

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE****Revised**

Senate Bill 534

(Senator Hollinger) (Chairman, Health Subcommittee)

Education, Health, and Environmental Affairs

Environmental Matters

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

This bill repeals current law provisions related to regulating medical radiation and nuclear medicine technologists and establishes the Maryland Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Act.

The bill takes effect July 1, 2002, and, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, sunsets on July 1, 2013.

**Fiscal Summary**

**State Effect:** Board of Physician Quality Assurance (BPQA) special fund revenues could increase by \$35,900 in FY 2003, and Maryland Higher Education Commission (MHEC) special fund revenues could decrease by the same amount. Future year estimates reflect BPQA's biennial certification process. The civil and criminal penalty provisions of this bill are not expected to significantly affect State revenues or expenditures.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
SF Revenues	\$35,900	\$5,100	\$41,800	\$5,200	\$42,700
SF Revenues	(\$35,900)	(\$5,100)	(\$41,800)	(\$5,200)	(\$42,700)
Expenditure	0	0	0	0	0
Net Effect	\$0	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** Potential minimal. Small business physician practices that employ uncertified individuals who take x-rays could be required to refer patients elsewhere for x-rays or hire certified staff to perform x-ray duties.

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## Analysis

**Bill Summary:** The bill repeals current law provisions related to the regulation of medical radiation technologists and nuclear medicine technologists. In addition, the bill: (1) requires BPQA to adopt regulations for the certification of radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists; (2) requires BPQA to set reasonable fees for certification; (3) establishes a Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee within BPQA; (4) specifies requirements for certification; (5) authorizes BPQA to deny a certificate, place a certificate holder on probation, or suspend or revoke a certificate under specified circumstances; (6) requires hospitals and other related institutions to report disciplinary information to BPQA; (7) establishes criminal and civil penalties for individuals who violate the bill's provisions and directs payments of the monetary penalties to the BPQA fund; (8) subjects the bill to the Maryland Program Evaluation Act; and (9) permits BPQA to keep all certification fees collected from technologists. A person who violates any provision of the bill is guilty of a misdemeanor and subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both. A person who violates the bill is also subject to a civil fine of not more than \$5,000.

**Current Law:** BPQA regulates and certifies medical radiation technologists and nuclear medicine technologists and has disciplinary authority over certificate holders. Qualifications for certification applicants must include requirements established and approved by certain professional associations. An individual may not practice medical radiation technology or nuclear medical technology unless certified by BPQA. A person who violates this provision is subject to a civil fine of up to \$5,000.

Certification fees for medical radiation and nuclear medicine technologists are paid directly to the Comptroller. The Comptroller must distribute 86% of certification fees collected by BPQA to the BPQA fund. The remaining 14% of the fees collected by BPQA are distributed to MHEC's State Scholarship Administration (SSA). Half of these fees are transferred to the Loan Assistance Repayment Program, and half are transferred to the Health Manpower Shortage Incentive Grant Program.

An exception to the certification requirement provides that an individual may perform x-ray duties without a license only if the duties do not include: (1) tomography; (2)

fluoroscopy; (3) invasive radiology; (4) mammography; (5) nuclear medicine; (6) radiation therapy; or (7) xerography. The procedures are limited to the chest, spine, and extremities, and may only be performed: (1) by an individual who is not employed primarily to perform x-ray duties; (2) in the medical office of a physician who has delegated the duties; and (3) by an individual who has met certain educational requirements.

**Background:** The bill's provisions stem from several recommendations made in the *Sunset Review of the Board of Physician Quality Assurance* (October 2001). In this report, the Department of Legislative Services (DLS) recommended that: (1) regulatory provisions relating to the certification and regulation of medical radiation and nuclear medicine technologists, as well as the Medical Radiation and Nuclear Medicine Technology Advisory Committee should be codified in a manner similar to the Maryland Respiratory Care Practitioners Act; (2) statutory provisions should be repealed that require that certain qualifications of technologists be prescribed by professional associations; (3) statutory provisions should be repealed that provide an exemption from certification as a medical radiation or nuclear medicine technologist for individuals who perform x-rays in limited circumstances; and (4) the codified provisions relating to medical radiation and nuclear medicine technologists should be subject to the Maryland Program Evaluation Act and terminate on July 1, 2013.

**State Fiscal Effect:** BPQA special fund revenues could increase by an estimated \$35,920 in fiscal 2003 which reflects the bill's July 1, 2002 effective date. The bill changes the current special fund revenue distribution from certification fees and permits so that BPQA keeps the 14% of fees that would otherwise be distributed to SSA. In fiscal 2003, BPQA will receive \$256,575 in certification fee revenues, 14% of which (\$35,920) will now remain with BPQA. Future year revenue increases: (1) reflect BPQA's biennial certification process; (2) assume 484 new certificate holders annually; and (3) assume 1% annual growth in the number of certificate holders. Expenditures would not be affected.

SSA special fund revenues could decrease by an estimated \$35,920 in fiscal 2003. Future year revenue losses reflect BPQA's biennial certification process. Expenditures would not be affected.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 518 (Chairman, Environmental Matters Committee) – Environmental Matters.

**Information Source(s):** Department of Health and Mental Hygiene (Board of Physician Quality Assurance), Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2002  
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Analysis by: Susan D. John

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510