

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/28/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/3/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

10 32 10 04, .05, .05-1 and .05-2

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants

Authority: Health Occupations Article, §§14-5B-01, 14-5B-03, and 14-5B-09,
Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to repeal existing Regulation .04, adopt new Regulations .04, .05, .05-1, and .05-2 under COMAR 10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants.

This action was considered at a public meeting held on July 30, 2014, notice of which was given by publication on the Board Website July 16, 2014, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide an alternative licensure pathway for applicants applying for licensure as radiographers, nuclear medicine technologists, or radiation therapists.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email

to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This regulation does not have any impact under Part A because there are no fees involved with the proposed changes.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The regulations do not involve any changes in fees so they would have no impact on small business.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants

Authority: Health Occupations Article, §§14-5B-01, 14-5B-03, and 14-5B-09, Annotated Code of Maryland

.04 Qualifications for Licensure — Radiographer.

- A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.
- B. An individual shall be licensed by the Board if the individual:
- (1) Completes an application on a form supplied by the Board;
 - (2) Pays an application fee as specified in Regulation .18 of this chapter;
 - (3) Is 18 years old or older;
 - (4) Is of good moral character;
 - (5) Demonstrates oral and written competency in English by any of the following:
 - (a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;
 - (b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;
 - (c) Receiving a grade of:
 - (i) At least 26 on the "Speaking Section" of the Internet-based Test of English as a Foreign Language; and
 - (ii) At least 79 on the Internet-based Test of English as a Foreign Language;
 - (6) Has successfully completed and graduated from a:
 - (a) Program of radiography which has been accredited by the JRCERT or one of its predecessors or successors; or
 - (b) Radiographer educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:
 - (i) Possesses a current, active, unrestricted license as a radiographer in another state or is otherwise recognized as a radiographer in another state;
 - (ii) Has full-time practice experience as a radiographer in another state for at least 3 of the last 5 years immediately preceding the application; and
 - (iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;
 - (7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced radiography for the length of time specified in §B(6)(b)(ii) of this regulation;
 - (8) Has passed the examination in radiography constructed by the national certifying body as approved by the Board; and
 - (9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05 Qualifications for Licensure — Nuclear Medicine Technologist.

- A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.
- B. An individual shall be licensed by the Board if the individual:
- (1) Completes an application on a form supplied by the Board;
 - (2) Pays an application fee as specified in Regulation .18 of this chapter;
 - (3) Is 18 years old or older;
 - (4) Is of good moral character;
 - (5) Demonstrates oral and written competency in English by any of the following:
 - (a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;
 - (b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;
 - (c) Receiving a grade of:
 - (i) At least 26 on the "Speaking Section" of the Internet-based Test of English as a Foreign Language; and
 - (ii) At least 79 on the Internet-based Test of English as a Foreign Language;
 - (6) Has successfully completed and graduated from a:
 - (a) Program of nuclear medicine technology which has been accredited by the JRCNMT or one of its predecessors or successors; or
 - (b) Nuclear medicine educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:
 - (i) Possesses a current, active, unrestricted license as a nuclear medicine technologist in another state or is otherwise recognized as a nuclear medicine technologist in another state;
 - (ii) Has full-time practice experience as a nuclear medicine technologist in another state for at least 3 of the last 5 years immediately preceding the application; and
 - (iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;
 - (7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced nuclear medicine technology for the length of time specified in §B(6)(b)(ii) of this regulation;

(8) Has passed the examination in nuclear medicine technology constructed by the national certifying body as approved by the Board; and

(9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05-1 Qualifications for Licensure — Radiation Therapists.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

(1) Completes an application on a form supplied by the Board;

(2) Pays an application fee as specified in Regulation .18 of this chapter;

(3) Is 18 years old or older;

(4) Is of good moral character;

(5) Demonstrates oral and written competency in English by any of the following:

(a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

(b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;

(c) Receiving a grade of:

(i) At least 26 on the "Speaking Section" of the Internet-based Test of English as a Foreign Language; and

(ii) At least 79 on the Internet-based Test of English as a Foreign Language;

(6) Has successfully completed and graduated from a:

(a) Program of radiation therapy which has been accredited by the JRCERT or one of its predecessors or successors; or

(b) Radiation therapy educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:

(i) Possesses a current, active, unrestricted license as a radiation therapist technologist in another state or is otherwise recognized as a radiation therapist in another state;

(ii) Has full-time practice experience as a radiation therapist in another state for at least 3 of the last 5 years immediately preceding the application; and

(iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;

(7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced radiation therapy for the length of time specified in §B(6)(b)(ii) of this regulation;

(8) Has passed the examination in radiation therapy constructed by the national certifying body as approved by the Board; and

(9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05-2 Qualifications for Licensure — Radiologist Assistants.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

(1) Completes an application on a form supplied by the Board;

(2) Pays an application fee as specified in Regulation .18 of this chapter;

(3) Is 18 years old or older;

(4) Is of good moral character;

(5) Demonstrates oral and written competency in English by any of the following:

(a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

(b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English; or

(c) Receiving a grade of:

(i) At least 26 on the "Speaking Section" of the Internet-based Test of English as a Foreign Language; and

(ii) At least 79 on the Internet-based Test of English as a Foreign Language;

(6) Has been educated as follows:

(a) Completed a radiologist assistant educational program that is recognized by the national certifying body as approved by the Board; and

(b) Successfully completed coursework that leads to a baccalaureate degree or post-baccalaureate certificate;

(7) Has passed the examination administered by the national certifying body as approved by the Board for radiologist assistants; and

(8) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

C. In addition to the requirements specified in §B of this regulation, an applicant for a license as a radiologist assistant shall have:

- (1) A current Maryland license as a radiographer;*
- (2) Completed a radiologist-directed clinical preceptorship as a part of the educational program required by §B(6) of this regulation;*
- (3) Current certification in advanced cardiac life support; and*
- (4) Current certification as a radiologist assistant by the national certifying body as approved by the Board.*

JOSHUA M. SHARFSTEIN, M.D.

Secretary of Health and Mental Hygiene