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By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 1, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Medical Radiation Technologists and Nuclear Medical Technologists -**  
3 **Reporting Requirements, Practicing Without a Certificate, Disciplinary**  
4 **Grounds, and Rehabilitation**

5 FOR the purpose of requiring hospitals, alternative health systems, and employers  
6 to report certain employment actions or termination of employment of medical  
7 radiation technologists and nuclear medical technologists; establishing an  
8 administrative fine for practicing without a certificate for medical radiation  
9 technologists and nuclear medical technologists; establishing a certain grounds  
10 for discipline for medical radiation technologists and nuclear medical  
11 technologists based on the filing of certified dockets; providing for medical  
12 radiation technologists and nuclear medical technologists to participate in a  
13 rehabilitation program; authorizing the Board of Physician Quality Assurance to  
14 assess a fee to medical radiation technologists and nuclear medical technologists  
15 for the utilization of the rehabilitation program; and generally relating to the  
16 licensure, discipline, and rehabilitation of medical radiation technologists and  
17 nuclear medical technologists.

18 BY repealing and reenacting, with amendments,  
19 Article - Health Occupations  
20 Section 14-402, 14-405(a), and 14-606  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume)

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

25 **Article - Health Occupations**

26 14-402.

27 (a) In reviewing an application for licensure, certification, or registration or in  
28 investigating an allegation brought against a licensed physician or any allied health  
29 professional regulated by the Board under this title, the medical society or Faculty

1 committee may request the Board to direct, or the Board on its own initiative may  
2 direct, the licensed physician or any allied health professional regulated by the Board  
3 under this title to submit to an appropriate examination.

4 (b) In return for the privilege given by the State issuing a license,  
5 certification, or registration, the licensed, certified, or registered individual is deemed  
6 to have:

7 (1) Consented to submit to an examination under this section, if  
8 requested by the Board in writing; and

9 (2) Waived any claim of privilege as to the testimony or examination  
10 reports.

11 (c) The unreasonable failure or refusal of the licensed, certified, or registered  
12 individual to submit to an examination is prima facie evidence of the licensed,  
13 certified, or registered individual's inability to practice medicine or the respective  
14 discipline competently, unless the Board finds that the failure or refusal was beyond  
15 the control of the licensed, certified, or registered individual.

16 (d) The Board shall pay the costs of any examination made under this section.

17 (e) (1) (i) The Board shall assess each applicant for a license to practice  
18 medicine or for renewal of a license to practice medicine a fee of not more than \$50 to  
19 be set after the submission of a budget for the physician rehabilitation program and  
20 peer review activities by the Faculty to the Board.

21 (ii) The fee is to be used to fund the physician rehabilitation  
22 program and peer review activities of the Faculty, as approved by the Secretary.

23 (iii) The Board shall set a fee under this subsection in accordance  
24 with the budget submitted by the Faculty.

25 (2) The Legislative Auditor shall every 2 years audit the accounts and  
26 transactions of the Faculty for the physician rehabilitation program and peer review  
27 activities as provided in § 2-1220 of the State Government Article.

28 (F) (1) (I) THE BOARD SHALL ASSESS EACH APPLICANT FOR A  
29 CERTIFICATE TO PRACTICE AS A MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR  
30 MEDICAL TECHNOLOGIST OR FOR RENEWAL OF A CERTIFICATE TO PRACTICE AS A  
31 MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST A FEE  
32 SET BY THE BOARD AFTER THE SUBMISSION OF A BUDGET FOR THE MEDICAL  
33 RADIATION TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST  
34 REHABILITATION PROGRAM BY THE FACULTY.

35 (II) THE FEE IS TO BE USED TO FUND THE MEDICAL RADIATION  
36 TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST REHABILITATION  
37 PROGRAM ACTIVITIES OF THE FACULTY, AS APPROVED BY THE SECRETARY.

1 (III) THE BOARD SHALL SET A FEE UNDER THIS SUBSECTION IN  
2 ACCORDANCE WITH THE BUDGET SUBMITTED BY THE FACULTY.

3 (2) THE LEGISLATIVE AUDITOR SHALL EVERY 2 YEARS AUDIT THE  
4 ACCOUNTS AND TRANSACTIONS BY THE FACULTY FOR THE MEDICAL RADIATION  
5 TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST REHABILITATION  
6 PROGRAM AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

7 14-405.

8 (a) Except as otherwise provided in the Administrative Procedure Act, before  
9 the Board takes any action under § 14-404(a) of this subtitle or § 14-5A-17 OR §  
10 14-606(F)(1) of this title, it shall give the individual against whom the action is  
11 contemplated an opportunity for a hearing before a hearing officer.

12 14-606.

13 (a) The Board shall:

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

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

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

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

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

26 (2) The Maryland Society of Radiologic Technologists;

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

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

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

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

34 (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  
10 FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

11 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
12 SECTION INTO THE 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  
20 BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE  
21 SUSPENSION OF A CERTIFICATE IF THE CERTIFICATE HOLDER IS CONVICTED OF OR  
22 PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING  
23 MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS  
24 PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

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

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

35 (I) (1) HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH  
36 SYSTEMS AS DEFINED IN § 14-501 OF THIS TITLE, AND EMPLOYERS SHALL FILE WITH  
37 THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE  
38 HEALTH SYSTEM, OR EMPLOYER DENIED AN APPLICATION, OR LIMITED, REDUCED,  
39 OTHERWISE CHANGED, OR TERMINATED ANY CERTIFIED MEDICAL RADIATION  
40 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST FOR ANY REASONS THAT

1 MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SUBTITLE OR ANY  
2 REGULATION ADOPTED UNDER THIS SUBTITLE.

3           (2)       THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH  
4 SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION  
5 DESCRIBED IN THIS SECTION.

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

9       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2001.