

## CHAPTER 328

(House Bill 1517)

AN ACT concerning

### **Respiratory Care Practitioners, Radiation Therapists, Radiographers, ~~and~~ Nuclear Medicine Technologists, and Radiologist Assistants – Various Changes**

FOR the purpose of repealing the State Board of Physician's authority to place respiratory care practitioners on inactive status and issue temporary licenses to respiratory care practitioners; altering certain qualifications for consumer members on the Respiratory Care Professional Standards Committee and on the Radiation Therapy, Radiography, ~~and~~ Nuclear Medicine Technology, and Radiology Assistance Advisory Committee; requiring the committees to elect chairmen at certain times; altering the duties of the committees; altering the membership of a certain committee; requiring a certain committee to make certain recommendations, review certain applications, investigate certain complaints, and provide certain advice regarding radiologist assistants; establishing that certain students of respiratory care, radiation therapy, radiography, ~~and~~ nuclear medicine technology, and radiology assistance who are enrolled and practicing in certain education programs are not required to hold certain licenses; repealing certain provisions regarding veterans in certain respiratory care educational programs; altering certain licensure, renewal, and reinstatement requirements for respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; requiring that certain individuals be licensed by the Board to practice radiology assistance on or before a certain date; establishing certain qualifications for certain radiologist assistants; providing for the renewal and reinstatement of certain licenses for radiologist assistants; authorizing the Board to deny, reprimand, place on probation, or suspend or revoke the licensure of a radiologist assistant under certain circumstances; requiring certain reports to be filed by certain health care institutions regarding radiologist assistants; allowing certain exceptions to filing certain reports; requiring certain notification of entrance into certain treatment programs; prohibiting the unauthorized practice of radiology assistance; prohibiting the practice or representation of the ability to practice radiology assistance without a certain license; repealing a requirement that the Board send certain notice by a certain method; establishing certain civil penalties for failure by respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist assistants to complete certain continuing education credits; establishing that certain licenses may not be renewed for longer than a certain number of years; requiring that certain respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist assistants notify the Board of certain

changes of address within a certain time and establishing a certain administrative penalty for failure to comply; establishing that certain Board votes require the affirmative vote of a majority of a quorum; altering certain causes for disciplining respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; establishing an appeal process for certain persons aggrieved by certain Board decisions; prohibiting certain physicians, hospitals, related institutions, alternative health systems and employees from employing certain unlicensed individuals and authorizing the Board to impose a certain civil penalty; clarifying certain types of radiation practices regulated by the Board; substituting licensure for certification as the credential for radiation therapists, radiographers, and nuclear medicine technologists; establishing that certain individuals employed by the federal government to practice radiation therapy, radiography, or nuclear medicine technology are not required to hold certain licenses; repealing a certain internship program; authorizing the Board to issue certain temporary licenses to practice radiation therapy, radiography, and nuclear medicine technology; establishing that certain certified individuals are not required to meet certain requirements; and generally relating to respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist assistants.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-5A-01, 14-5A-06, 14-5A-07 through 14-5A-09, 14-5A-13, 14-5A-16, 14-5A-17, 14-5A-19, 14-5A-23, 14-5B-01, 14-5B-03 through 14-5B-10, 14-5B-12 through 14-5B-18, and 14-5B-20

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing

Article – Health Occupations

Section 14-5A-14, 14-5A-15, and 14-5B-11

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 14-5A-14, 14-5A-17.1, 14-5A-22.1, 14-5B-11, 14-5B-12.1, 14-5B-14.1, and 14-5B-18.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

### **Article – Health Occupations**

14-5A-01.

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

(b) “Board” means the State Board of Physicians.

(c) “Committee” means the Respiratory Care Professional Standards Committee established under § 14-5A-05 of this subtitle.

(d) “License” means a license issued by the Board to practice respiratory care.

(e) “Licensed respiratory care practitioner” means a respiratory care practitioner who is licensed by the Board to practice respiratory care.

**(F) “LICENSEE” MEANS A LICENSED RESPIRATORY CARE PRACTITIONER.**

[(f)] **(G)** “National certifying board” means the National Board for Respiratory Care or a certifying organization that has certification requirements equivalent to the National Board for Respiratory Care and that has been approved by the Board.

[(g)] **(H)** (1) “Practice respiratory care” means to evaluate, care for, and treat, including the diagnostic evaluation of, individuals who have deficiencies and abnormalities that affect the pulmonary system and associated aspects of the cardiopulmonary and other systems under the supervision of and in collaboration with a physician.

(2) “Practice respiratory care” includes:

(i) Providing direct and indirect respiratory care services that are safe, aseptic, preventive, and restorative;

(ii) Practicing the principles, techniques, and theories derived from cardiopulmonary medicine;

(iii) Evaluating and treating individuals whose cardiopulmonary functions have been threatened or impaired by developmental defects, the aging process, physical injury, disease, or actual or anticipated dysfunction of the cardiopulmonary system;

(iv) Observing and monitoring physical signs and symptoms, general behavior, and general physical response to respiratory care procedures and

determining if initiation, modification, or discontinuation of a treatment regimen is warranted;

(v) Transcribing and implementing written or oral orders regarding the practice of respiratory care;

(vi) Using evaluation techniques that include cardiopulmonary function assessments, gas exchange, the need and effectiveness of therapeutic modalities and procedures, and the assessment and evaluation of the need for extended care and home care procedures, therapy, and equipment; and

(vii) Applying the use of techniques, equipment, and procedures involved in the administration of respiratory care, including:

1. Except for general anesthesia, therapeutic and diagnostic gases;
2. Prescribed medication for inhalation or direct tracheal installation;
3. The administration of analgesic agents by subcutaneous injection or inhalation for the performance of respiratory care procedures;
4. Nonsurgical insertion, maintenance, and removal of artificial airways;
5. Advanced cardiopulmonary measures;
6. Cardiopulmonary rehabilitation;
7. Mechanical ventilation or physiological life support systems;
8. Collection of body fluids and blood samples for evaluation and analysis;
9. Insertion of diagnostic arterial access lines; and
10. Collection and analysis of exhaled respiratory gases.

**[(h)] (I)** “Supervision” means the responsibility of a physician to exercise on-site or immediately available direction for a licensed respiratory care practitioner performing delegated medical acts.

[(i) “Temporary license” means a license issued by the Board under and as limited by § 14–5A–15 of this subtitle to practice respiratory care.]

14–5A–06.

(a) The Committee consists of seven members appointed by the Board as follows:

- (1) Three respiratory care practitioners;
- (2) Three physicians:
  - (i) One of whom is a specialist in thoracic surgery;
  - (ii) One of whom is a specialist in pulmonary medicine; and
  - (iii) One of whom is a specialist in anesthesiology; and
- (3) One consumer member.

(b) The consumer member of the Committee:

- (1) Shall be a member of the general public;
- (2) May not be or ever have been:
  - (i) A respiratory care practitioner;
  - (ii) Any health care professional; or
  - (iii) In training to be a respiratory care practitioner or other health professional; **AND**

[(3) May not have a household member who is a health professional or is in training to be a health professional; and

(4)] **(3)** May not:

- (i) Participate or ever have participated in a commercial or professional field related to respiratory care;
- (ii) Have a household member who participates in a commercial or professional field related to respiratory care;
- (iii) Have had within 2 years before appointment a financial interest in a person regulated by the Board; or

(iv) Have had within 2 years before appointment a financial interest in the provision of goods or services to respiratory care practitioners or to the field of respiratory care.

(c) (1) The term of a member is 3 years.

(2) The terms of members are staggered [as required by the terms provided for members of the Board on July 1, 1996].

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

**(D) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2 YEARS.**

14-5A-07.

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Develop and recommend to the Board regulations to carry out the provisions of this subtitle;

(2) Develop and recommend to the Board a code of ethics for the practice of respiratory care for adoption by the Board;

(3) [Develop] **IF REQUESTED, DEVELOP** and recommend to the Board standards of care for the practice of respiratory care;

(4) Develop and recommend to the Board the requirements for licensure as a respiratory care practitioner[, including:

(i) Criteria for the educational and clinical training of respiratory care practitioners; and

(ii) Criteria for a professional competency examination and testing of applicants for a license to practice respiratory care;

(5) Develop and recommend to the Board criteria for respiratory care practitioners who are licensed in other states to practice in this State;

(6) Evaluate the accreditation status of education programs in respiratory care for approval by the Board];

[(7)] (5) Evaluate the credentials of applicants **AS NECESSARY** and recommend licensure of applicants who fulfill the requirements for a license to practice respiratory care;

[(8)] (6) Develop and recommend to the Board continuing education requirements for license renewal;

[(9)] (7) Provide the Board with recommendations concerning the practice of respiratory care;

[(10)] (8) Develop and recommend to the Board criteria related to the practice of respiratory care in the home setting; **AND**

[(11)] Develop and recommend to the Board criteria for the direction of students in clinical education programs by licensed respiratory care practitioners;

(12)] (9) Keep a record of its proceedings[; and

(13) Submit an annual report to the Board].

14-5A-08.

(a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice respiratory care in this State.

(b) This section does not apply to [an]:

(1) **AN** individual employed by the federal government as a respiratory care practitioner while the individual is practicing within the scope of that employment; **OR**

(2) **A RESPIRATORY CARE PRACTITIONER STUDENT ENROLLED IN AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED ACCREDITING ORGANIZATION WHILE PRACTICING RESPIRATORY CARE IN THE PROGRAM.**

[(c)] (1) (i) In this subsection the following terms have the meanings indicated.

(ii) “Educational program” means a respiratory care educational program approved by the American Medical Association.

(iii) "Veteran" means an individual who:

1. Has served on active duty in the United States armed forces;
2. Has been honorably discharged; and
3. Meets the requirements of this section.

(iv) "Veterans' program" means a veterans' internship program in respiratory care for qualified veterans who are working in hospitals.

(2) This section does not apply to a veteran who:

(i) Applies to the Board within 6 months of discharge, provides the Board the information required under this subsection, and is approved by the Board;

(ii) Has practiced in the military with one of the following specialties:

1. Navy 854 with successful completion of the U.S. Army Respiratory Care School;
2. Army 91V; or
3. United States Air Force 90450 or United States Air Force 90250 with advanced experience;

(iii) Has practiced respiratory care for 2,000 hours in the 5 years immediately preceding discharge with experience in areas recommended and approved by the Board;

(iv) Has documented completion of educational requirements in the military as approved by the Board with reference to the standards of the Joint Review Committee for Respiratory Therapy Education Modules; and

(v) Has applied for admission in an approved educational program within 6 months of discharge.

(3) Within 30 days after the end of each semester or every 6 months, whichever is more frequent, a veteran shall submit evidence of successful continued enrollment in a respiratory care educational program with satisfactory academic standing as approved by the Board.

(4) If the provisions of paragraph (3) of this subsection are met, a veteran may practice in a veterans' program for up to 30 months from the date of the approval of the veteran's application for the veterans' program.

(5) Upon graduation from an approved educational program, a veteran:

(i) Ceases to qualify to practice respiratory care under this section; and

(ii) Shall apply for a temporary license required for all graduates of approved respiratory care programs.

(6) The Board may set and charge reasonable fees to implement the provisions of this subsection.

(7) The Board shall approve the application of each veteran who meets the requirements of this subsection.

(8) A veteran who practices respiratory care under this subsection is subject to the same disciplinary procedures and is held to the same standard of care as a respiratory care practitioner licensed under § 14-5A-11 of this subtitle.]

14-5A-09.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) The applicant shall:

[(1) Be certified by a national certifying board;

(2) Have graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education programs; and

(3) Meet the educational and clinical training requirements established by the Committee.]

**(1) MEET ANY EDUCATIONAL, TRAINING, OR EXAMINATION REQUIREMENTS ESTABLISHED BY THE BOARD INCLUDING:**

**(I) GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM AS DETERMINED BY THE BOARD; AND**

**(II) CERTIFICATION BY A NATIONAL CERTIFYING BOARD APPROVED BY THE BOARD; AND**

**(2) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS REQUIRED BY THE BOARD.**

14-5A-13.

(a) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee[, by first-class mail to the last known address of the licensee,] a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

[(1) Otherwise is entitled to be licensed;

(2)] (1) Pays to the Board a renewal fee set by the Board; [and

(3)] (2) Submits to the Board:

(i) A renewal application on the form that the Board requires;  
and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal; **AND**

**(3) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS ESTABLISHED BY THE BOARD.**

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education or competency requirements as a condition to the renewal of licenses under this section.

**(2) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5A-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.**

(e) (1) The Board shall renew the license of each licensee who meets the requirements of this section.

**(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.**

(f) The Board shall reinstate the license of a respiratory care practitioner who has [not placed the license on an inactive status and who has] failed to renew the license for any reason if the respiratory care practitioner:

[(1) Applies for reinstatement within 30 days after the date the license expires; ]

~~(2)~~**(1)** Meets the renewal requirements of this section; [and

(3) Pays to the Board the reinstatement fee set by the Board.]

~~(4)~~**(2) SUBMITS TO THE BOARD:**

**(I) A REINSTATEMENT APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND**

**(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

~~(2)~~**(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD FOR REINSTATEMENT.**

[14-5A-14.

(a) (1) Except for the holder of a temporary license issued under § 14-5A-15 of this subtitle, the Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) The Board shall issue a license to an individual who is on inactive status if the individual complies with the renewal requirements that exist at the time the individual changes from inactive to active status.

(b) The Board may reinstate the license of a respiratory care practitioner who has not been put on inactive status, who has failed to renew the license for any reason, and who applies for reinstatement more than 30 days after the license has expired, if the respiratory care practitioner:

(1) Meets the renewal requirements of § 14-5A-13 of this subtitle;

(2) Pays to the Board the reinstatement fee set by the Board; and

(3) Meets any other requirements established by regulation.]

#### **14-5A-14.**

**(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

**(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

#### **[14-5A-15.**

(a) The Board may issue a temporary license to an applicant who:

(1) Has met the appropriate requirements for licensure of a respiratory care practitioner under § 14-5A-09 of this subtitle; or

(2) Has graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education Programs and has applied for the first available national certifying examination.

(b) A temporary license issued to a respiratory care practitioner authorizes the holder to practice respiratory care only in association with a licensed respiratory care practitioner.

(c) A temporary license expires 45 days after the date when the results of the first examination that the holder was eligible to take are made public.

(d) The Board may not issue more than two temporary licenses to an individual.]

14-5A-16.

Unless the Board agrees to accept the surrender of a license, a licensed respiratory care practitioner [or holder of a temporary license] may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

14-5A-17.

(a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM**, may deny a license [or temporary license] to any applicant, reprimand any licensee [or holder of a temporary license], place any licensee [or holder of a temporary license] on probation, or suspend or revoke a license [or temporary license] if the [applicant, licensee, or holder] **APPLICANT OR LICENSEE:**

- (1) Fraudulently or deceptively obtains or attempts to obtain a license [or temporary license] for the applicant, licensee, [or holder] or for another;
- (2) Fraudulently or deceptively uses a license [or temporary license];
- (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Is habitually intoxicated;
- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (8) Provides professional services while:
  - (i) Under the influence of alcohol; or
  - (ii) Using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;

(9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(10) Willfully makes or files a false report or record in the practice of respiratory care;

(11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing respiratory care;

(15) Knowingly practices respiratory care with an unauthorized individual or aids an unauthorized individual in the practice of respiratory care;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of respiratory care performed in any inpatient or outpatient facility, office, hospital or related institution, domiciliary care facility, patient's home, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) The licensed individual:

1. Surrendered the license issued by the state or country; or
2. Allowed the license issued by the state or country to expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

[(24) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25)] **(24)** Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; [or

(26)] **(25)** Practices or attempts to practice a respiratory care procedure or uses or attempts to use respiratory care equipment if the [applicant, licensee, or holder] **APPLICANT OR LICENSEE** has not received education and training in the performance of the procedure or the use of the equipment;

**(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD; OR**

**(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A PHYSICIAN OR VIOLATES A SUPERVISORY ORDER OF A SUPERVISING PHYSICIAN.**

(b) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under subsection (a) of this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board in accordance with the hearing requirements of § 14–405 of this title.

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

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

**14-5A-17.1.**

**(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

**(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

**(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

**(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.**

**14-5A-19.**

On the application of an individual whose license has been revoked, the Board, on the affirmative vote of a majority of [its full authorized membership] **THE QUORUM**, may reinstate a revoked license.

**14-5A-22.1.**

**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING RESPIRATORY CARE WITHOUT A LICENSE.**

**(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING RESPIRATORY CARE WITHOUT A LICENSE.**

**(C) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR A VIOLATION OF THIS SECTION.**

**(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

**14-5A-23.**

(a) A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) Any person who violates [§ 14-5A-21] **A PROVISION** of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by the Board.

(c) The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

14-5B-01.

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

(b) "Board" means the State Board of Physicians.

[(c) "Certificate" means a certificate issued by the Board to practice as a medical radiation technologist or nuclear medicine technologist.

(d) "Certified medical radiation technologist" means a medical radiation technologist who is certified by the Board to practice medical radiation technology.

(e) "Certified nuclear medicine technologist" means a nuclear medicine technologist who is certified by the Board to practice nuclear medicine technology.]

**(C) "CERTIFICATION" MEANS RECOGNITION OF AN INDIVIDUAL WHO HAS SATISFIED CERTAIN STANDARDS REQUIRED BY A NATIONAL CERTIFYING BOARD.**

[(f)] **(D)** "Committee" means the [Radiation Oncology/Therapy Technology, Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine Technology, AND RADIOLOGY ASSISTANCE** Advisory Committee of the Board.

**(E) "HOLDER OF A TEMPORARY LICENSE" MEANS AN INDIVIDUAL WHO IS GRANTED A TEMPORARY LICENSE TO PRACTICE RADIATION THERAPY, RADIOGRAPHY, OR NUCLEAR MEDICINE TECHNOLOGY PENDING FULFILLMENT OF THE REQUIREMENTS UNDER § 14-5B-09(C) OF THIS SUBTITLE.**

**(F) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.**

(G) “LICENSED NUCLEAR MEDICINE TECHNOLOGIST” MEANS A NUCLEAR MEDICINE TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY.

(H) “LICENSED RADIATION THERAPIST” MEANS A RADIATION THERAPIST WHO IS LICENSED BY THE BOARD TO PRACTICE RADIATION THERAPY.

(I) “LICENSED RADIOGRAPHER” MEANS A RADIOGRAPHER WHO IS LICENSED BY THE BOARD TO PRACTICE RADIOGRAPHY.

(J) “LICENSED RADIOLOGIST ASSISTANT” MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN WHO:

(1) SPECIALIZES IN RADIOLOGY; AND

(2) IS CERTIFIED BY:

(I) THE AMERICAN BOARD OF RADIOLOGY;

(II) THE AMERICAN OSTEOPATHIC BOARD OF RADIOLOGY;

(III) THE BRITISH ROYAL COLLEGE OF RADIOLOGY; OR

(IV) THE CANADIAN COLLEGE OF PHYSICIANS AND SURGEONS.

~~(J)~~ (K) “LICENSEE” MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO PRACTICE AS A RADIATION THERAPIST, A RADIOGRAPHER, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.

~~(K)~~ (L) “NATIONAL CERTIFYING BOARD” MEANS:

(1) THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS;

(2) THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD;

OR

(3) ANOTHER CERTIFYING ORGANIZATION ~~THAT HAS CERTIFICATION EQUIVALENT TO THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS OR THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD~~ APPROVED BY THE BOARD.

[(g) “Practice medical radiation technology” means to use ionizing radiation to:

- (1) Demonstrate portions of the human body to assist in the diagnosis or localization of disease or injury;
- (2) Perform tumor localization radiography; or
- (3) Apply therapeutic doses of radiation for treatment of disease.

(h)] ~~(L)~~ **(M)** “Practice nuclear medicine technology” means to:

- (1) Prepare and administer radiopharmaceuticals to human beings; or
- (2) Conduct in vivo detection and measurement of radioactivity for medical purposes to assist in the diagnosis and treatment of disease or injury.

[(i)] ~~(M)~~ **(N)** “Practice radiation [oncology/therapy technology] **THERAPY**” means to perform tumor localization radiography and apply therapeutic doses of radiation for the treatment of disease or injury.

~~(N)~~ **(O)** **“PRACTICE RADIOGRAPHY” MEANS TO USE IONIZING RADIATION TO:**

- (1) DEMONSTRATE PORTIONS OF THE HUMAN BODY TO ASSIST IN THE DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY; OR**
- (2) PERFORM TUMOR LOCALIZATION RADIOGRAPHY.**

**(P) “PRACTICE RADIOLOGY ASSISTANCE” MEANS TO PRACTICE MEDICAL RADIATION TECHNOLOGY AND TO PERFORM:**

- (1) FLUOROSCOPY AND SELECTED RADIOLOGY PROCEDURES;**
- (2) PATIENT ASSESSMENT; AND**
- (3) PATIENT MANAGEMENT.**

[(j)] ~~(O)~~ **(Q)** “Supervision” means the responsibility of a licensed physician to exercise on-site or immediately available direction for [a certified medical radiation technologist or a certified nuclear medicine technologist] **LICENSEES OR HOLDERS OF TEMPORARY LICENSES.**

The Board shall adopt regulations [for the certification of radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists and for the practice of radiation oncology/therapy technology, medical radiation technology, and nuclear medicine technology] **TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

14-5B-04.

(a) (1) The Board shall set reasonable fees for the issuance of and renewal of [certificates] **LICENSES** and other services it provides to [radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists] **LICENSEES AND HOLDERS OF TEMPORARY LICENSES.**

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the [certification] **LICENSURE** program and the other services provided to [radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists] **LICENSEES AND HOLDERS OF TEMPORARY LICENSES.**

(b) (1) The Board shall pay all fees collected under the provisions of this subtitle to the Comptroller of the State.

(2) The Comptroller shall distribute all fees to the Board established under § 14-201 of this title.

(c) The fees shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this subtitle.

14-5B-05.

(a) There is a [Radiation Oncology/Therapy Technology, Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine Technology Advisory, AND RADIOLOGY ASSISTANCE** Committee within the Board.

(b) (1) The Committee consists of ~~eight~~ **10** members appointed by the Board.

(2) Of the ~~eight~~ **10** members:

(i) One shall be a licensed physician who specializes in radiology;

**(II) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN RADIOLOGY AND WHO SUPERVISES A RADIOLOGIST ASSISTANT;**

~~(iii)~~ **(III)** One shall be a licensed physician who specializes in nuclear medicine;

~~(iii)~~ **(IV)** One shall be a licensed physician who specializes in radiation oncology;

~~(iv)~~ **(V)** One shall be a [radiation oncology/therapy technologist] **RADIATION THERAPIST**;

~~(v)~~ **(VI)** One shall be a [medical radiation technologist] **RADIOGRAPHER**;

**(VII) ONE SHALL BE A RADIOLOGIST ASSISTANT;**

~~(vi)~~ **(VIII)** One shall be a nuclear medicine technologist;

~~(vii)~~ **(IX)** One shall be a consumer member; and

~~(viii)~~ **(X)** One shall be a member of the Board.

(c) [The Board member shall serve as chairman of the Committee.] **FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2 YEARS.**

(d) The consumer member of the Committee:

(1) Shall be a member of the general public;

(2) May not be or ever have been a health care professional or in training to be a health care professional; **AND**

[(3) May not have a household member who is a health care professional or is in training to be a health care professional; and

(4)] **(3)** May not:

(i) [Have a substantial personal, business, professional, or pecuniary connection with a medical field, an institution of medical education, or a health care facility] **PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE;**

(ii) Have a household member who participates in a commercial or professional field related to [health care] **RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE**; or

(iii) Have had within 2 years before appointment a financial interest in a person regulated by the Board.

- (e) (1) The term of a member is 3 years.
- (2) The terms of members are staggered as required by regulation.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member may not serve more than 2 consecutive full terms.

14-5B-06.

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Make recommendations to the Board on regulations necessary to carry out the provisions of this subtitle;

(2) **MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF ETHICS FOR THE PRACTICE OF RADIATION THERAPY, THE PRACTICE OF RADIOGRAPHY, ~~AND~~ THE PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND PRACTICE OF RADIOLOGY ASSISTANCE FOR ADOPTION BY THE BOARD;**

(3) **ON REQUEST, MAKE RECOMMENDATIONS TO THE BOARD ON STANDARDS OF CARE FOR THE PRACTICE OF RADIATION THERAPY, PRACTICE OF RADIOGRAPHY, ~~AND~~ PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND PRACTICE OF RADIOLOGY ASSISTANCE;**

[(2)] (4) Make recommendations to the Board on the requirements for **LICENSURE AS A** [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT**;

[(3)] (5) [Review] **ON REQUEST, REVIEW** applications for [certification] **LICENSURE** as a [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT**[, if requested,] and make recommendations to the Board;

[(4) At the request of the Board, investigate complaints against certified radiation oncology/therapy technologists, certified medical radiation technologists, and certified nuclear medicine technologists;]

**(6) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

[(5)] (7) Advise the Board on matters related to the practice of [radiation oncology/therapy technology, the practice of medical radiation technology,] **RADIATION THERAPY, THE PRACTICE OF RADIOGRAPHY, and the practice of nuclear medicine technology, AND THE PRACTICE OF RADIOLOGY ASSISTANCE; AND**

[(6)] (8) Keep a record of its proceedings[; and

(7) Submit an annual report to the Board].

14-5B-07.

(a) (1) A [radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** may only practice under the supervision of a licensed physician.

(2) The failure of a licensed physician to properly supervise a [radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist] **LICENSEE** is unprofessional conduct in the practice of medicine under § 14-404(a)(3) of this title.

(b) **(1) ~~The~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** practice of a [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, [or] nuclear medicine technologist, RADIOLOGIST ASSISTANT, OR HOLDER OF A TEMPORARY LICENSE** is limited to those procedures, operations, preparations, and practices listed in regulation.

**(2) A RADIOLOGIST ASSISTANT MAY NOT:**

**(I) INTERPRET IMAGES;**

**(II) MAKE DIAGNOSES; OR**

**(III) PRESCRIBE MEDICATIONS OR THERAPIES.**

14-5B-08.

(a) **(1)** Except as otherwise provided in this subtitle, an individual shall be [certified] **LICENSED** by the Board before the individual may practice [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** in this State.

**(2) A RADIOLOGIST ASSISTANT MAY NOT:**

**(I) INTERPRET IMAGES;**

**(II) MAKE DIAGNOSES; OR**

**(III) PRESCRIBE MEDICATIONS OR THERAPIES.**

[(b) Except as otherwise provided in this subtitle, a licensed physician may not employ or supervise an individual practicing radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology without a certificate.

(c) Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual practicing radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology without a certificate.

(d) (1) The Board may impose a civil penalty of up to \$1,000 for employing an uncertified individual under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.]

**(B) THIS SECTION DOES NOT APPLY TO:**

**(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT; OR**

**(2) A RADIATION THERAPY STUDENT, A RADIOGRAPHY STUDENT, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGY STUDENT, OR A RADIOLOGY ASSISTANT STUDENT ENROLLED IN AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED ACCREDITING ORGANIZATION WHILE PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE IN THAT PROGRAM.**

14-5B-09.

(a) To qualify for a [certificate] **LICENSE**, an applicant shall be an individual who meets the requirements of this section.

(b) Except as provided in subsection (c) of this section, the applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Demonstrate oral and written competency in English as required by the Board; and

(4) Meet any educational, training, or examination requirements [required] **ESTABLISHED** by the Board, **INCLUDING:**

**(I) GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM AS DETERMINED BY THE BOARD; AND**

**(II) CERTIFICATION.**

[(c) The Board may adopt an internship program to permit the practice of radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology by an individual without a certificate who has not met the examination requirement if the individuals meet all other requirements of subsection (b) of this section and is waiting for:

(1) The opportunity to take the examination within 60 days after graduation from an educational program approved by the Board; or

(2) The results of the examination taken within 60 days after graduation from an educational program approved by the Board.]

**(C) TO QUALIFY FOR A LICENSE TO PRACTICE AS A RADIOLOGIST ASSISTANT, AN APPLICANT SHALL:**

**(1) BE ISSUED A GENERAL LICENSE TO PERFORM MEDICAL RADIATION TECHNOLOGY;**

**(2) COMPLETE AN ADVANCED ACADEMIC PROGRAM WITH A NATIONALLY RECOGNIZED RADIOLOGY CURRICULUM THAT RESULTS IN A BACCALAUREATE DEGREE, POST BACCALAUREATE CERTIFICATE, OR**

**GRADUATE DEGREE AND INCORPORATES A RADIOLOGIST-DIRECTED CLINICAL PRECEPTORSHIP;**

**(3) BE CERTIFIED IN ADVANCED CARDIAC LIFE SUPPORT; AND**

**(4) BE CERTIFIED AS A RADIOLOGIST ASSISTANT BY THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS.**

**(D) (1) THE EXCEPT FOR A LICENSE TO PRACTICE RADIOLOGY ASSISTANCE, THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:**

**(I) EXCEPT FOR THE CERTIFICATION REQUIREMENT, HAS MET ALL OF THE REQUIREMENTS FOR LICENSURE IN THIS SECTION; AND**

**(II) IS SCHEDULED TO TAKE A NATIONAL CERTIFYING EXAMINATION WITHIN 3 MONTHS AFTER GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM.**

**(2) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE ISSUANCE OF TEMPORARY LICENSES TO APPLICANTS IN ACCORDANCE WITH THIS SUBSECTION.**

(d) Except for requirements adopted by the Board for [certificate] LICENSE renewal under [§ 14-5B-10] § **14-5B-12** of this subtitle, nothing in this subtitle may be construed to require an individual who is certified by the Board as a radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist as of [July 1, 2001] **OCTOBER 1, 2008**, to meet additional education, training, or examination requirements [in order to remain certified].

14-5B-10.

(a) To apply for a [certificate] LICENSE, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires; and

(2) Pay to the Board the application fee set by the Board.

(b) The Board shall issue the appropriate [certificate] LICENSE to an applicant who meets the requirements of this subtitle for that [certificate] LICENSE.

[14-5B-11.

(a) Certification as a medical radiation technologist authorizes an individual to practice medical radiation technology while the certificate is effective.

(b) Certification as a nuclear medicine technologist authorizes an individual to practice nuclear medicine technology while the certificate is effective.

(c) Certification as a radiation oncology/therapy technologist authorizes an individual to practice radiation oncology/therapy technology while the certificate is effective.]

**14-5B-11.**

**(A) LICENSURE AS A RADIATION THERAPIST AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIATION THERAPY WHILE THE LICENSE IS EFFECTIVE.**

**(B) LICENSURE AS A RADIOGRAPHER AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIOGRAPHY WHILE THE LICENSE IS EFFECTIVE.**

**(C) LICENSURE AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE LICENSE IS EFFECTIVE.**

**(D) LICENSURE AS A RADIOLOGIST ASSISTANT AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIOLOGY ASSISTANCE WHILE THE LICENSE IS EFFECTIVE.**

**14-5B-12.**

(a) A [certificate] **LICENSE** expires on a date set by the Board, unless the [certificate] **LICENSE** is renewed for an additional term as provided in this section.

(b) At least 1 month before the [certificate] **LICENSE** expires, the Board shall send to the [certified individual, by first-class mail to the last known address of the individual,] **LICENSEE** a renewal notice that states:

(1) The date on which the current [certificate] **LICENSE** expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the [certificate] **LICENSE** expires; and

(3) The amount of the renewal fee.

(c) Except as otherwise provided in this subtitle, before a [certificate] **LICENSE** expires, the [certified] **LICENSED** individual may periodically renew it for an additional term, if the individual:

(1) Otherwise is entitled to be [certified] **LICENSED**;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires;

and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements required by the Board for [certificate] **LICENSE** renewal.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education or competency requirements as a condition to the renewal of [certificates] **LICENSES** under this section.

(2) **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5B-14 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING MEDICAL EDUCATION CREDITS REQUIRED BY THE BOARD.**

(e) (1) The Board shall renew the [certificate] **LICENSE** of each individual who meets the **RENEWAL** requirements of this section.

(2) **A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.**

(f) The Board shall reinstate the [certificate] **LICENSE** of a [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT** who has failed to renew a [certificate] **LICENSE** for any reason if the [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT**:

(1) Meets any additional reinstatement requirements required by the Board; and

(2) Pays to the Board the reinstatement fee set by the Board.]

(1) **SUBMITS TO THE BOARD:**

(I) **A REINSTATEMENT APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND**

(II) **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

(2) **MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD FOR REINSTATEMENT.**

**14-5B-12.1.**

(A) **A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

(B) **A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

**14-5B-13.**

Unless the Board agrees to accept the surrender of a [certificate] **LICENSE OR TEMPORARY LICENSE**, a [certified radiation oncology/therapy technologist, a certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** may not surrender the [certificate] **LICENSE OR TEMPORARY LICENSE** and the [certificate] **LICENSE OR TEMPORARY LICENSE** may not lapse by operation of law while the [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is under investigation or while charges are pending against the [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**.

**14-5B-14.**

(a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM** may deny a [certificate] **LICENSE OR TEMPORARY LICENSE** to any applicant [for a certificate], reprimand any [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**, place any [certified radiation oncology/therapy technologist,

certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** on probation, or suspend or revoke a [certificate] **LICENSE** if the applicant[, certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**:

(1) Fraudulently or deceptively obtains or attempts to obtain a [certificate] **LICENSE OR TEMPORARY LICENSE** for the applicant, [certified] **LICENSED** individual, **HOLDER OF A TEMPORARY LICENSE**, or for another;

(2) Fraudulently or deceptively uses a [certificate] **LICENSE OR TEMPORARY LICENSE**;

(3) Is guilty of unprofessional or immoral conduct in the practice of [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE**;

(4) Is professionally, physically, or mentally incompetent;

(5) Abandons a patient;

(6) Is habitually intoxicated;

(7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(8) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;

(9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(10) Willfully makes or files a false report or record in the practice of [respiratory care] **RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE**;

(11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;

(12) Breaches patient confidentiality;

(13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;

(14) Knowingly makes a misrepresentation while practicing [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE**;

(15) Knowingly practices [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** with an unauthorized individual or aids an unauthorized individual in the practice of [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE**;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of quality [radiation oncology/therapy technology care, medical radiation technology care,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** care performed in any outpatient surgical facility, office, hospital or related institution, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) The [certified] **LICENSED** individual:

1. Surrendered the [certificate or] license issued by the state or country; or

2. Allowed the [certificate or] license issued by the state or country to expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

[(24) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25)] **(24)** Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the [radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is [certified] **LICENSED** and qualified to render because the individual is HIV positive; [or

(26)] **(25)** Practices or attempts to practice a [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** procedure or uses [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** equipment if the applicant or [certified individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not received education, internship, training, or experience in the performance of the procedure or the use of the equipment;

**(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD; OR**

**(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A PHYSICIAN OR VIOLATES A SUPERVISORY ORDER OF A SUPERVISING PHYSICIAN.**

(b) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under subsection (a) of this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board in accordance with the hearing requirements of § 14–405 of this title.

(c) (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a [certified individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** if the [individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

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

**14-5B-14.1.**

(A) (1) **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

(2) **THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

(B) **AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

(C) **THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.**

**14-5B-15.**

(a) Except as provided in subsections (b) and (d) of this section, hospitals, related institutions, alternative health systems as defined in § 1-401 of this article, and employers shall file with the Board a report that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any [radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** for any [reasons] **REASON** that might be grounds for disciplinary action under § 14-5B-13 of this subtitle.

(b) A hospital, related institution, alternative health system, or employer that has reason to know that a [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has committed an action or has a condition that might be grounds for reprimand or probation of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** or suspension or

revocation of the [certification] **LICENSURE** because the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is alcohol impaired or drug impaired is not required to report the [technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** to the Board if:

(1) The hospital, related institution, alternative health system, or employer knows that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is:

(i) In an alcohol or drug treatment program that is accredited by the Joint Commission on the Accreditation of Health Care Organizations or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse;

(2) (i) The hospital, related institution, alternative health system, or employer is able to verify that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** remains in the treatment program until discharge; and

(ii) The action or condition of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not caused injury to any person while the [technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is practicing [as a certified radiation oncology/therapy technologist, medical technologist, or nuclear medical technologist].

(c) (1) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Health Care Organizations or that is certified by the Department, the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall notify the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** decision to enter the treatment program.

(2) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has entered a treatment program and has failed to provide the required notice.

(3) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall report the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance to the Board.

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

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

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

(g) (1) The Board may impose a civil penalty of up to \$1,000 for failure to report under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.

## 14-5B-16.

On the application of an individual whose [certificate] **LICENSE** has been revoked, the Board may reinstate a revoked [certificate] **LICENSE**.

## 14-5B-17.

(a) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice [medical radiation technology] **RADIATION THERAPY** in this State unless [certified] **LICENSED** to practice [medical radiation technology] **RADIATION THERAPY** by the Board.

(b) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice nuclear medicine technology in this State unless [certified] **LICENSED** to practice nuclear medicine technology by the Board.

(c) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice [radiation oncology/therapy technology] **RADIOGRAPHY** in this State unless [certified] **LICENSED** to practice [radiation oncology/therapy technology] **RADIOGRAPHY** by the Board.

**(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE RADIOLOGY ASSISTANCE IN THIS STATE UNLESS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE BY THE BOARD.**

## 14-5B-18.

(a) Unless authorized to practice [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** under this subtitle, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** in this State.

(b) A person may not provide, attempt to provide, offer to provide, or represent that the person provides [radiation oncology/therapy technology care, medical radiation technology care,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** care unless the [medical radiation technology care] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** care is provided by an individual who is authorized to practice [radiation oncology/therapy technology, medical

radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** under this subtitle.

**14-5B-18.1.**

(A) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE WITHOUT A LICENSE OR TEMPORARY LICENSE.**

(B) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE WITHOUT A LICENSE OR TEMPORARY LICENSE.**

(C) **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR EMPLOYING AN INDIVIDUAL WITHOUT A LICENSE OR TEMPORARY LICENSE UNDER THIS SECTION.**

(D) **THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

**14-5B-20.**

This subtitle may be cited as the “Maryland [Radiation Oncology/Therapy Technologists, Medical Radiation Technologists,] **RADIATION THERAPY, RADIOGRAPHY, ~~and~~ Nuclear Medicine [Technologists] TECHNOLOGY, AND RADIOLOGY ASSISTANCE** Act”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

**Approved by the Governor, April 24, 2008.**