

SENATE BILL 534

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2002 Regular Session
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By: **Senator Hollinger, Chairman, Health Subcommittee**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physician Quality Assurance - Medical Radiation and**
3 **Nuclear Medicine Technologists**

4 FOR the purpose of repealing certain provisions of law authorizing certain
5 individuals to perform certain X-ray duties without a license under certain
6 circumstances; specifying that this Act does not limit the right of certain
7 individuals to practice certain occupations; requiring the State Board of
8 Physician Quality Assurance (the Board) to adopt certain regulations related to
9 medical radiation technologists and nuclear medicine technologists; requiring
10 the Board to set certain fees and to pay certain fees collected to the Comptroller
11 of the State; requiring the Comptroller to distribute certain fees to a certain
12 fund; establishing a Medical Radiation and Nuclear Medicine Technology
13 Advisory Committee (Advisory Committee) within the Board; specifying the
14 membership, powers, and duties of the Advisory Committee; specifying the
15 terms of the members of the Advisory Committee; prohibiting the practice of
16 medical radiation technology or nuclear medicine technology without a
17 certificate; prohibiting a licensed physician from employing an individual
18 practicing medical radiation technology or nuclear medicine technology without
19 a certificate; specifying the qualifications for certification as a medical radiation
20 technologist and nuclear medicine technologist; authorizing the Board to adopt a
21 certain internship program; providing for the application of this Act;
22 establishing an application process and requirements for certification as a
23 medical radiation or nuclear medicine technologist; specifying the expiration
24 date of certain certificates and requiring the Board to send a certain renewal
25 notice by a certain date; authorizing the renewal and reinstatement of certain
26 certificates under certain circumstances; requiring the Board to place certain
27 certificates on inactive status under certain circumstances and to change a
28 certificates to active status under certain circumstances; prohibiting the
29 surrender of certain certificates under certain circumstances; authorizing the
30 Board to deny a certificate to certain applicants, reprimand certain certified
31 individuals, place certain certified individuals on probation, or to suspend or
32 revoke certain certificates under certain circumstances; specifying certain
33 grounds for discipline of certified medical radiation technologists or nuclear
34 medicine technologists subject to certain hearing requirements; requiring
35 certain entities to report certain employment actions or termination of

1 employment of medical radiation and nuclear medicine technologists; providing
2 certain exceptions to the reporting requirement under certain circumstances;
3 authorizing the Board to reinstate certain revoked certificates; prohibiting a
4 person from making certain representations or from providing, attempting to
5 provide, or offering to provide certain care unless authorized to practice medical
6 radiation technology or nuclear medicine technology; establishing certain
7 penalties for a violation of this Act; providing that the Advisory Committee is
8 subject to the provisions of the Maryland Program Evaluation Act; defining
9 certain terms; and generally relating to medical radiation technologists and
10 nuclear medicine technologists.

11 BY renumbering

12 Article - State Government
13 Section 8-403(b)(41) through (68), respectively
14 to be Section 8-403(b)(42) through (69), respectively
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Health Occupations
19 Section 14-306
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)

22 BY adding to

23 Article - Health Occupations
24 Section 14-5B-01 through 14-5B-20 to be under the new subtitle "Subtitle 5B.
25 Medical Radiation Technologists and Nuclear Medicine Technologists"
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2001 Supplement)

28 BY repealing

29 Article - Health Occupations
30 Section 14-606
31 Annotated Code of Maryland
32 (2000 Replacement Volume and 2001 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article - State Government
35 Section 8-403(a)
36 Annotated Code of Maryland
37 (1999 Replacement Volume and 2001 Supplement)

38 BY adding to

39 Article - State Government

1 Section 8-403(b)(41)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2001 Supplement)

4 BY renumbering
5 Article - Health Occupations
6 Section 14-607 and 14-608, respectively
7 to be Section 14-606 and 14-607, respectively
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2001 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That Section(s) 8-403(b)(41) through (68), respectively, of Article -
12 State Government of the Annotated Code of Maryland be renumbered to be Section(s)
13 8-403(b)(42) through (69), respectively.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article - Health Occupations**

17 14-306.

18 (a) To the extent permitted by the rules, regulations, and orders of the Board,
19 an individual to whom duties are delegated by a licensed physician may perform
20 those duties without a license as provided in this section.

21 (b) The individuals to whom duties may be delegated under this section
22 include any individual authorized to practice any other health occupation regulated
23 under this article or § 13-516 of the Education Article.

24 (c) The Board shall adopt rules and regulations to delineate the scope of this
25 section. Before it adopts any rule or regulation under this section, the Board shall
26 invite and consider proposals from any individual or health group that could be
27 affected by the rule or regulation.

28 (d) (1) If a duty that is to be delegated under this section is a part of the
29 practice of a health occupation that is regulated under this article by another board,
30 any rule or regulation concerning that duty shall be adopted jointly by the Board of
31 Physician Quality Assurance and the board that regulates the other health
32 occupation.

33 (2) If the two boards cannot agree on a proposed rule or regulation, the
34 proposal shall be submitted to the Secretary for a final decision.

35 [(e) An individual may perform X-ray duties without a license only if the
36 duties:

- 1 (1) Do not include:
- 2 (i) Computerized or noncomputerized tomography;
- 3 (ii) Fluoroscopy;
- 4 (iii) Invasive radiology;
- 5 (iv) Mammography;
- 6 (v) Nuclear medicine;
- 7 (vi) Radiation therapy; or
- 8 (vii) Xerography.
- 9 (2) Are limited to X-ray procedures of the:
- 10 (i) Chest, anterior-posterior and lateral;
- 11 (ii) Spine, anterior-posterior and lateral; or
- 12 (iii) Extremities, anterior-posterior and lateral, not including the
13 head.
- 14 (3) Are performed:
- 15 (i) By an individual who is not employed primarily to perform
16 X-ray duties;
- 17 (ii) In the medical office of the physician who delegates the duties;
18 and
- 19 (iii) By an individual who has:
- 20 1. Taken a course consisting of at least 30 hours of training
21 in performing X-ray procedures approved by the Maryland Radiological Society in
22 consultation with the Maryland Society of Radiologic Technologists; and
- 23 2. Successfully passed an examination based on that course
24 that has been approved by the Maryland Radiological Society in consultation with the
25 Maryland Society of Radiologic Technologists.
- 26 (f) The Maryland Radiological Society, in consultation with the Maryland
27 Society of Radiologic Technologists, may develop continuing education requirements
28 for individuals performing X-ray procedures under subsection (e) of this section to
29 ensure competency in new safety and technological advances.]

SUBTITLE 5B. MEDICAL RADIATION TECHNOLOGISTS AND NUCLEAR MEDICINE
TECHNOLOGISTS.

14-5B-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) "BOARD" MEANS THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE.

(C) "COMMITTEE" MEANS THE MEDICAL RADIATION TECHNOLOGY AND
NUCLEAR MEDICINE TECHNOLOGY ADVISORY COMMITTEE OF THE BOARD.

(D) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE BOARD TO
PRACTICE AS A MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE
TECHNOLOGIST.

(E) "CERTIFIED MEDICAL RADIATION TECHNOLOGIST" MEANS A MEDICAL
RADIATION TECHNOLOGIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE
MEDICAL RADIATION TECHNOLOGY.

(F) "CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST" MEANS A NUCLEAR
MEDICINE TECHNOLOGIST WHO IS CERTIFIED BY THE BOARD TO PRACTICE
NUCLEAR MEDICINE TECHNOLOGY.

(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) "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) "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.

1 14-5B-02.

2 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A
3 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
4 THIS ARTICLE.

5 14-5B-03.

6 THE BOARD SHALL ADOPT REGULATIONS FOR THE CERTIFICATION OF
7 MEDICAL RADIATION TECHNOLOGISTS AND NUCLEAR MEDICINE TECHNOLOGISTS
8 AND FOR THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY AND NUCLEAR
9 MEDICINE TECHNOLOGY.

10 14-5B-04.

11 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF
12 AND RENEWAL OF CERTIFICATES AND OTHER SERVICES IT PROVIDES TO MEDICAL
13 RADIATION TECHNOLOGISTS AND NUCLEAR MEDICINE TECHNOLOGISTS.

14 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
15 APPROXIMATE THE COST OF MAINTAINING THE CERTIFICATION PROGRAM AND THE
16 OTHER SERVICES PROVIDED TO MEDICAL RADIATION TECHNOLOGISTS AND
17 NUCLEAR MEDICINE TECHNOLOGISTS.

18 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
19 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

20 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE STATE
21 BOARD OF PHYSICIAN QUALITY ASSURANCE ESTABLISHED UNDER § 14-201 OF THIS
22 TITLE.

23 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT
24 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES
25 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

26 14-5B-05.

27 (A) THERE IS A MEDICAL RADIATION TECHNOLOGY AND NUCLEAR MEDICINE
28 TECHNOLOGY ADVISORY COMMITTEE WITHIN THE BOARD.

29 (B) (1) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY THE
30 BOARD.

31 (2) OF THE SEVEN MEMBERS:

32 (I) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
33 RADIOLOGY;

34 (II) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
35 NUCLEAR MEDICINE;

1 (III) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN
2 RADIATION ONCOLOGY;

3 (IV) ONE SHALL BE A MEDICAL RADIATION TECHNOLOGIST WHO
4 PERFORMS BOTH TUMOR LOCALIZATION RADIOTHERAPY AND APPLICATION OF
5 THERAPEUTIC DOSES OF RADIATION FOR THE TREATMENT OF DISEASE OR INJURY;

6 (V) ONE SHALL BE A MEDICAL RADIATION TECHNOLOGIST WHO
7 USES IONIZING RADIATION TO DEMONSTRATE PORTIONS OF THE HUMAN BODY TO
8 ASSIST IN THE DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY;

9 (VI) ONE SHALL BE A NUCLEAR MEDICINE TECHNOLOGIST; AND

10 (VII) ONE SHALL BE A CONSUMER MEMBER.

11 (C) THE CONSUMER MEMBER OF THE COMMITTEE:

12 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

13 (2) MAY NOT BE OR EVER HAVE BEEN A HEALTH CARE PROFESSIONAL
14 OR IN TRAINING TO BE A HEALTH CARE PROFESSIONAL;

15 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH CARE
16 PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

17 (4) MAY NOT:

18 (I) PARTICIPATE IN A COMMERCIAL OR PROFESSIONAL FIELD
19 RELATED TO HEALTH CARE;

20 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
21 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO HEALTH CARE; OR

22 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
23 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

24 (C) (1) THE TERM OF A MEMBER IS 3 YEARS.

25 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
26 REGULATIONS ADOPTED BY THE BOARD IN 1990.

27 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
28 SUCCESSOR IS APPOINTED AND QUALIFIES.

29 (4) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL
30 TERMS.

31 14-4B-06.

32 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
33 COMMITTEE SHALL:

1 (1) MAKE RECOMMENDATIONS TO THE BOARD ON REGULATIONS
2 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

3 (2) MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF ETHICS
4 FOR THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY AND NUCLEAR MEDICINE
5 TECHNOLOGY FOR ADOPTION BY THE BOARD;

6 (3) MAKE RECOMMENDATIONS TO THE BOARD ON THE REQUIREMENTS
7 FOR CERTIFICATION AS A MEDICAL RADIATION TECHNOLOGIST OR CERTIFICATION
8 AS A NUCLEAR MEDICINE TECHNOLOGIST;

9 (4) REVIEW APPLICATIONS FOR CERTIFICATION AS A MEDICAL
10 RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST AND MAKE
11 RECOMMENDATIONS TO THE BOARD;

12 (5) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS
13 AGAINST CERTIFIED MEDICAL RADIATION TECHNOLOGISTS AND CERTIFIED
14 NUCLEAR MEDICINE TECHNOLOGISTS;

15 (6) ADVISE THE BOARD ON MATTERS RELATED TO THE PRACTICE OF
16 MEDICAL RADIATION TECHNOLOGY AND THE PRACTICE OF NUCLEAR MEDICINE
17 TECHNOLOGY;

18 (7) KEEP A RECORD OF ITS PROCEEDINGS; AND

19 (8) SUBMIT AN ANNUAL REPORT TO THE BOARD.

20 14-5B-07.

21 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
22 SHALL BE CERTIFIED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE
23 MEDICAL RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY IN THIS
24 STATE.

25 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
26 PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING MEDICAL
27 RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY WITHOUT A
28 CERTIFICATE.

29 14-5B-08.

30 (A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL BE AN
31 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

32 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
33 APPLICANT SHALL:

34 (1) BE OF GOOD MORAL CHARACTER;

35 (2) BE AT LEAST 18 YEARS OLD;

1 (3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS
2 REQUIRED BY THE BOARD; AND

3 (4) MEET ANY EDUCATIONAL, TRAINING, OR EXAMINATION
4 REQUIREMENTS REQUIRED BY THE BOARD.

5 (C) THE BOARD MAY ADOPT AN INTERNSHIP PROGRAM TO PERMIT THE
6 PRACTICE OF MEDICAL RADIATION TECHNOLOGY OR NUCLEAR MEDICINE
7 TECHNOLOGY BY AN INDIVIDUAL WITHOUT A CERTIFICATE WHO HAS NOT MET THE
8 EXAMINATION REQUIREMENT IF THE INDIVIDUALS MEET ALL OTHER
9 REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION AND IS WAITING FOR:

10 (1) THE OPPORTUNITY TO TAKE THE FIRST EXAMINATION AVAILABLE
11 AFTER GRADUATION FROM AN EDUCATIONAL PROGRAM APPROVED BY THE BOARD;
12 OR

13 (2) THE RESULTS OF THE FIRST EXAMINATION TAKEN AFTER
14 GRADUATION FROM AN EDUCATIONAL PROGRAM APPROVED BY THE BOARD.

15 (D) EXCEPT FOR REQUIREMENTS ADOPTED BY THE BOARD FOR CERTIFICATE
16 RENEWAL UNDER §14-5B-10 OF THIS SUBTITLE, NOTHING IN THIS SUBTITLE MAY BE
17 CONSTRUED TO REQUIRE AN INDIVIDUAL WHO IS CERTIFIED BY THE BOARD AS A
18 MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST AS OF
19 JULY 1, 2001 TO MEET ADDITIONAL EDUCATION, TRAINING, OR EXAMINATION
20 REQUIREMENTS IN ORDER TO REMAIN CERTIFIED.

21 14-5B-09.

22 (A) TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

23 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
24 BOARD REQUIRES; AND

25 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

26 (B) THE BOARD SHALL ISSUE THE APPROPRIATE CERTIFICATE TO AN
27 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT
28 CERTIFICATE.

29 14-5B-10.

30 (A) CERTIFICATION AS A MEDICAL RADIATION TECHNOLOGIST AUTHORIZES
31 AN INDIVIDUAL TO PRACTICE MEDICAL RADIATION TECHNOLOGY WHILE THE
32 CERTIFICATE IS EFFECTIVE.

33 (B) CERTIFICATION AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES
34 AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE
35 CERTIFICATE IS EFFECTIVE.

1 14-5B-11.

2 (A) A CERTIFICATE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
3 CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS
4 SECTION.

5 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
6 SHALL SEND TO THE CERTIFIED INDIVIDUAL, BY FIRST CLASS MAIL TO THE LAST
7 KNOWN ADDRESS OF THE INDIVIDUAL, A RENEWAL NOTICE THAT STATES:

8 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

9 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
10 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
11 THE CERTIFICATE EXPIRES; AND

12 (3) THE AMOUNT OF THE RENEWAL FEE.

13 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A
14 CERTIFICATE EXPIRES, THE CERTIFIED INDIVIDUAL MAY PERIODICALLY RENEW IT
15 FOR AN ADDITIONAL TERM, IF THE INDIVIDUAL:

16 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

17 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

18 (3) SUBMITS TO THE BOARD:

19 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
20 REQUIRES; AND

21 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
22 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER
23 REQUIREMENTS REQUIRED BY THE BOARD FOR CERTIFICATE RENEWAL.

24 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
25 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
26 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL
27 OF CERTIFICATES UNDER THIS SECTION.

28 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH INDIVIDUAL WHO
29 MEETS THE REQUIREMENTS OF THIS SECTION.

30 (F) THE BOARD SHALL REINSTATE THE CERTIFICATE OF A MEDICAL
31 RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST WHO HAS NOT
32 PLACED THE CERTIFICATE ON AN INACTIVE STATUS AND WHO HAS FAILED TO
33 RENEW A CERTIFICATE FOR ANY REASON IF THE MEDICAL RADIATION
34 TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST:

35 (1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;

1 (2) MEETS ANY ADDITIONAL REINSTATEMENT REQUIREMENTS
2 REQUIRED BY THE BOARD; AND

3 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

4 (G) (1) THE BOARD SHALL PLACE THE CERTIFICATE OF A MEDICAL
5 RADIATION TECHNOLOGIST OR THE CERTIFICATE OF NUCLEAR MEDICINE
6 TECHNOLOGIST ON INACTIVE STATUS, IF THE CERTIFIED MEDICAL RADIATION
7 TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST SUBMITS TO
8 THE BOARD:

9 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM
10 REQUIRED BY THE BOARD; AND

11 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

12 (2) THE BOARD SHALL ISSUE A CERTIFICATE TO A MEDICAL RADIATION
13 TECHNOLOGIST OR NUCLEAR MEDICINE TECHNOLOGIST WHO IS ON INACTIVE
14 STATUS IF THE INDIVIDUAL COMPLIES WITH THE RENEWAL REQUIREMENTS THAT
15 EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM INACTIVE TO ACTIVE STATUS.
16 14-5B-12.

17 UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A CERTIFICATE, A
18 CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE
19 TECHNOLOGIST MAY NOT SURRENDER THE CERTIFICATE AND THE CERTIFICATE
20 MAY NOT LAPSE BY OPERATION OF LAW WHILE THE CERTIFIED MEDICAL RADIATION
21 TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST IS UNDER
22 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE CERTIFIED
23 MEDICAL RADIATION TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE
24 TECHNOLOGIST.

25 14-5B-13.

26 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, THE
27 BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT FOR A CERTIFICATE,
28 REPRIMAND ANY CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR CERTIFIED
29 NUCLEAR MEDICINE TECHNOLOGIST, PLACE ANY CERTIFIED MEDICAL RADIATION
30 TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST ON PROBATION,
31 OR SUSPEND OR REVOKE A CERTIFICATE IF THE APPLICANT, CERTIFIED MEDICAL
32 RADIATION TECHNOLOGIST, OR CERTIFIED NUCLEAR MEDICINE TECHNOLOGIST:

33 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
34 OBTAIN A CERTIFICATE FOR THE APPLICANT, CERTIFIED INDIVIDUAL, OR FOR
35 ANOTHER;

36 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

1 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN THE
2 PRACTICE OF MEDICAL RADIATION TECHNOLOGY OR NUCLEAR MEDICINE
3 TECHNOLOGY;

4 (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

5 (5) ABANDONS A PATIENT;

6 (6) IS HABITUALLY INTOXICATED;

7 (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR
8 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE;

9 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

10 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

11 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
12 SUBSTANCE AS DEFINED IN ARTICLE 27 OF THE CODE OR ANY OTHER DRUG THAT IS
13 IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

14 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,
15 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

16 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
17 PRACTICE OF RESPIRATORY CARE;

18 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
19 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
20 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

21 (12) BREACHES PATIENT CONFIDENTIALITY;

22 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
23 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR
24 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
25 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
26 REFERRING A PATIENT;

27 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING
28 MEDICAL RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY;

29 (15) KNOWINGLY PRACTICES MEDICAL RADIATION TECHNOLOGY OR
30 NUCLEAR MEDICINE TECHNOLOGY WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS
31 AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF MEDICAL RADIATION
32 TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY;

33 (16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY
34 A SECRET METHOD, TREATMENT, OR MEDICINE;

1 (17) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR IS
2 CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
3 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
4 THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR
5 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

6 (18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
7 QUALITY MEDICAL RADIATION TECHNOLOGY CARE OR NUCLEAR MEDICINE
8 TECHNOLOGY CARE PERFORMED IN ANY OUTPATIENT SURGICAL FACILITY, OFFICE,
9 HOSPITAL OR RELATED INSTITUTION, OR ANY OTHER LOCATION IN THIS STATE;

10 (19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
11 WHICH SERVICES ARE NOT PROVIDED;

12 (20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
13 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
14 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
15 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

16 (II) THE CERTIFIED INDIVIDUAL:

17 1. SURRENDERED THE CERTIFICATE OR LICENSE ISSUED BY
18 THE STATE OR COUNTRY; OR

19 2. ALLOWED THE CERTIFICATE OR LICENSE ISSUED BY THE
20 STATE OR COUNTRY TO EXPIRE OR LAPSE;

21 (21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
22 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

23 (22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR
24 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

25 (23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE AUTHORIZED
26 SCOPE OF PRACTICE;

27 (24) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
28 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT ANY
29 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
30 SET ASIDE;

31 (25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
32 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
33 WHICH THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR CERTIFIED
34 NUCLEAR MEDICINE TECHNOLOGIST IS CERTIFIED AND QUALIFIED TO RENDER
35 BECAUSE THE INDIVIDUAL IS HIV POSITIVE; OR

36 (26) PRACTICES OR ATTEMPTS TO PRACTICE A MEDICAL RADIATION
37 TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY PROCEDURE OR USES MEDICAL
38 RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY EQUIPMENT IF THE

1 APPLICANT OR CERTIFIED INDIVIDUAL HAS NOT RECEIVED EDUCATION,
2 INTERNSHIP, TRAINING, OR EXPERIENCE IN THE PERFORMANCE OF THE
3 PROCEDURE OR THE USE OF THE EQUIPMENT.

4 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
5 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS
6 SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
7 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN
8 ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

9 (C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD
10 BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL ORDER THE
11 SUSPENSION OF A CERTIFIED INDIVIDUAL IF THE INDIVIDUAL IS CONVICTED OF OR
12 PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING
13 MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS
14 PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

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

20 14-5B-14.

21 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,
22 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED
23 IN § 14-501 OF THIS TITLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A REPORT
24 THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
25 EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR TERMINATED ANY
26 CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR CERTIFIED NUCLEAR MEDICINE
27 TECHNOLOGIST FOR ANY REASONS THAT MIGHT BE GROUNDS FOR DISCIPLINARY
28 ACTION UNDER § 14-5B-13 OF THIS SUBTITLE.

29 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
30 EMPLOYER THAT HAS REASON TO KNOW THAT A CERTIFIED MEDICAL RADIATION
31 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST HAS COMMITTED AN ACTION
32 OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF
33 THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL
34 TECHNOLOGIST OR SUSPENSION OR REVOCATION OF THE CERTIFICATION BECAUSE
35 THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL
36 TECHNOLOGIST IS ALCOHOL IMPAIRED OR DRUG IMPAIRED IS NOT REQUIRED TO
37 REPORT THE TECHNOLOGIST TO THE BOARD IF:

38 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
39 SYSTEM, OR EMPLOYER KNOWS THAT THE CERTIFIED MEDICAL RADIATION
40 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST IS:

1 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
2 ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE
3 ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

4 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS
5 COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;

6 (2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
7 SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE CERTIFIED MEDICAL
8 RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST REMAINS IN THE
9 TREATMENT PROGRAM UNTIL DISCHARGE; AND

10 (II) THE ACTION OR CONDITION OF THE CERTIFIED MEDICAL
11 RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST HAS NOT
12 CAUSED INJURY TO ANY PERSON WHILE THE TECHNOLOGIST IS PRACTICING AS A
13 CERTIFIED MEDICAL TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST.

14 (C) (1) IF THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR
15 NUCLEAR MEDICAL TECHNOLOGIST ENTERS, OR IS CONSIDERING ENTERING, AN
16 ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT
17 COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR THAT IS
18 CERTIFIED BY THE DEPARTMENT, THE CERTIFIED MEDICAL RADIATION
19 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST SHALL NOTIFY THE
20 HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER
21 OF THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST'S OR NUCLEAR MEDICAL
22 TECHNOLOGIST'S DECISION TO ENTER THE TREATMENT PROGRAM.

23 (2) IF THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR
24 NUCLEAR MEDICAL TECHNOLOGIST FAILS TO PROVIDE THE NOTICE REQUIRED
25 UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE HOSPITAL, RELATED
26 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LEARNS THAT THE
27 CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICAL
28 TECHNOLOGIST HAS ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED
29 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE
30 BOARD THAT THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR
31 MEDICAL TECHNOLOGIST HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED
32 TO PROVIDE THE REQUIRED NOTICE.

33 (3) IF THE CERTIFIED MEDICAL RADIATION TECHNOLOGIST OR
34 NUCLEAR MEDICAL TECHNOLOGIST IS FOUND TO BE NONCOMPLIANT WITH THE
35 TREATMENT PROGRAM'S POLICIES AND PROCEDURES WHILE IN THE TREATMENT
36 PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED
37 INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE CERTIFIED
38 MEDICAL RADIATION TECHNOLOGIST'S OR NUCLEAR MEDICAL TECHNOLOGIST'S
39 NONCOMPLIANCE.

40 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH
41 (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
42 HEALTH SYSTEM, OR EMPLOYER OF THE CERTIFIED MEDICAL RADIATION

1 TECHNOLOGIST OR NUCLEAR MEDICAL TECHNOLOGIST SHALL REPORT THE
2 CERTIFIED MEDICAL RADIATION TECHNOLOGIST'S OR NUCLEAR MEDICAL
3 TECHNOLOGIST'S NONCOMPLIANCE TO THE BOARD.

4 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT
5 THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR
6 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE
7 PATIENT RECORDS.

8 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
9 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF ANY ACTION
10 DESCRIBED IN THIS SECTION.

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

14 14-5B-15.

15 ON THE APPLICATION OF AN INDIVIDUAL WHOSE CERTIFICATE HAS BEEN
16 REVOKED, THE BOARD MAY REINSTATE A REVOKED CERTIFICATE.

17 14-5B-16.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
19 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MEDICAL RADIATION
20 TECHNOLOGY IN THIS STATE UNLESS CERTIFIED TO PRACTICE MEDICAL RADIATION
21 TECHNOLOGY BY THE BOARD.

22 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
23 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE NUCLEAR MEDICINE
24 TECHNOLOGY IN THIS STATE UNLESS CERTIFIED TO PRACTICE NUCLEAR MEDICINE
25 TECHNOLOGY BY THE BOARD.

26 14-5B-17.

27 (A) UNLESS AUTHORIZED TO PRACTICE MEDICAL RADIATION TECHNOLOGY
28 OR NUCLEAR MEDICINE TECHNOLOGY UNDER THIS SUBTITLE, A PERSON MAY NOT
29 REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR
30 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE
31 MEDICAL RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY IN THIS
32 STATE.

33 (B) A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE,
34 OR REPRESENT THAT THE PERSON PROVIDES MEDICAL RADIATION TECHNOLOGY
35 CARE OR NUCLEAR MEDICINE TECHNOLOGY CARE UNLESS THE MEDICAL
36 RADIATION TECHNOLOGY CARE OR NUCLEAR MEDICINE TECHNOLOGY CARE IS
37 PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE MEDICAL
38 RADIATION TECHNOLOGY OR NUCLEAR MEDICINE TECHNOLOGY UNDER THIS
39 SUBTITLE.

1 14-5B-18.

2 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
4 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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

7 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION
8 INTO THE BOARD OF PHYSICIAN QUALITY ASSURANCE FUND.

9 14-5B-19.

10 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND MEDICAL RADIATION
11 TECHNOLOGISTS AND NUCLEAR MEDICINE TECHNOLOGISTS ACT".

12 14-5B-20.

13 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
14 MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF
15 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND
16 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO
17 EFFECT AFTER JULY 1, 2013.

18 [14-606.

19 (a) The Board shall:

20 (1) Define, for the purpose of this section, a "medical radiation
21 technologist", a "nuclear medical technologist", "practice nuclear medical technology",
22 and "practice medical radiation technology";

23 (2) Adopt rules and regulations concerning qualifications, training,
24 certification, monitoring of, and enforcement requirements for a medical radiation
25 technologist and a nuclear medical technologist; and

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

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

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

32 (2) The Maryland Society of Radiologic Technologists;

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

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

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

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

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

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

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

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

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

15 (2) Any person who violates this section is subject to a civil fine of not
16 more than \$5,000 to be levied by the Board.

17 (3) The Board shall pay any penalty collected under this section into the
18 Board of Physician Quality Assurance Fund.

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

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

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

34 (h) An individual certified by the American Registry of Radiologic
35 Technologists, the Nuclear Medicine Technology Certification Board, or the American
36 Society of Clinical Pathologists as a radiographer, radiation therapy technologist, or a
37 nuclear technologist on or before February 1, 1990 shall be considered certified in
38 that specialty under the provisions of this section.

1 (i) (1) Except as provided in paragraphs (2) and (4) of this subsection,
2 hospitals, related institutions, alternative health systems as defined in § 14-501 of
3 this title, and employers shall file with the Board a report that the hospital, related
4 institution, alternative health system, or employer limited, reduced, otherwise
5 changed, or terminated any certified medical radiation technologist or nuclear
6 medical technologist for any reasons that might be grounds for disciplinary action
7 under this subtitle or any regulation adopted under this subtitle.

8 (2) A hospital, related institution, alternative health system, or employer
9 that has reason to know that a certified medical radiation technologist or nuclear
10 medical technologist has committed an action or has a condition that might be
11 grounds for reprimand or probation of the certified medical radiation technologist or
12 nuclear medical technologist or suspension or revocation of the certification because
13 the certified medical radiation technologist or nuclear medical technologist is alcohol
14 impaired or drug impaired is not required to report the technologist to the Board if:

15 (i) The hospital, related institution, alternative health system, or
16 employer knows that the certified medical radiation technologist or nuclear medical
17 technologist is:

18 1. In an alcohol or drug treatment program that is accredited
19 by the Joint Commission on the Accreditation of Health Care Organizations or is
20 certified by the Department; or

21 2. Under the care of a health care practitioner who is
22 competent and capable of dealing with alcoholism and drug abuse;

23 (ii) The hospital, related institution, alternative health system, or
24 employer is able to verify that the certified medical radiation technologist or nuclear
25 medical technologist remains in the treatment program until discharge; and

26 (iii) The action or condition of the certified medical radiation
27 technologist or nuclear medical technologist has not caused injury to any person while
28 the technologist is practicing as a certified medical technologist or nuclear medical
29 technologist.

30 (3) (i) If the certified medical radiation technologist or nuclear
31 medical technologist enters, or is considering entering, an alcohol or drug treatment
32 program that is accredited by the Joint Commission on Accreditation of Health Care
33 Organizations or that is certified by the Department, the certified medical radiation
34 technologist or nuclear medical technologist shall notify the hospital, related
35 institution, alternative health system, or employer of the certified medical radiation
36 technologist's or nuclear medical technologist's decision to enter the treatment
37 program.

38 (ii) If the certified medical radiation technologist or nuclear
39 medical technologist fails to provide the notice required under subparagraph (i) of this
40 paragraph, and the hospital, related institution, alternative health system, or
41 employer learns that the certified medical radiation technologist or nuclear medical
42 technologist has entered a treatment program, the hospital, related institution,

1 alternative health system, or employer shall report to the Board that the certified
2 medical radiation technologist or nuclear medical technologist has entered a
3 treatment program and has failed to provide the required notice.

4 (iii) If the certified medical radiation technologist or nuclear
5 medical technologist is found to be noncompliant with the treatment program's
6 policies and procedures while in the treatment program, the treatment program shall
7 notify the hospital, related institution, alternative health system, or employer of the
8 certified medical radiation technologist's or nuclear medical technologist's
9 noncompliance.

10 (iv) On receipt of the notification required under subparagraph (iii)
11 of this paragraph, the hospital, related institution, alternative health system, or
12 employer of the certified medical radiation technologist or nuclear medical
13 technologist shall report the certified medical radiation technologist's or nuclear
14 medical technologist's noncompliance to the Board.

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

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

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

24 **Article - State Government**

25 8-403.

26 (a) On or before December 15 of the 2nd year before the evaluation date of a
27 governmental activity or unit, the Legislative Policy Committee, based on a
28 preliminary evaluation, may waive as unnecessary the evaluation required under this
29 section.

30 (b) Except as otherwise provided in subsection (a) of this section, on or before
31 the evaluation date for the following governmental activities or units, an evaluation
32 shall be made of the following governmental activities or units and the statutes and
33 regulations that relate to the governmental activities or units:

34 (41) MEDICAL RADIATION TECHNOLOGISTS AND NUCLEAR MEDICINE
35 TECHNOLOGISTS ADVISORY COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS
36 ARTICLE: JULY 1, 2012);

37 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 14-607 and
38 14-608, respectively, of Article - Health Occupations of the Annotated Code of
39 Maryland be renumbered to be Section(s) 14-606 and 14-607, respectively.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2002.