

# SENATE BILL 645

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By: **Senator Stoltzfus (By Request)**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Radiologist Assistants – Certification**

3 FOR the purpose of requiring the State Board of Physicians to adopt certain  
4 regulations for the certification of radiologist assistants; requiring the Board to  
5 set certain fees; altering the membership of the Radiation Oncology/Therapy  
6 Technology, Medical Radiation Technology, and Nuclear Medicine Technology  
7 Advisory Committee; requiring the Committee to make certain  
8 recommendations, review certain applications, investigate certain complaints,  
9 and provide certain advice regarding radiologist assistants; providing for the  
10 supervision of certain radiologist assistants; requiring the Board to determine  
11 certain duties of certain radiologist assistants; establishing certain  
12 qualifications for certain radiologist assistants; providing for the renewal and  
13 reinstatement of certain certificates for radiologist assistants; authorizing the  
14 Board to deny, reprimand, place on probation, or suspend or revoke the  
15 certification of a radiologist assistant under certain circumstances; requiring  
16 certain reports to be filed by certain health care institutions regarding  
17 radiologist assistants; allowing certain exceptions to filing certain reports;  
18 requiring certain notification of entrance into certain treatment programs;  
19 prohibiting the unauthorized practice of radiology assistance; prohibiting the  
20 practice or representation of the ability to practice radiology assistance without  
21 a certain certificate; making certain technical changes; defining certain terms;  
22 and generally relating to the certification of radiologist assistants.

23 BY repealing and reenacting, with amendments,

24 Article – Health Occupations

25 Section 14–5B–01, 14–5B–03 through 14–5B–09, 14–5B–11 through 14–5B–15,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-5B-17, 14-5B-18, and 14-5B-20  
2 Annotated Code of Maryland  
3 (2005 Replacement Volume and 2006 Supplement)

4 BY repealing and reenacting, without amendments,  
5 Article – Health Occupations  
6 Section 14-5B-02, 14-5B-10, 14-5B-16, 14-5B-19, and 14-5B-21  
7 Annotated Code of Maryland  
8 (2005 Replacement Volume and 2006 Supplement)

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

11 **Article – Health Occupations**  
12 14-5B-01.

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

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

15 (c) “Certificate” means a certificate issued by the Board to practice as a  
16 medical radiation technologist or nuclear medicine technologist.

17 (d) “Certified medical radiation technologist” means a medical radiation  
18 technologist who is certified by the Board to practice medical radiation technology.

19 (e) “Certified nuclear medicine technologist” means a nuclear medicine  
20 technologist who is certified by the Board to practice nuclear medicine technology.

21 **(F) “CERTIFIED RADIOLOGIST ASSISTANT” MEANS AN INDIVIDUAL WHO**  
22 **IS CERTIFIED TO PRACTICE RADIOLOGY ASSISTANCE UNDER THE SUPERVISION**  
23 **OF A LICENSED PHYSICIAN WHO:**

24 **(1) SPECIALIZES IN RADIOLOGY; AND**

25 **(2) IS BOARD CERTIFIED BY:**

26 **(I) THE AMERICAN BOARD OF RADIOLOGY;**

27 **(II) THE AMERICAN OSTEOPATHIC BOARD OF RADIOLOGY;**

28 **(III) THE BRITISH ROYAL COLLEGE OF RADIOLOGY; OR**

1                                   **(IV) THE CANADIAN COLLEGE OF PHYSICIANS AND**  
2 **SURGEONS.**

3           **[(f)] (G)**       “Committee” means the Radiation Oncology/Therapy Technology,  
4 Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee  
5 of the Board.

6           **[(g)](H)**       “Practice medical radiation technology” means to use ionizing  
7 radiation to:

8                   (1)     Demonstrate portions of the human body to assist in the diagnosis  
9 or localization of disease or injury;

10                   (2)     Perform tumor localization radiography; or

11                   (3)     Apply therapeutic doses of radiation for treatment of disease.

12           **[(h)] (I)**       “Practice nuclear medicine technology” means to:

13                   (1)     Prepare and administer radiopharmaceuticals to human beings; or

14                   (2)     Conduct in vivo detection and measurement of radioactivity for  
15 medical purposes to assist in the diagnosis and treatment of disease or injury.

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

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

21                   **(1) FLUOROSCOPY AND SELECTED RADIOLOGY PROCEDURES;**

22                   **(2) PATIENT ASSESSMENT; AND**

23                   **(3) PATIENT MANAGEMENT.**

24           **[(j)] (L)**       “Supervision” means the responsibility of a licensed physician to  
25 exercise on-site or immediately available direction for a certified medical radiation  
26 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 health  
3 occupation that the individual is authorized to practice under this article.

4 14-5B-03.

5 The Board shall adopt regulations for the certification of radiation  
6 oncology/therapy technologists, medical radiation technologists, **RADIOLOGIST**  
7 **ASSISTANTS**, and nuclear medicine technologists and for the practice of radiation  
8 oncology/therapy technology, medical radiation technology, **RADIOLOGY ASSISTANCE**,  
9 and nuclear medicine technology.

10 14-5B-04.

11 (a) (1) The Board shall set reasonable fees for the issuance of and renewal  
12 of certificates and other services it provides to radiation oncology/therapy  
13 technologists, medical radiation technologists, **RADIOLOGIST ASSISTANTS**, and  
14 nuclear medicine technologists.

15 (2) The fees charged shall be set so as to produce funds to approximate  
16 the cost of maintaining the certification program and the other services provided to  
17 radiation oncology/therapy technologists, medical radiation technologists,  
18 **RADIOLOGIST ASSISTANTS**, and nuclear medicine technologists.

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

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

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

26 14-5B-05.

27 (a) There is a Radiation Oncology/Therapy Technology, Medical Radiation  
28 Technology, **RADIOLOGY ASSISTANCE**, and Nuclear Medicine Technology Advisory  
29 Committee within the Board.

1           (b)   (1)   The Committee consists of ~~[eight]~~ **TEN** members appointed by the  
2 Board.

3                   (2)   Of the ~~[eight]~~ **TEN** members:

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

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

8                           ~~[(ii)]~~**(III)**   One shall be a licensed physician who specializes in  
9 nuclear medicine;

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

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

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

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

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

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

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

19           (c)   The Board member shall serve as chairman of the Committee.

20           (d)   The consumer member of the Committee:

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

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

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

1 (4) May not:

2 (i) Have a substantial personal, business, professional, or  
3 pecuniary connection with a medical field, an institution of medical education, or a  
4 health care facility;

5 (ii) Have a household member who participates in a commercial  
6 or professional field related to health care; or

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

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

10 (2) The terms of members are staggered as required by regulation.

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

13 (4) A member may not serve more than 2 consecutive full terms.

14 14-5B-06.

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

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

19 (2) Make recommendations to the Board on the requirements for  
20 radiation oncology/therapy technologist, medical radiation technologist,  
21 **RADIOLOGIST ASSISTANT**, or nuclear medicine technologist;

22 (3) Review applications for certification as a radiation  
23 oncology/therapy technologist, medical radiation technologist, **RADIOLOGIST**  
24 **ASSISTANT**, or nuclear medicine technologist, if requested, and make  
25 recommendations to the Board;

26 (4) At the request of the Board, investigate complaints against  
27 certified radiation oncology/therapy technologists, certified medical radiation  
28 technologists, **CERTIFIED RADIOLOGIST ASSISTANTS**, and certified nuclear  
29 medicine technologists;

1 (5) Advise the Board on matters related to the practice of radiation  
2 oncology/therapy technology, the practice of medical radiation technology, **THE**  
3 **PRACTICE OF RADIOLOGY ASSISTANCE**, and the practice of nuclear medicine  
4 technology;

5 (6) Keep a record of its proceedings; and

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

7 14-5B-07.

8 (a) (1) A radiation oncology/therapy technologist, medical radiation  
9 technologist, **RADIOLOGIST ASSISTANT**, or nuclear medicine technologist may only  
10 practice under the supervision of a licensed physician.

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

15 (b) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
16 **SUBSECTION, THE** practice of a radiation oncology/therapy technologist, medical  
17 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medicine technologist is  
18 limited to those procedures, operations, preparations, and practices listed in  
19 regulation.

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

21 (I) **INTERPRET IMAGES;**

22 (II) **MAKE DIAGNOSES; OR**

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

24 14-5B-08.

25 (a) Except as otherwise provided in this subtitle, an individual shall be  
26 certified by the Board before the individual may practice radiation oncology/therapy  
27 technology, medical radiation technology, **RADIOLOGY ASSISTANCE**, or nuclear  
28 medicine technology in this State.

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

5 14-5B-09.

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

8 (b) Except as provided in [subsection (c)] **SUBSECTIONS (C) AND (E)** of this  
9 section, the applicant shall:

10 (1) Be of good moral character;

11 (2) Be at least 18 years old;

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

14 (4) Meet any educational, training, or examination requirements  
15 required by the Board.

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

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

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

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



1           **(E) TO QUALIFY FOR A CERTIFICATE TO PRACTICE AS A RADIOLOGIST**  
2 **ASSISTANT, AN APPLICANT SHALL:**

3           **(1) BE ISSUED A GENERAL CERTIFICATE TO PERFORM MEDICAL**  
4 **RADIATION TECHNOLOGY;**

5           **(2) COMPLETE AN ADVANCED ACADEMIC PROGRAM WITH A**  
6 **NATIONALLY RECOGNIZED RADIOLOGY CURRICULUM THAT RESULTS IN A**  
7 **BACCALAUREATE DEGREE, POST BACCALAUREATE CERTIFICATE, OR**  
8 **GRADUATE DEGREE AND INCORPORATES A RADIOLOGIST-DIRECTED CLINICAL**  
9 **PRECEPTORSHIP;**

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

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

13 14-5B-10.

14           (a) To apply for a certificate, an applicant shall:

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

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

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

20 14-5B-11.

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

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

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

1           **(D) CERTIFICATION AS A RADIOLOGIST ASSISTANT AUTHORIZES AN**  
2 **INDIVIDUAL TO PRACTICE AS A RADIOLOGIST ASSISTANT WHILE THE**  
3 **CERTIFICATE IS EFFECTIVE.**

4 14-5B-12.

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

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

10                   (1) The date on which the current certificate expires;

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

13                   (3) The amount of the renewal fee.

14           (c) Except as otherwise provided in this subtitle, before a certificate expires,  
15 the certified individual may periodically renew it for an additional term, if the  
16 individual:

17                   (1) Otherwise is entitled to be certified;

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

19                   (3) Submits to the Board:

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

22                           (ii) Satisfactory evidence of compliance with any continuing  
23 education or competency requirements and other requirements required by the Board  
24 for certificate renewal.

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

1 (e) The Board shall renew the certificate of each individual who meets the  
2 requirements of this section.

3 (f) The Board shall reinstate the certificate of a radiation oncology/therapy  
4 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear  
5 medicine technologist who has failed to renew a certificate for any reason if the  
6 radiation oncology/therapy technologist, medical radiation technologist,  
7 **RADIOLOGIST ASSISTANT**, or nuclear medicine technologist:

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

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

11 14-5B-13.

12 Unless the Board agrees to accept the surrender of a certificate, a certified  
13 radiation oncology/therapy technologist, a certified medical radiation technologist,  
14 **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear medicine technologist  
15 may not surrender the certificate and the certificate may not lapse by operation of law  
16 while the certified radiation oncology/therapy technologist, certified medical radiation  
17 technologist, **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear medicine  
18 technologist is under investigation or while charges are pending against the certified  
19 radiation oncology/therapy technologist, certified medical radiation technologist,  
20 **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear medicine technologist.

21 14-5B-14.

22 (a) Subject to the hearing provisions of § 14-405 of this title, the Board may  
23 deny a certificate to any applicant for a certificate, reprimand any certified radiation  
24 oncology/therapy technologist, certified medical radiation technologist, **CERTIFIED**  
25 **RADIOLOGIST ASSISTANT**, or certified nuclear medicine technologist, place any  
26 certified radiation oncology/therapy technologist, certified medical radiation  
27 technologist, **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear medicine  
28 technologist, on probation, or suspend or revoke a certificate if the applicant, certified  
29 radiation oncology/therapy technologist, certified medical radiation technologist,  
30 **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear medicine technologist:

31 (1) Fraudulently or deceptively obtains or attempts to obtain a  
32 certificate for the applicant, certified individual, or for another;

33 (2) Fraudulently or deceptively uses a certificate;

- 1           (3) Is guilty of unprofessional or immoral conduct in the practice of  
2 radiation oncology/therapy technology, medical radiation technology, **RADIOLOGY**  
3 **ASSISTANCE**, or nuclear medicine 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 controlled  
8 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 9           (8) Provides professional services while:
- 10           (i) Under the influence of alcohol; or
- 11           (ii) Using any narcotic or controlled dangerous substance as  
12 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of  
13 therapeutic amounts or without valid medical indication;
- 14           (9) Promotes the sale of services, drugs, devices, appliances, or goods  
15 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 practice of  
17 respiratory care;
- 18           (11) Willfully fails to file or record any report as required under law,  
19 willfully impedes or obstructs the filing or recording of a report, or induces another to  
20 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 remuneration  
23 or material benefit to any person for bringing or referring a patient or accepts or  
24 agrees to accept any sum or any form of remuneration or material benefit from an  
25 individual for bringing or referring a patient;
- 26           (14) Knowingly makes a misrepresentation while practicing radiation  
27 oncology/therapy technology, medical radiation technology, **RADIOLOGY ASSISTANCE**,  
28 or nuclear medicine technology;

1           (15) Knowingly practices radiation oncology/therapy technology,  
2 medical radiation technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine  
3 technology with an unauthorized individual or aids an unauthorized individual in the  
4 practice of radiation oncology/therapy technology, medical radiation technology,  
5 **RADIOLOGY ASSISTANCE**, or nuclear medicine technology;

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

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

13           (18) Fails to meet appropriate standards for the delivery of quality  
14 radiation oncology/therapy technology care, medical radiation technology care,  
15 **RADIOLOGIST ASSISTANT CARE**, or nuclear medicine technology care performed in  
16 any outpatient surgical facility, office, hospital or related institution, or any other  
17 location in this State;

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

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

23                   (ii) The certified individual:

24                           1. Surrendered the certificate or license issued by the  
25 state or country; or

26                           2. Allowed the certificate or license issued by the state or  
27 country to expire or lapse;

28           (21) Knowingly fails to report suspected child abuse in violation of §  
29 5-704 of the Family Law Article;

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

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

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

6 (25) Refuses, withholds from, denies, or discriminates against an  
7 individual with regard to the provision of professional services for which the radiation  
8 oncology/therapy technologist, certified medical radiation technologist, **CERTIFIED**  
9 **RADIOLOGIST ASSISTANT**, or certified nuclear medicine technologist is certified and  
10 qualified to render because the individual is HIV positive; or

11 (26) Practices or attempts to practice a radiation oncology/therapy  
12 technology, medical radiation technology, **RADIOLOGY ASSISTANCE**, or nuclear  
13 medicine technology procedure or uses radiation oncology/therapy technology, medical  
14 radiation technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine technology  
15 equipment if the applicant or certified individual has not received education,  
16 internship, training, or experience in the performance of the procedure or the use of  
17 the equipment.

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

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

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

31 14–5B–15.

32 (a) Except as provided in subsections (b) and (d) of this section, hospitals,  
33 related institutions, alternative health systems as defined in § 1–401 of this article,

1 and employers shall file with the Board a report that the hospital, related institution,  
2 alternative health system, or employer limited, reduced, otherwise changed, or  
3 terminated any **CERTIFIED** radiation oncology/therapy technologist, certified medical  
4 radiation technologist, **CERTIFIED RADIOLOGIST ASSISTANT**, or certified nuclear  
5 medicine technologist for any reasons that might be grounds for disciplinary action  
6 under § 14-5B-13 of this subtitle.

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

17 (1) The hospital, related institution, alternative health system, or  
18 employer knows that the certified radiation oncology/therapy technologist, medical  
19 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist is:

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

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

25 (2) (i) The hospital, related institution, alternative health system,  
26 or employer is able to verify that the certified radiation oncology/therapy technologist,  
27 medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical  
28 technologist remains in the treatment program until discharge; and

29 (ii) The action or condition of the certified radiation  
30 oncology/therapy technologist, medical radiation technologist, **RADIOLOGIST**  
31 **ASSISTANT**, or nuclear medical technologist has not caused injury to any person while  
32 the technologist is practicing as a certified radiation oncology/therapy technologist,  
33 medical **RADIATION** technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical  
34 technologist.

1           (c)   (1)   If the certified radiation oncology/therapy technologist, medical  
2 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist  
3 enters, or is considering entering, an alcohol or drug treatment program that is  
4 accredited by the Joint Commission on Accreditation of Health Care Organizations or  
5 that is certified by the Department, the certified radiation oncology/therapy  
6 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear  
7 medical technologist shall notify the hospital, related institution, alternative health  
8 system, or employer of the certified radiation oncology/therapy technologist's, medical  
9 radiation technologist's, **RADIOLOGIST ASSISTANT'S**, or nuclear medical  
10 technologist's decision to enter the treatment program.

11           (2)   If the certified radiation oncology/therapy technologist, medical  
12 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist  
13 fails to provide the notice required under paragraph (1) of this subsection, and the  
14 hospital, related institution, alternative health system, or employer learns that the  
15 certified radiation oncology/therapy technologist, medical radiation technologist,  
16 **RADIOLOGIST ASSISTANT**, or nuclear medical technologist has entered a treatment  
17 program, the hospital, related institution, alternative health system, or employer shall  
18 report to the Board that the certified radiation oncology/therapy technologist, medical  
19 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist has  
20 entered a treatment program and has failed to provide the required notice.

21           (3)   If the certified radiation oncology/therapy technologist, medical  
22 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist is  
23 found to be noncompliant with the treatment program's policies and procedures while  
24 in the treatment program, the treatment program shall notify the hospital, related  
25 institution, alternative health system, or employer of the certified radiation  
26 oncology/therapy technologist's, medical radiation technologist's, **RADIOLOGIST**  
27 **ASSISTANT'S**, or nuclear medical technologist's noncompliance.

28           (4)   On receipt of the notification required under paragraph (3) of this  
29 subsection, the hospital, related institution, alternative health system, or employer of  
30 the certified radiation oncology/therapy technologist, medical radiation technologist,  
31 **RADIOLOGIST ASSISTANT**, or nuclear medical technologist shall report the certified  
32 radiation oncology/therapy technologist's, medical radiation technologist's,  
33 **RADIOLOGIST ASSISTANT'S**, or nuclear medical technologist's noncompliance to the  
34 Board.

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



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

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

6 14-5B-16.

7 On the application of an individual whose certificate has been revoked, the  
8 Board may reinstate a revoked certificate.

9 14-5B-17.

10 (a) Except as otherwise provided in this subtitle, a person may not practice,  
11 attempt to practice, or offer to practice medical radiation technology in this State  
12 unless certified to practice medical radiation technology by the Board.

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

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

19 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON**  
20 **MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A**  
21 **RADIOLOGIST ASSISTANT IN THIS STATE UNLESS CERTIFIED TO PRACTICE AS A**  
22 **RADIOLOGIST ASSISTANT BY THE BOARD.**

23 14-5B-18.

24 (a) Unless authorized to practice radiation oncology/therapy technology,  
25 medical radiation technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine  
26 technology under this subtitle, a person may not represent to the public by title, by  
27 description of services, methods, or procedures, or otherwise, that the person is  
28 authorized to practice radiation oncology/therapy technology, medical radiation  
29 technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine technology in this State.

30 (b) A person may not provide, attempt to provide, offer to provide, or  
31 represent that the person provides radiation oncology/therapy technology care,

1 medical radiation technology care, **RADIOLOGY ASSISTANCE CARE**, or nuclear  
2 medicine technology care unless the medical radiation technology care, **RADIOLOGY**  
3 **ASSISTANT CARE**, or nuclear medicine technology care is provided by an individual  
4 who is authorized to practice radiation oncology/therapy technology, medical radiation  
5 technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine technology under this  
6 subtitle.

7 14-5B-19.

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

11 (b) Any person who violates this subtitle is subject to a civil fine of not more  
12 than \$5,000 to be levied by the Board.

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

15 14-5B-20.

16 This subtitle may be cited as the "Maryland Radiation Oncology/Therapy  
17 Technologists, Medical Radiation Technologists, **RADIOLOGIST ASSISTANTS**, and  
18 Nuclear Medicine Technologists Act".

19 14-5B-21.

20 Subject to the evaluation and reestablishment provisions of the Maryland  
21 Program Evaluation Act, and subject to the termination of this title under § 14-702 of  
22 this title, this subtitle and all rules and regulations adopted under this subtitle shall  
23 terminate and be of no effect after July 1, 2013.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2007.