

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

Senate Bill 645 (Senator Stoltzfus)(By Request)
 Education, Health, and Environmental Affairs

Radiologist Assistants - Certification

This bill requires a certified medical radiation technologist to also be certified as a radiologist assistant by the State Board of Physicians (MBP) in order to perform fluoroscopy and selected radiology procedures, patient assessment, and patient management.

Fiscal Summary

State Effect: Special fund revenues could increase by \$2,300 in FY 2008 as 50 individuals become certified. Special fund expenditures are expected to be equivalent to special fund revenues. Future year revenues reflect a greater increase in initial certifications in FY 2009, declining initial certifications in FY 2011 and 2012, and biennial renewal. Future year special fund expenditures are expected to be equivalent to special fund revenues.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
SF Revenue	\$2,300	\$6,800	\$3,500	\$4,900	\$2,400
SF Expenditure	2,300	6,800	3,500	4,900	2,400
Net Effect	\$0	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “certified radiologist assistant” is an individual who is certified to practice radiology assistance under the supervision of a licensed physician who specializes in radiology and is board certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.

The “practice of radiology assistance” means practicing medical radiation technology and performing fluoroscopy and selected radiology procedures, patient assessments, and patient management.

Certification Requirements

To qualify for a certificate to practice as a radiologist assistant, an applicant must meet the existing qualifications for certification as a medical radiation technologist. A radiologist assistant applying for certification also must • be issued a general certificate to perform medical radiation technology; • complete an advanced academic program with a nationally recognized radiology curriculum that results in a baccalaureate degree, post baccalaureate certificate, or graduate degree and incorporates a radiologist-directed clinical preceptorship; • be certified in advanced cardiac life support; and • be certified as a radiologist assistant by the American Registry of Radiologic Technologists.

MBP must adopt regulations for certifying radiologist assistants and must set radiologist assistant certification fees that approximate the cost of maintaining the certification program for these individuals. MBP must reinstate a radiologist assistant’s certificate for an individual who has failed to renew the certificate if the individual meets any additional board requirements and pays the reinstatement fee.

Existing requirements related to the surrender and denial of a certificate extend to a certified radiologist assistant.

Radiologist Assistant Duties and Prohibitions

A radiologist assistant may only practice under a licensed physician’s supervision. The failure of a physician to properly supervise a radiologist assistant is unprofessional conduct in the practice of medicine. A radiologist assistant may not interpret images, make diagnoses, or prescribe medications or therapies. In addition, a radiologist assistant’s duties are limited to procedures, operations, preparations, and practices listed in regulation.

An individual may not represent to the public that the person is authorized to practice radiology assistance in Maryland unless certified by MBP. An individual also may not provide, attempt to provide, offer to provide, or represent that the person provides radiology assistance care unless authorized to do so.

Disciplinary Actions

Existing disciplinary actions that may be taken against an applicant for certification and a certificate holder under the committee's jurisdiction extend to an applicant for radiologist assistant certification and a certified radiologist assistant.

Reporting Requirements

Existing reporting requirements for hospitals, related institutions, alternative health systems, and employers regarding certificate holders under the committee's jurisdiction extend to certified radiologist assistants.

Advisory Committee

The bill renames the Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee within MBP as the Radiation Oncology/Therapy Technology, Medical Radiation Technology, *Radiology Assistance*, and Nuclear Medicine Technology Advisory Committee.

Committee membership is expanded from 8 to 10 members. Of the two new members, one must be a licensed physician who specializes in radiology and who supervises a radiologist assistant and one must be a radiologist assistant.

The committee's existing powers to make recommendations to MBP regarding the health professionals under the committee's jurisdiction, review certification applications, investigate complaints at MBP's request, and advise MBP on matters related to the practice of health professionals under the committee's jurisdiction extend to radiologist assistants.

Act Name Changed

The bill renames the Maryland Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Act as the Maryland Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, *Radiologist Assistants*, and Nuclear Medicine Technologists Act.

Current Law: MBP requires radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists to be certified under the Maryland Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Act.

The board's Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee must • recommend necessary regulations to MBP; • recommend requirements for radiation oncology/therapy technologists, medical radiation technologists, or nuclear medicine technologists; • review certification applications for these health professionals and, if requested, make recommendations to MBP; • investigate complaints against these health professionals at MBP's request; • advise MBP on the practice of these health professions; • keep a record of its proceedings; and • submit an annual report to MBP.

The health professionals regulated by the Act may only practice under a licensed physician's supervision. The failure of a licensed physician to properly supervise these health professionals is unprofessional conduct in the practice of medicine. The practice of these specified health professionals is limited to procedures, operations, preparations, and practices listed in regulation.

Certification Requirements

An applicant for certification under the Act must • be of good moral character; • be at least 18; • demonstrate oral and written competency in English as required by MBP; and • meet any educational, training, or examination requirements required by MBP.

MBP must reinstate the certificate of a specified health professional who has failed to renew a certificate for any reason if the individual meets any additional requirements required by MBP and pays the reinstatement fee.

Unless MBP agrees to accept the surrender of a certificate, an individual certified under the Act may not surrender the certificate and the certificate may not lapse by operation of law which the individual is under investigation or while charges are pending against the certified individual.

Disciplinary Actions

MBP may deny an application for certification or take disciplinary action against a certificate holder for specified reasons including if the individual • fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant, certified individual, or for another; • fraudulently or deceptively uses a certificate; • is guilty of

unprofessional or immoral conduct in the practice of the specified profession; or • is habitually intoxicated.

Reporting Requirements

Hospitals, related institutions, alternative health systems, and employers must report to MBP when they have limited, reduced, otherwise changed, or terminated any specified certificate holders. These health institutions and employers must also report to MBP if they have reason to know a certificate holder has committed an action or has a condition that might be grounds for board disciplinary action.

Penalties

A person who violates any provision of the Act is guilty of a misdemeanor and on conviction is subject to a maximum \$1,000 fine and/or a maximum one year imprisonment. Such a person also is subject to a maximum \$5,000 civil fine levied by MBP. MBP must pay any civil fines to the Board of Physicians Fund.

Background: MBP states that there are approximately 5,000 certified medical radiation technologists in Maryland. MBP estimates that 250 certified medical radiation technologists, 5% of the total, would gradually choose to be certified as a radiologist assistant as a result of the bill. By fiscal 2011, MBP estimates an additional 25 certified medical radiation technologists would seek initial certification annually.

State Revenues: Special fund revenues could increase by \$2,250 in fiscal 2008 as an estimated 50 certified medical radiation technologists also become certified as radiologist assistants and pay a \$45 initial radiologist assistant certification fee. Future years assume 150 new certifications in fiscal 2009, 50 new and 50 renewal certifications in fiscal 2010, 25 new and 150 renewal certifications in fiscal 2011, and 25 new and 50 renewal certifications. Individuals renewing a radiologist assistant certificate would pay a \$25 fee.

Certified medical radiation technologists seeking radiologist assistant certification would be required to continue paying their medical radiation technologist certification fees, \$104.50 for initial certification and \$79.50 for renewal certifications. Although MBP advises that it would charge an additional \$150 for initial and renewal fees for certified medical radiation technologists to also be certified as radiologist assistants, Legislative Services believes a fee this high would discourage individuals from applying for enhanced certification and would not be necessary to recover any of the board's costs related to this new certification. As a result, Legislative Services estimated a fee of \$45 for initial certification (the approximate difference between the initial medical radiation

technologist certification fee and MBP's proposed \$150 fee for radiologist assistant certification) and \$25 for certification renewals (which reflects MBP's existing policy to charge a lower fee for certification renewals).

State Expenditures: Existing MBP staff could establish the certification requirements and process the radiologist assistant certifications beginning in fiscal 2008. Special fund expenditures for printing, mailing, and other costs related to radiologist assistant certifications are expected to be minimal and to be covered by the additional fee revenue.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2007
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