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

Introduced and read first time: February 1, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2001

CHAPTER _____

1 AN ACT concerning

2 **Medical Radiation Technologists and Nuclear Medical Technologists -**
3 **Reporting Requirements, Practicing Without a Certificate, and 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, and discipline, ~~and~~ rehabilitation of medical radiation technologists~~
17 ~~and nuclear medical technologists.~~

18 BY repealing and reenacting, without amendments,
19 Article - Health Occupations
20 Section 14-402
21 Annotated Code of Maryland
22 (2000 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article - Health Occupations

1 Section ~~14-402~~, 14-405(a), and 14-606
2 Annotated Code of Maryland
3 (2000 Replacement Volume)

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

6 **Article - Health Occupations**

7 14-402.

8 (a) In reviewing an application for licensure, certification, or registration or in
9 investigating an allegation brought against a licensed physician or any allied health
10 professional regulated by the Board under this title, the medical society or Faculty
11 committee may request the Board to direct, or the Board on its own initiative may
12 direct, the licensed physician or any allied health professional regulated by the Board
13 under this title to submit to an appropriate examination.

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

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

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

21 (c) The unreasonable failure or refusal of the licensed, certified, or registered
22 individual to submit to an examination is prima facie evidence of the licensed,
23 certified, or registered individual's inability to practice medicine or the respective
24 discipline competently, unless the Board finds that the failure or refusal was beyond
25 the control of the licensed, certified, or registered individual.

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

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

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

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

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

~~1 (F) (I) (II) THE BOARD SHALL ASSESS EACH APPLICANT FOR A
2 CERTIFICATE TO PRACTICE AS A MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR
3 MEDICAL TECHNOLOGIST OR FOR RENEWAL OF A CERTIFICATE TO PRACTICE AS A
4 MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST A FEE
5 SET BY THE BOARD AFTER THE SUBMISSION OF A BUDGET FOR THE MEDICAL
6 RADIATION TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST
7 REHABILITATION PROGRAM BY THE FACULTY.~~

~~8 (H) THE FEE IS TO BE USED TO FUND THE MEDICAL RADIATION
9 TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST REHABILITATION
10 PROGRAM ACTIVITIES OF THE FACULTY, AS APPROVED BY THE SECRETARY.~~

~~11 (III) THE BOARD SHALL SET A FEE UNDER THIS SUBSECTION IN
12 ACCORDANCE WITH THE BUDGET SUBMITTED BY THE FACULTY.~~

~~13 (2) THE LEGISLATIVE AUDITOR SHALL EVERY 2 YEARS AUDIT THE
14 ACCOUNTS AND TRANSACTIONS BY THE FACULTY FOR THE MEDICAL RADIATION
15 TECHNOLOGIST AND NUCLEAR MEDICAL TECHNOLOGIST REHABILITATION
16 PROGRAM AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

17 14-405.

18 (a) Except as otherwise provided in the Administrative Procedure Act, before
19 the Board takes any action under § 14-404(a) of this subtitle or § 14-5A-17 OR §
20 14-606(F)(1) of this title, it shall give the individual against whom the action is
21 contemplated an opportunity for a hearing before a hearing officer.

22 14-606.

23 (a) The Board shall:

24 (1) Define, for the purpose of this section, a "medical radiation
25 technologist", a "nuclear medical technologist", "practice nuclear medical technology",
26 and "practice medical radiation technology";

27 (2) Adopt rules and regulations concerning qualifications, training,
28 certification, monitoring of, and enforcement requirements for a medical radiation
29 technologist and a nuclear medical technologist; and

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

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

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

36 (2) The Maryland Society of Radiologic Technologists;

- 1 (3) The Maryland Association of Nuclear Medicine Technologists;
- 2 (4) The Maryland Society of Nuclear Medicine; and
- 3 (5) Any applicable federal standards for training and certification.

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

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

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

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

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

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

17 (2) ANY PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
18 FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE BOARD.

19 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
20 SECTION INTO THE BOARD OF PHYSICIAN QUALITY ASSURANCE FUND.

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

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

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

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

6 (I) (1) HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH
7 SYSTEMS AS DEFINED IN § 14-501 OF THIS TITLE, AND EMPLOYERS SHALL FILE WITH
8 THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
9 HEALTH SYSTEM, OR EMPLOYER ~~DENIED AN APPLICATION, OR~~ LIMITED, REDUCED,
10 OTHERWISE CHANGED, OR TERMINATED ANY CERTIFIED MEDICAL RADIATION
11 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST FOR ANY REASONS THAT
12 MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SUBTITLE OR ANY
13 REGULATION ADOPTED UNDER THIS SUBTITLE.

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

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

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