of Radiologic Technologists;

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

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

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

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

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

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

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

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

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

9 (2) Any person who violates this section is subject to a civil fine of not
10 more than \$5,000 to be levied by the Board.

11 (3) The Board shall pay any penalty collected under this section into the
12 Board of Physician Quality Assurance Fund.

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

19 (g) (1) On the filing of certified docket entries with the Board by the Office
20 of the Attorney General, the Board shall order the suspension of a certificate if the
21 certificate holder is convicted of or pleads guilty or nolo contendere with respect to a
22 crime involving moral turpitude, whether or not any appeal or other proceeding is
23 pending to have the conviction or plea set aside.

24 (2) After completion of the appellate process if the conviction has not
25 been reversed or the plea has not been set aside with respect to a crime involving
26 moral turpitude, the Board shall order the revocation of a certificate on the
27 certification by the Office of the Attorney General.

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

33 (i) (1) Except as provided in paragraphs (2) and (4) of this subsection,
34 hospitals, related institutions, alternative health systems as defined in § 14-501 of
35 this title, and employers shall file with the Board a report that the hospital, related
36 institution, alternative health system, or employer limited, reduced, otherwise
37 changed, or terminated any certified medical radiation technologist or nuclear
38 medical technologist for any reasons that might be grounds for disciplinary action
39 under this subtitle or any regulation adopted under this subtitle.

1 (2) A hospital, related institution, alternative health system, or employer
2 that has reason to know that a certified medical radiation technologist or nuclear
3 medical technologist has committed an action or has a condition that might be
4 grounds for reprimand or probation of the certified medical radiation technologist or
5 nuclear medical technologist or suspension or revocation of the certification because
6 the certified medical radiation technologist or nuclear medical technologist is alcohol
7 impaired or drug impaired is not required to report the technologist to the Board if:

8 (i) The hospital, related institution, alternative health system, or
9 employer knows that the certified medical radiation technologist or nuclear medical
10 technologist is:

11 1. In an alcohol or drug treatment program that is accredited
12 by the Joint Commission on the Accreditation of Health Care Organizations or is
13 certified by the Department; or

14 2. Under the care of a health care practitioner who is
15 competent and capable of dealing with alcoholism and drug abuse;

16 (ii) The hospital, related institution, alternative health system, or
17 employer is able to verify that the certified medical radiation technologist or nuclear
18 medical technologist remains in the treatment program until discharge; and

19 (iii) The action or condition of the certified medical radiation
20 technologist or nuclear medical technologist has not caused injury to any person while
21 the technologist is practicing as a certified medical technologist or nuclear medical
22 technologist.

23 (3) (i) If the certified medical radiation technologist or nuclear
24 medical technologist enters, or is considering entering, an alcohol or drug treatment
25 program that is accredited by the Joint Commission on Accreditation of Health Care
26 Organizations or that is certified by the Department, the certified medical radiation
27 technologist or nuclear medical technologist shall notify the hospital, related
28 institution, alternative health system, or employer of the certified medical radiation
29 technologist's or nuclear medical technologist's decision to enter the treatment
30 program.

31 (ii) If the certified medical radiation technologist or nuclear
32 medical technologist fails to provide the notice required under subparagraph (i) of this
33 paragraph, and the hospital, related institution, alternative health system, or
34 employer learns that the certified medical radiation technologist or nuclear medical
35 technologist has entered a treatment program, the hospital, related institution,
36 alternative health system, or employer shall report to the Board that the certified
37 medical radiation technologist or nuclear medical technologist has entered a
38 treatment program and has failed to provide the required notice.

39 (iii) If the certified medical radiation technologist or nuclear
40 medical technologist is found to be noncompliant with the treatment program's
41 policies and procedures while in the treatment program, the treatment program shall
42 notify the hospital, related institution, alternative health system, or employer of the

1 certified medical radiation technologist's or nuclear medical technologist's
2 noncompliance.

3 (iv) On receipt of the notification required under subparagraph (iii)
4 of this paragraph, the hospital, related institution, alternative health system, or
5 employer of the certified medical radiation technologist or nuclear medical
6 technologist shall report the certified medical radiation technologist's or nuclear
7 medical technologist's noncompliance to the Board.

8 (4) A person is not required under this subsection to make any report
9 that would be in violation of any federal or State law, rule, or regulation concerning
10 the confidentiality of alcohol and drug abuse patient records.

11 (5) The hospital, related institution, alternative health system, or
12 employer shall submit the report within 10 days of any action described in this
13 section.

14 (6) A report made under this section is not subject to subpoena or
15 discovery in any civil action other than a proceeding arising out of a hearing and
16 decision of the Board under this title.]

17 **Article - State Government**

18 8-403.

19 (a) On or before December 15 of the 2nd year before the evaluation date of a
20 governmental activity or unit, the Legislative Policy Committee, based on a
21 preliminary evaluation, may waive as unnecessary the evaluation required under this
22 section.

23 (b) Except as otherwise provided in subsection (a) of this section, on or before
24 the evaluation date for the following governmental activities or units, an evaluation
25 shall be made of the following governmental activities or units and the statutes and
26 regulations that relate to the governmental activities or units:

27 (41) RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL
28 RADIATION TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS ADVISORY
29 COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 14-607 and
31 14-608, respectively, of Article - Health Occupations of the Annotated Code of
32 Maryland be renumbered to be Section(s) 14-606 and 14-607, respectively.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2002.

