

# HOUSE BILL 1517

J2

(8lr2106)

## **ENROLLED BILL**

—*Health and Government Operations / Education, Health, and Environmental Affairs*—

Introduced by **Delegate Donoghue**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Respiratory Care Practitioners, Radiation Therapists, Radiographers, ~~and~~**  
3 **Nuclear Medicine Technologists, and Radiologist Assistants - Various**  
4 **Changes**

5 FOR the purpose of repealing the State Board of Physician's authority to place  
6 respiratory care practitioners on inactive status and issue temporary licenses to  
7 respiratory care practitioners; altering certain qualifications for consumer  
8 members on the Respiratory Care Professional Standards Committee and on  
9 the Radiation Therapy, Radiography, ~~and~~ Nuclear Medicine Technology, and  
10 Radiology Assistance Advisory Committee; requiring the committees to elect  
11 chairmen at certain times; altering the duties of the committees; altering the  
12 membership of a certain committee; requiring a certain committee to make  
13 certain recommendations, review certain applications, investigate certain  
14 complaints, and provide certain advice regarding radiologist assistants;

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 establishing that certain students of respiratory care, radiation therapy,  
2 radiography, ~~and~~ nuclear medicine technology, and radiology assistance who are  
3 enrolled and practicing in certain education programs are not required to hold  
4 certain licenses; repealing certain provisions regarding veterans in certain  
5 respiratory care educational programs; altering certain licensure, renewal, and  
6 reinstatement requirements for respiratory care practitioners, radiation  
7 therapists, radiographers, and nuclear medicine technologists; requiring that  
8 certain individuals be licensed by the Board to practice radiology assistance on  
9 or before a certain date; establishing certain qualifications for certain radiologist  
10 assistants; providing for the renewal and reinstatement of certain licenses for  
11 radiologist assistants; authorizing the Board to deny, reprimand, place on  
12 probation, or suspend or revoke the licensure of a radiologist assistant under  
13 certain circumstances; requiring certain reports to be filed by certain health care  
14 institutions regarding radiologist assistants; allowing certain exceptions to filing  
15 certain reports; requiring certain notification of entrance into certain treatment  
16 programs; prohibiting the unauthorized practice of radiology assistance;  
17 prohibiting the practice or representation of the ability to practice radiology  
18 assistance without a certain license; repealing a requirement that the Board  
19 send certain notice by a certain method; establishing certain civil penalties for  
20 failure by respiratory care practitioners, radiation therapists, radiographers,  
21 ~~and~~ nuclear medicine technologists, and radiologist assistants to complete  
22 certain continuing education credits; establishing that certain licenses may not  
23 be renewed for longer than a certain number of years; requiring that certain  
24 respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear  
25 medicine technologists, and radiologist assistants notify the Board of certain  
26 changes of address within a certain time and establishing a certain  
27 administrative penalty for failure to comply; establishing that certain Board  
28 votes require the affirmative vote of a majority of a quorum; altering certain  
29 causes for disciplining respiratory care practitioners, radiation therapists,  
30 radiographers, and nuclear medicine technologists; establishing an appeal  
31 process for certain persons aggrieved by certain Board decisions; prohibiting  
32 certain physicians, hospitals, related institutions, alternative health systems  
33 and employees from employing certain unlicensed individuals and authorizing  
34 the Board to impose a certain civil penalty; clarifying certain types of radiation  
35 practices regulated by the Board; substituting licensure for certification as the  
36 credential for radiation therapists, radiographers, and nuclear medicine  
37 technologists; establishing that certain individuals employed by the federal  
38 government to practice radiation therapy, radiography, or nuclear medicine  
39 technology are not required to hold certain licenses; repealing a certain  
40 internship program; authorizing the Board to issue certain temporary licenses  
41 to practice radiation therapy, radiography, and nuclear medicine technology;  
42 establishing that certain certified individuals are not required to meet certain  
43 requirements; and generally relating to respiratory care practitioners, radiation  
44 therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist  
45 assistants.

46 BY repealing and reenacting, with amendments,

1 Article – Health Occupations  
 2 Section 14–5A–01, 14–5A–06, 14–5A–07 through 14–5A–09, 14–5A–13,  
 3 14–5A–16, 14–5A–17, 14–5A–19, 14–5A–23, 14–5B–01, 14–5B–03  
 4 through 14–5B–10, 14–5B–12 through 14–5B–18, and 14–5B–20  
 5 Annotated Code of Maryland  
 6 (2005 Replacement Volume and 2007 Supplement)

7 BY repealing  
 8 Article – Health Occupations  
 9 Section 14–5A–14, 14–5A–15, and 14–5B–11  
 10 Annotated Code of Maryland  
 11 (2005 Replacement Volume and 2007 Supplement)

12 BY adding to  
 13 Article – Health Occupations  
 14 Section 14–5A–14, 14–5A–17.1, 14–5A–22.1, 14–5B–11, 14–5B–12.1,  
 15 14–5B–14.1, and 14–5B–18.1  
 16 Annotated Code of Maryland  
 17 (2005 Replacement Volume and 2007 Supplement)

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

20 **Article – Health Occupations**

21 14–5A–01.

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

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

24 (c) “Committee” means the Respiratory Care Professional Standards  
 25 Committee established under § 14–5A–05 of this subtitle.

26 (d) “License” means a license issued by the Board to practice respiratory  
 27 care.

28 (e) “Licensed respiratory care practitioner” means a respiratory care  
 29 practitioner who is licensed by the Board to practice respiratory care.

30 **(F) “LICENSEE” MEANS A LICENSED RESPIRATORY CARE**  
 31 **PRACTITIONER.**

32 [(f)] (G) “National certifying board” means the National Board for  
 33 Respiratory Care or a certifying organization that has certification requirements  
 34 equivalent to the National Board for Respiratory Care and that has been approved by  
 35 the Board.

1            ~~[(g)]~~ **(H)**     (1)    “Practice respiratory care” means to evaluate, care for, and  
2 treat, including the diagnostic evaluation of, individuals who have deficiencies and  
3 abnormalities that affect the pulmonary system and associated aspects of the  
4 cardiopulmonary and other systems under the supervision of and in collaboration with  
5 a physician.

6                            (2)    “Practice respiratory care” includes:

7                            (i)    Providing direct and indirect respiratory care services that  
8 are safe, aseptic, preventive, and restorative;

9                            (ii)   Practicing the principles, techniques, and theories derived  
10 from cardiopulmonary medicine;

11                           (iii)   Evaluating and treating individuals whose cardiopulmonary  
12 functions have been threatened or impaired by developmental defects, the aging  
13 process, physical injury, disease, or actual or anticipated dysfunction of the  
14 cardiopulmonary system;

15                           (iv)   Observing and monitoring physical signs and symptoms,  
16 general behavior, and general physical response to respiratory care procedures and  
17 determining if initiation, modification, or discontinuation of a treatment regimen is  
18 warranted;

19                           (v)    Transcribing and implementing written or oral orders  
20 regarding the practice of respiratory care;

21                           (vi)   Using evaluation techniques that include cardiopulmonary  
22 function assessments, gas exchange, the need and effectiveness of therapeutic  
23 modalities and procedures, and the assessment and evaluation of the need for  
24 extended care and home care procedures, therapy, and equipment; and

25                           (vii)   Applying the use of techniques, equipment, and procedures  
26 involved in the administration of respiratory care, including:

27    1.    Except for general anesthesia, therapeutic and  
28 diagnostic gases;

29    2.    Prescribed medication for inhalation or direct tracheal  
30 installation;

31    3.    The administration of analgesic agents by  
32 subcutaneous injection or inhalation for the performance of respiratory care  
33 procedures;



- 1 (i) A respiratory care practitioner;
- 2 (ii) Any health care professional; or
- 3 (iii) In training to be a respiratory care practitioner or other  
4 health professional; **AND**

5 [(3) May not have a household member who is a health professional or  
6 is in training to be a health professional; and

7 (4)] **(3)** May not:

- 8 (i) Participate or ever have participated in a commercial or  
9 professional field related to respiratory care;
- 10 (ii) Have a household member who participates in a commercial  
11 or professional field related to respiratory care;
- 12 (iii) Have had within 2 years before appointment a financial  
13 interest in a person regulated by the Board; or
- 14 (iv) Have had within 2 years before appointment a financial  
15 interest in the provision of goods or services to respiratory care practitioners or to the  
16 field of respiratory care.

17 (c) (1) The term of a member is 3 years.

18 (2) The terms of members are staggered [as required by the terms  
19 provided for members of the Board on July 1, 1996].

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

22 (4) A member who is appointed after a term has begun serves only for  
23 the rest of the term and until a successor is appointed and qualifies.

24 **(D) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A**  
25 **CHAIR ONCE EVERY 2 YEARS.**

26 14-5A-07.

27 In addition to the powers set forth elsewhere in this subtitle, the Committee  
28 shall:

29 (1) Develop and recommend to the Board regulations to carry out the  
30 provisions of this subtitle;

1           (2) Develop and recommend to the Board a code of ethics for the  
2 practice of respiratory care for adoption by the Board;

3           (3) [Develop] **IF REQUESTED, DEVELOP** and recommend to the  
4 Board standards of care for the practice of respiratory care;

5           (4) Develop and recommend to the Board the requirements for  
6 licensure as a respiratory care practitioner[, including:

7                   (i) Criteria for the educational and clinical training of  
8 respiratory care practitioners; and

9                   (ii) Criteria for a professional competency examination and  
10 testing of applicants for a license to practice respiratory care;

11           (5) Develop and recommend to the Board criteria for respiratory care  
12 practitioners who are licensed in other states to practice in this State;

13           (6) Evaluate the accreditation status of education programs in  
14 respiratory care for approval by the Board];

15           [(7)] **(5)** Evaluate the credentials of applicants **AS NECESSARY** and  
16 recommend licensure of applicants who fulfill the requirements for a license to  
17 practice respiratory care;

18           [(8)] **(6)** Develop and recommend to the Board continuing education  
19 requirements for license renewal;

20           [(9)] **(7)** Provide the Board with recommendations concerning the  
21 practice of respiratory care;

22           [(10)] **(8)** Develop and recommend to the Board criteria related to the  
23 practice of respiratory care in the home setting; **AND**

24           [(11)] Develop and recommend to the Board criteria for the direction of  
25 students in clinical education programs by licensed respiratory care practitioners;

26           (12)] **(9)** Keep a record of its proceedings[; and

27           (13) Submit an annual report to the Board].

28 14-5A-08.

29           (a) Except as otherwise provided in this subtitle, an individual shall be  
30 licensed by the Board before the individual may practice respiratory care in this State.

1 (b) This section does not apply to [an]:

2 (1) AN individual employed by the federal government as a  
3 respiratory care practitioner while the individual is practicing within the scope of that  
4 employment; OR

5 (2) A RESPIRATORY CARE PRACTITIONER STUDENT ENROLLED IN  
6 AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED  
7 ACCREDITING ORGANIZATION WHILE PRACTICING RESPIRATORY CARE IN THE  
8 PROGRAM.

9 [(c) (1) (i) In this subsection the following terms have the meanings  
10 indicated.

11 (ii) “Educational program” means a respiratory care educational  
12 program approved by the American Medical Association.

13 (iii) “Veteran” means an individual who:

14 1. Has served on active duty in the United States armed  
15 forces;

16 2. Has been honorably discharged; and

17 3. Meets the requirements of this section.

18 (iv) “Veterans’ program” means a veterans’ internship program  
19 in respiratory care for qualified veterans who are working in hospitals.

20 (2) This section does not apply to a veteran who:

21 (i) Applies to the Board within 6 months of discharge, provides  
22 the Board the information required under this subsection, and is approved by the  
23 Board;

24 (ii) Has practiced in the military with one of the following  
25 specialties:

26 1. Navy 854 with successful completion of the U.S. Army  
27 Respiratory Care School;

28 2. Army 91V; or

29 3. United States Air Force 90450 or United States Air  
30 Force 90250 with advanced experience;



1 (iii) Has practiced respiratory care for 2,000 hours in the 5 years  
2 immediately preceding discharge with experience in areas recommended and approved  
3 by the Board;

4 (iv) Has documented completion of educational requirements in  
5 the military as approved by the Board with reference to the standards of the Joint  
6 Review Committee for Respiratory Therapy Education Modules; and

7 (v) Has applied for admission in an approved educational  
8 program within 6 months of discharge.

9 (3) Within 30 days after the end of each semester or every 6 months,  
10 whichever is more frequent, a veteran shall submit evidence of successful continued  
11 enrollment in a respiratory care educational program with satisfactory academic  
12 standing as approved by the Board.

13 (4) If the provisions of paragraph (3) of this subsection are met, a  
14 veteran may practice in a veterans' program for up to 30 months from the date of the  
15 approval of the veteran's application for the veterans' program.

16 (5) Upon graduation from an approved educational program, a  
17 veteran:

18 (i) Ceases to qualify to practice respiratory care under this  
19 section; and

20 (ii) Shall apply for a temporary license required for all  
21 graduates of approved respiratory care programs.

22 (6) The Board may set and charge reasonable fees to implement the  
23 provisions of this subsection.

24 (7) The Board shall approve the application of each veteran who meets  
25 the requirements of this subsection.

26 (8) A veteran who practices respiratory care under this subsection is  
27 subject to the same disciplinary procedures and is held to the same standard of care as  
28 a respiratory care practitioner licensed under § 14-5A-11 of this subtitle.]

29 14-5A-09.

30 (a) To qualify for a license, an applicant shall be an individual who meets the  
31 requirements of this section.

32 (b) The applicant shall be of good moral character.

1 (c) The applicant shall be at least 18 years old.

2 (d) The applicant shall:

3 [(1) Be certified by a national certifying board;

4 (2) Have graduated from a respiratory care educational program that  
5 is accredited by the Council on Accreditation of Allied Health Education programs;  
6 and

7 (3) Meet the educational and clinical training requirements  
8 established by the Committee.]

9 (1) **MEET ANY EDUCATIONAL, TRAINING, OR EXAMINATION**  
10 **REQUIREMENTS ESTABLISHED BY THE BOARD INCLUDING:**

11 (I) **GRADUATION FROM AN APPROPRIATE EDUCATIONAL**  
12 **PROGRAM AS DETERMINED BY THE BOARD; AND**

13 (II) **CERTIFICATION BY A NATIONAL CERTIFYING BOARD**  
14 **APPROVED BY THE BOARD; AND**

15 (2) **DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN**  
16 **ENGLISH AS REQUIRED BY THE BOARD.**

17 14-5A-13.

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

20 (b) At least 1 month before the license expires, the Board shall send to the  
21 licensee[, by first-class mail to the last known address of the licensee,] a renewal  
22 notice that states:

23 (1) The date on which the current license expires;

24 (2) The date by which the renewal application must be received by the  
25 Board for the renewal to be issued and mailed before the license expires; and

26 (3) The amount of the renewal fee.

27 (c) Except as otherwise provided in this subtitle, before a license expires, the  
28 licensee periodically may renew it for an additional term, if the licensee:

29 [(1) Otherwise is entitled to be licensed;

1                   (2)] (1)       Pays to the Board a renewal fee set by the Board; [and

2                   (3)] (2)       Submits to the Board:

3                           (i)     A renewal application on the form that the Board requires;

4 and

5                           (ii)    Satisfactory evidence of compliance with any continuing  
6 education or competency requirements and other requirements set under this section  
7 for license renewal; **AND**

8                   **(3) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS**  
9 **ESTABLISHED BY THE BOARD.**

10           (d) (1) In addition to any other qualifications and requirements  
11 established by the Board, the Board may establish continuing education or competency  
12 requirements as a condition to the renewal of licenses under this section.

13                   **(2) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**  
14 **PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER §**  
15 **14-5A-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A**  
16 **LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE**  
17 **BOARD.**

18           (e) (1) The Board shall renew the license of each licensee who meets the  
19 requirements of this section.

20                   **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN**  
21 **2 YEARS.**

22           (f) The Board shall reinstate the license of a respiratory care practitioner  
23 who has [not placed the license on an inactive status and who has] failed to renew the  
24 license for any reason if the respiratory care practitioner:

25                   [(1) Applies for reinstatement within 30 days after the date the license  
26 expires; ]

27                   ~~(2)] (1)~~       Meets the renewal requirements of this section; [and

28                   (3)     Pays to the Board the reinstatement fee set by the Board.]

29                   ~~(1)] (2)~~       **SUBMITS TO THE BOARD:**

30                           **(1) A REINSTATEMENT APPLICATION ON THE FORM THAT**  
31 **THE BOARD REQUIRES; AND**

1 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
2 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND

3 ~~(2)~~ (3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED  
4 BY THE BOARD FOR REINSTATEMENT.

5 [14-5A-14.

6 (a) (1) Except for the holder of a temporary license issued under §  
7 14-5A-15 of this subtitle, the Board shall place a licensee on inactive status, if the  
8 licensee submits to the Board:

9 (i) An application for inactive status on the form required by  
10 the Board; and

11 (ii) The inactive status fee set by the Board.

12 (2) The Board shall issue a license to an individual who is on inactive  
13 status if the individual complies with the renewal requirements that exist at the time  
14 the individual changes from inactive to active status.

15 (b) The Board may reinstate the license of a respiratory care practitioner  
16 who has not been put on inactive status, who has failed to renew the license for any  
17 reason, and who applies for reinstatement more than 30 days after the license has  
18 expired, if the respiratory care practitioner:

19 (1) Meets the renewal requirements of § 14-5A-13 of this subtitle;

20 (2) Pays to the Board the reinstatement fee set by the Board; and

21 (3) Meets any other requirements established by regulation.]

22 **14-5A-14.**

23 (A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE  
24 IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

25 (B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS  
26 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

27 [14-5A-15.

28 (a) The Board may issue a temporary license to an applicant who:

1 (1) Has met the appropriate requirements for licensure of a  
2 respiratory care practitioner under § 14-5A-09 of this subtitle; or

3 (2) Has graduated from a respiratory care educational program that is  
4 accredited by the Council on Accreditation of Allied Health Education Programs and  
5 has applied for the first available national certifying examination.

6 (b) A temporary license issued to a respiratory care practitioner authorizes  
7 the holder to practice respiratory care only in association with a licensed respiratory  
8 care practitioner.

9 (c) A temporary license expires 45 days after the date when the results of the  
10 first examination that the holder was eligible to take are made public.

11 (d) The Board may not issue more than two temporary licenses to an  
12 individual.]

13 14-5A-16.

14 Unless the Board agrees to accept the surrender of a license, a licensed  
15 respiratory care practitioner [or holder of a temporary license] may not surrender the  
16 license nor may the license lapse by operation of law while the licensee is under  
17 investigation or while charges are pending against the licensee.

18 14-5A-17.

19 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**  
20 **THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM**, may deny a license [or  
21 temporary license] to any applicant, reprimand any licensee [or holder of a temporary  
22 license], place any licensee [or holder of a temporary license] on probation, or suspend  
23 or revoke a license [or temporary license] if the [applicant, licensee, or holder]  
24 **APPLICANT OR LICENSEE:**

25 (1) Fraudulently or deceptively obtains or attempts to obtain a license  
26 [or temporary license] for the applicant, licensee, [or holder] or for another;

27 (2) Fraudulently or deceptively uses a license [or temporary license];

28 (3) Is guilty of unprofessional or immoral conduct in the practice of  
29 respiratory care;

30 (4) Is professionally, physically, or mentally incompetent;

31 (5) Abandons a patient;

32 (6) Is habitually intoxicated;

- 1           (7) Is addicted to or habitually abuses any narcotic or controlled  
2 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 3           (8) Provides professional services while:
- 4               (i) Under the influence of alcohol; or
- 5               (ii) Using any narcotic or controlled dangerous substance as  
6 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of  
7 therapeutic amounts or without valid medical indication;
- 8           (9) Promotes the sale of services, drugs, devices, appliances, or goods  
9 to a patient so as to exploit the patient for financial gain;
- 10          (10) Willfully makes or files a false report or record in the practice of  
11 respiratory care;
- 12          (11) Willfully fails to file or record any report as required under law,  
13 willfully impedes or obstructs the filing or recording of a report, or induces another to  
14 fail to file or record a report;
- 15          (12) Breaches patient confidentiality;
- 16          (13) Pays or agrees to pay any sum or provide any form of remuneration  
17 or material benefit to any person for bringing or referring a patient or accepts or  
18 agrees to accept any sum or any form of remuneration or material benefit from an  
19 individual for bringing or referring a patient;
- 20          (14) Knowingly makes a misrepresentation while practicing respiratory  
21 care;
- 22          (15) Knowingly practices respiratory care with an unauthorized  
23 individual or aids an unauthorized individual in the practice of respiratory care;
- 24          (16) Offers, undertakes, or agrees to cure or treat disease by a secret  
25 method, treatment, or medicine;
- 26          (17) Is disciplined by a licensing or disciplinary authority or is  
27 convicted or disciplined by a court of any state or country or is disciplined by any  
28 branch of the United States uniformed services or the Veterans' Administration for an  
29 act that would be grounds for disciplinary action under the Board's disciplinary  
30 statutes;
- 31          (18) Fails to meet appropriate standards for the delivery of respiratory  
32 care performed in any inpatient or outpatient facility, office, hospital or related  
33 institution, domiciliary care facility, patient's home, or any other location in this State;

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

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

6                   (ii) The licensed individual:

7                           1. Surrendered the license issued by the state or  
8 country; or

9                           2. Allowed the license issued by the state or country to  
10 expire or lapse;

11           (21) Knowingly fails to report suspected child abuse in violation of §  
12 5-704 of the Family Law Article;

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

15           (23) Practices or attempts to practice beyond the authorized scope of  
16 practice;

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

20           (25)] **(24)** Refuses, withholds from, denies, or discriminates against an  
21 individual with regard to the provision of professional services for which the licensee is  
22 licensed and qualified to render because the individual is HIV positive; [or

23           (26)] **(25)** Practices or attempts to practice a respiratory care  
24 procedure or uses or attempts to use respiratory care equipment if the [applicant,  
25 licensee, or holder] **APPLICANT OR LICENSEE** has not received education and  
26 training in the performance of the procedure or the use of the equipment;

27           **(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**  
28 **CONDUCTED BY THE BOARD; OR**

29           **(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A**  
30 **PHYSICIAN OR VIOLATES A SUPERVISORY ORDER OF A SUPERVISING PHYSICIAN.**

31           (b) Except as otherwise provided in the Administrative Procedure Act, before  
32 the Board takes any action under subsection (a) of this section, it shall give the

1 individual against whom the action is contemplated an opportunity for a hearing  
2 before the Board in accordance with the hearing requirements of § 14–405 of this title.

3 (c) (1) On the filing of certified docket entries with the Board by the  
4 Office of the Attorney General, the Board shall order the suspension of a license if the  
5 licensee is convicted of or pleads guilty or nolo contendere with respect to a crime  
6 involving moral turpitude, whether or not any appeal or other proceeding is pending to  
7 have the conviction or plea set aside.

8 (2) After completion of the appellate process if the conviction has not  
9 been reversed or the plea has not been set aside with respect to a crime involving  
10 moral turpitude, the Board shall order the revocation of a license on the certification  
11 by the Office of the Attorney General.

12 **14–5A–17.1.**

13 (A) (1) **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**  
14 **BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD**  
15 **OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

16 (2) **THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**  
17 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

18 (B) **AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

19 (C) **THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**  
20 **MODIFIES ITS ORDER.**

21 **14–5A–19.**

22 On the application of an individual whose license has been revoked, the Board,  
23 on the affirmative vote of a majority of [its full authorized membership] **THE**  
24 **QUORUM**, may reinstate a revoked license.

25 **14–5A–22.1.**

26 (A) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED**  
27 **PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING**  
28 **RESPIRATORY CARE WITHOUT A LICENSE.**

29 (B) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,**  
30 **RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY**  
31 **NOT EMPLOY AN INDIVIDUAL PRACTICING RESPIRATORY CARE WITHOUT A**  
32 **LICENSE.**



1           (C)   **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR A**  
2 **VIOLATION OF THIS SECTION.**

3           (D)   **THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**  
4 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

5 14-5A-23.

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

9           (b)   Any person who violates [§ 14-5A-21] **A PROVISION** of this subtitle is  
10 subject to a civil fine of not more than \$5,000 to be levied by the Board.

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

13 14-5B-01.

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

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

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

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

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

22           (C)   **“CERTIFICATION” MEANS RECOGNITION OF AN INDIVIDUAL WHO**  
23 **HAS SATISFIED CERTAIN STANDARDS REQUIRED BY A NATIONAL CERTIFYING**  
24 **BOARD.**

25           [(f)] (D)   “Committee” means the [Radiation Oncology/Therapy Technology,  
26 Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY, and**  
27 **Nuclear Medicine Technology, AND RADIOLOGY ASSISTANCE** Advisory Committee of  
28 the Board.

29           (E)   **“HOLDER OF A TEMPORARY LICENSE” MEANS AN INDIVIDUAL WHO**  
30 **IS GRANTED A TEMPORARY LICENSE TO PRACTICE RADIATION THERAPY,**

1 RADIOGRAPHY, OR NUCLEAR MEDICINE TECHNOLOGY PENDING FULFILLMENT  
2 OF THE REQUIREMENTS UNDER § 14-5B-09(C) OF THIS SUBTITLE.

3 (F) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE  
4 AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ NUCLEAR MEDICINE  
5 TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.

6 (G) "LICENSED NUCLEAR MEDICINE TECHNOLOGIST" MEANS A  
7 NUCLEAR MEDICINE TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO  
8 PRACTICE NUCLEAR MEDICINE TECHNOLOGY.

9 (H) "LICENSED RADIATION THERAPIST" MEANS A RADIATION  
10 THERAPIST WHO IS LICENSED BY THE BOARD TO PRACTICE RADIATION  
11 THERAPY.

12 (I) "LICENSED RADIOGRAPHER" MEANS A RADIOGRAPHER WHO IS  
13 LICENSED BY THE BOARD TO PRACTICE RADIOGRAPHY.

14 (J) "LICENSED RADIOLOGIST ASSISTANT" MEANS AN INDIVIDUAL WHO  
15 IS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE UNDER THE SUPERVISION  
16 OF A LICENSED PHYSICIAN WHO:

17 (1) SPECIALIZES IN RADIOLOGY; AND

18 (2) IS CERTIFIED BY:

19 (I) THE AMERICAN BOARD OF RADIOLOGY;

20 (II) THE AMERICAN OSTEOPATHIC BOARD OF RADIOLOGY;

21 (III) THE BRITISH ROYAL COLLEGE OF RADIOLOGY; OR

22 (IV) THE CANADIAN COLLEGE OF PHYSICIANS AND  
23 SURGEONS.

24 ~~(J)~~ (K) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED BY THE  
25 BOARD TO PRACTICE AS A RADIATION THERAPIST, A RADIOGRAPHER, ~~OR~~ A  
26 NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.

27 ~~(K)~~ (L) "NATIONAL CERTIFYING BOARD" MEANS:

28 (1) THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS;

1                   (2)    **THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD;**  
2   **OR**

3                   (3)    **ANOTHER CERTIFYING ORGANIZATION ~~THAT HAS~~**  
4 **~~CERTIFICATION EQUIVALENT TO THE AMERICAN REGISTRY OF RADIOLOGIC~~**  
5 **~~TECHNOLOGISTS OR THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING~~**  
6 **~~BOARD APPROVED BY THE BOARD.~~**

7           [(g)    “Practice medical radiation technology” means to use ionizing radiation  
8 to:

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

11                   (2)    Perform tumor localization radiography; or

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

13           (h)] ~~(L)~~ (M) “Practice nuclear medicine technology” means to:

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

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

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

20           ~~(N)~~ (O)       **“PRACTICE RADIOGRAPHY” MEANS TO USE IONIZING**  
21 **RADIATION TO:**

22                   (1)    **DEMONSTRATE PORTIONS OF THE HUMAN BODY TO ASSIST IN**  
23 **THE DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY; OR**

24                   (2)    **PERFORM TUMOR LOCALIZATION RADIOGRAPHY.**

25           (P)    “PRACTICE RADIOLOGY ASSISTANCE” MEANS TO PRACTICE MEDICAL  
26 RADIATION TECHNOLOGY AND TO PERFORM:

27                   (1)    FLUOROSCOPY AND SELECTED RADIOLOGY PROCEDURES;

28                   (2)    PATIENT ASSESSMENT; AND

29                   (3)    PATIENT MANAGEMENT.

1            [(j)] ~~(O)~~ **(Q)** “Supervision” means the responsibility of a licensed physician to  
2 exercise on-site or immediately available direction for [a certified medical radiation  
3 technologist or a certified nuclear medicine technologist] **LICENSEES OR HOLDERS**  
4 **OF TEMPORARY LICENSES.**

5 14-5B-03.

6            The Board shall adopt regulations [for the certification of radiation  
7 oncology/therapy technologists, medical radiation technologists, and nuclear medicine  
8 technologists and for the practice of radiation oncology/therapy technology, medical  
9 radiation technology, and nuclear medicine technology] **TO CARRY OUT THE**  
10 **PROVISIONS OF THIS SUBTITLE.**

11 14-5B-04.

12            (a) (1) The Board shall set reasonable fees for the issuance of and renewal  
13 of [certificates] **LICENSES** and other services it provides to [radiation  
14 oncology/therapy technologists, medical radiation technologists, and nuclear medicine  
15 technologists] **LICENSEES AND HOLDERS OF TEMPORARY LICENSES.**

16            (2) The fees charged shall be set so as to produce funds to approximate  
17 the cost of maintaining the [certification] **LICENSURE** program and the other services  
18 provided to [radiation oncology/therapy technologists, medical radiation technologists,  
19 and nuclear medicine technologists] **LICENSEES AND HOLDERS OF TEMPORARY**  
20 **LICENSES.**

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

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

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

28 14-5B-05.

29            (a) There is a [Radiation Oncology/Therapy Technology, Medical Radiation  
30 Technology,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine**  
31 **Technology Advisory, AND RADIOLOGY ASSISTANCE** Committee within the Board.

32            (b) (1) The Committee consists of ~~eight~~ **10** members appointed by the  
33 Board.

1 (2) Of the ~~eight~~ **10** members:

2 (i) One shall be a licensed physician who specializes in  
3 radiology;

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

6 ~~(ii)~~ **(III)** One shall be a licensed physician who specializes in  
7 nuclear medicine;

8 ~~(iii)~~ **(IV)** One shall be a licensed physician who specializes in  
9 radiation oncology;

10 ~~(iv)~~ **(V)** One shall be a [radiation oncology/therapy  
11 technologist] **RADIATION THERAPIST;**

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

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

15 ~~(vi)~~ **(VIII)** One shall be a nuclear medicine technologist;

16 ~~(vii)~~ **(IX)** One shall be a consumer member; and

17 ~~(viii)~~ **(X)** One shall be a member of the Board.

18 (c) [The Board member shall serve as chairman of the Committee.] **FROM**  
19 **AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2**  
20 **YEARS.**

21 (d) The consumer member of the Committee:

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

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

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

27 (4)] **(3)** May not:

1 (i) [Have a substantial personal, business, professional, or  
 2 pecuniary connection with a medical field, an institution of medical education, or a  
 3 health care facility] **PARTICIPATE OR EVER HAVE PARTICIPATED IN A  
 4 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RADIATION THERAPY,  
 5 RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY  
 6 ASSISTANCE;**

7 (ii) Have a household member who participates in a commercial  
 8 or professional field related to [health care] **RADIATION THERAPY, RADIOGRAPHY,  
 9 ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE;** or

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

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

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

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

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

17 14-5B-06.

18 In addition to the powers set forth elsewhere in this subtitle, the Committee  
 19 shall:

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

22 (2) **MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF  
 23 ETHICS FOR THE PRACTICE OF RADIATION THERAPY, THE PRACTICE OF  
 24 RADIOGRAPHY, ~~AND~~ THE PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND  
 25 PRACTICE OF RADIOLOGY ASSISTANCE FOR ADOPTION BY THE BOARD;**

26 (3) **ON REQUEST, MAKE RECOMMENDATIONS TO THE BOARD ON  
 27 STANDARDS OF CARE FOR THE PRACTICE OF RADIATION THERAPY, PRACTICE  
 28 OF RADIOGRAPHY, ~~AND~~ PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND  
 29 PRACTICE OF RADIOLOGY ASSISTANCE;**

30 [(2)] (4) Make recommendations to the Board on the requirements  
 31 for **LICENSURE AS A** [radiation oncology/therapy technologist, medical radiation  
 32 technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine**  
 33 **technologist, OR RADIOLOGIST ASSISTANT;**

1           [(3)] **(5)** [Review] **ON REQUEST, REVIEW** applications for  
 2 [certification] **LICENSURE** as a [radiation oncology/therapy technologist, medical  
 3 radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear**  
 4 **medicine technologist, OR RADIOLOGIST ASSISTANT**[, if requested,] and make  
 5 recommendations to the Board;

6           [(4) At the request of the Board, investigate complaints against  
 7 certified radiation oncology/therapy technologists, certified medical radiation  
 8 technologists, and certified nuclear medicine technologists;]

9           **(6) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING**  
 10 **EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

11           [(5)] **(7)** Advise the Board on matters related to the practice of  
 12 [radiation oncology/therapy technology, the practice of medical radiation technology,]  
 13 **RADIATION THERAPY, THE PRACTICE OF RADIOGRAPHY, and the practice of**  
 14 **nuclear medicine technology, AND THE PRACTICE OF RADIOLOGY ASSISTANCE; AND**

15           [(6)] **(8)** Keep a record of its proceedings[; and

16           (7) Submit an annual report to the Board].

17 14-5B-07.

18           (a) (1) A [radiation oncology/therapy technologist, medical radiation  
 19 technologist, or nuclear medicine technologist] **LICENSEE OR HOLDER OF A**  
 20 **TEMPORARY LICENSE** may only practice under the supervision of a licensed  
 21 physician.

22           (2) The failure of a licensed physician to properly supervise a  
 23 [radiation oncology/therapy technologist, medical radiation technologist, or nuclear  
 24 medicine technologist] **LICENSEE** is unprofessional conduct in the practice of medicine  
 25 under § 14-404(a)(3) of this title.

26           (b) **(1) The EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 27 **SUBSECTION, THE** practice of a [radiation oncology/therapy technologist, medical  
 28 radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, [or] nuclear**  
 29 **medicine technologist, RADIOLOGIST ASSISTANT, OR HOLDER OF A TEMPORARY**  
 30 **LICENSE** is limited to those procedures, operations, preparations, and practices listed  
 31 in regulation.

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

33           **(1) INTERPRET IMAGES;**

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

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

3 14-5B-08.

4            (a)    **(1)** Except as otherwise provided in this subtitle, an individual shall  
5 be [certified] **LICENSED** by the Board before the individual may practice [radiation  
6 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**  
7 **RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** in this  
8 State.

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

10                                   **(I) INTERPRET IMAGES;**

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

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

13            [(b) Except as otherwise provided in this subtitle, a licensed physician may  
14 not employ or supervise an individual practicing radiation oncology/therapy  
15 technology, medical radiation technology, or nuclear medicine technology without a  
16 certificate.

17            (c) Except as otherwise provided in this subtitle, a hospital, related  
18 institution, alternative health system, or employer may not employ an individual  
19 practicing radiation oncology/therapy technology, medical radiation technology, or  
20 nuclear medicine technology without a certificate.

21            (d)    (1) The Board may impose a civil penalty of up to \$1,000 for employing  
22 an uncertified individual under this section.

23                                    (2) The Board shall remit any penalty collected under this subsection  
24 into the General Fund of the State.]

25                                    **(B) THIS SECTION DOES NOT APPLY TO:**

26                                    **(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT**  
27 **AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ A NUCLEAR MEDICINE**  
28 **TECHNOLOGIST, OR RADIOLOGIST ASSISTANT WHILE THE INDIVIDUAL IS**  
29 **PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT; OR**



1           **(2) A RADIATION THERAPY STUDENT, A RADIOGRAPHY STUDENT,**  
2 ~~**OR A NUCLEAR MEDICINE TECHNOLOGY STUDENT, OR A RADIOLOGY ASSISTANT**~~  
3 **STUDENT ENROLLED IN AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN**  
4 **APPROVED ACCREDITING ORGANIZATION WHILE PRACTICING RADIATION**  
5 **THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR**  
6 **RADIOLOGY ASSISTANCE IN THAT PROGRAM.**

7 14-5B-09.

8           (a) To qualify for a [certificate] **LICENSE**, an applicant shall be an individual  
9 who meets the requirements of this section.

10           (b) Except as provided in subsection (c) of this section, the applicant shall:

11                   (1) Be of good moral character;

12                   (2) Be at least 18 years old;

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

15                   (4) Meet any educational, training, or examination requirements  
16 [required] **ESTABLISHED** by the Board, **INCLUDING:**

17                               **(I) GRADUATION FROM AN APPROPRIATE EDUCATIONAL**  
18 **PROGRAM AS DETERMINED BY THE BOARD; AND**

19                               **(II) CERTIFICATION.**

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

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

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

29                   **(C) TO QUALIFY FOR A LICENSE TO PRACTICE AS A RADIOLOGIST**  
30 **ASSISTANT, AN APPLICANT SHALL:**

1 (1) BE ISSUED A GENERAL LICENSE TO PERFORM MEDICAL  
 2 RADIATION TECHNOLOGY;

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

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

9 (4) BE CERTIFIED AS A RADIOLOGIST ASSISTANT BY THE  
 10 AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS.

11 ~~(C)~~ (D) (1) ~~THE~~ EXCEPT FOR A LICENSE TO PRACTICE RADIOLOGY  
 12 ASSISTANCE, THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT  
 13 WHO:

14 (I) EXCEPT FOR THE CERTIFICATION REQUIREMENT, HAS  
 15 MET ALL OF THE REQUIREMENTS FOR LICENSURE IN THIS SECTION; AND

16 (II) IS SCHEDULED TO TAKE A NATIONAL CERTIFYING  
 17 EXAMINATION WITHIN 3 MONTHS AFTER GRADUATION FROM AN APPROPRIATE  
 18 EDUCATIONAL PROGRAM.

19 (2) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE  
 20 ISSUANCE OF TEMPORARY LICENSES TO APPLICANTS IN ACCORDANCE WITH  
 21 THIS SUBSECTION.

22 (d) Except for requirements adopted by the Board for [certificate] LICENSE  
 23 renewal under [§ 14-5B-10] § 14-5B-12 of this subtitle, nothing in this subtitle may  
 24 be construed to require an individual who is certified by the Board as a radiation  
 25 oncology/therapy technologist, medical radiation technologist, or nuclear medicine  
 26 technologist as of [July 1, 2001] **OCTOBER 1, 2008**, to meet additional education,  
 27 training, or examination requirements [in order to remain certified].

28 14-5B-10.

29 (a) To apply for a [certificate] LICENSE, an applicant shall:

30 (1) Submit an application to the Board on the form that the Board  
 31 requires; and

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

1 (b) The Board shall issue the appropriate [certificate] LICENSE to an  
2 applicant who meets the requirements of this subtitle for that [certificate] LICENSE.

3 [14-5B-11.

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

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

8 (c) Certification as a radiation oncology/therapy technologist authorizes an  
9 individual to practice radiation oncology/therapy technology while the certificate is  
10 effective.]

11 **14-5B-11.**

12 (A) **LICENSURE AS A RADIATION THERAPIST AUTHORIZES AN**  
13 **INDIVIDUAL TO PRACTICE RADIATION THERAPY WHILE THE LICENSE IS**  
14 **EFFECTIVE.**

15 (B) **LICENSURE AS A RADIOGRAPHER AUTHORIZES AN INDIVIDUAL TO**  
16 **PRACTICE RADIOGRAPHY WHILE THE LICENSE IS EFFECTIVE.**

17 (C) **LICENSURE AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES**  
18 **AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE**  
19 **LICENSE IS EFFECTIVE.**

20 (D) **LICENSURE AS A RADIOLOGIST ASSISTANT AUTHORIZES AN**  
21 **INDIVIDUAL TO PRACTICE RADIOLOGY ASSISTANCE WHILE THE LICENSE IS**  
22 **EFFECTIVE.**

23 14-5B-12.

24 (a) A [certificate] LICENSE expires on a date set by the Board, unless the  
25 [certificate] LICENSE is renewed for an additional term as provided in this section.

26 (b) At least 1 month before the [certificate] LICENSE expires, the Board  
27 shall send to the [certified individual, by first-class mail to the last known address of  
28 the individual,] LICENSEE a renewal notice that states:

29 (1) The date on which the current [certificate] LICENSE expires;

1           (2)    The date by which the renewal application must be received by the  
2 Board for the renewal to be issued and mailed before the [certificate] **LICENSE**  
3 expires; and

4           (3)    The amount of the renewal fee.

5           (c)    Except as otherwise provided in this subtitle, before a [certificate]  
6 **LICENSE** expires, the [certified] **LICENSED** individual may periodically renew it for  
7 an additional term, if the individual:

8           (1)    Otherwise is entitled to be [certified] **LICENSED**;

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

10          (3)    Submits to the Board:

11                   (i)    A renewal application on the form that the Board requires;  
12 and

13                   (ii)   Satisfactory evidence of compliance with any continuing  
14 education or competency requirements and other requirements required by the Board  
15 for [certificate] **LICENSE** renewal.

16          (d)    (1)    In addition to any other qualifications and requirements  
17 established by the Board, the Board may establish continuing education or competency  
18 requirements as a condition to the renewal of [certificates] **LICENSES** under this  
19 section.

20                   (2)    **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**  
21 **PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION UNDER**  
22 **§ 14-5B-14 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A**  
23 **LICENSEE TO OBTAIN THE CONTINUING MEDICAL EDUCATION CREDITS**  
24 **REQUIRED BY THE BOARD.**

25          (e)    (1)    The Board shall renew the [certificate] **LICENSE** of each individual  
26 who meets the **RENEWAL** requirements of this section.

27                   (2)    **A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN**  
28 **2 YEARS.**

29          (f)    The Board shall reinstate the [certificate] **LICENSE** of a [radiation  
30 oncology/therapy technologist, medical radiation technologist,] **RADIATION**  
31 **THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, *OR RADIOLOGIST***  
32 **ASSISTANT** who has failed to renew a [certificate] **LICENSE** for any reason if the  
33 [radiation oncology/therapy technologist, medical radiation technologist,] **RADIATION**

1 **THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST**  
 2 **ASSISTANT:**

3 [(1) Meets any additional reinstatement requirements required by the  
 4 Board; and

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

6 (1) **SUBMITS TO THE BOARD:**

7 (I) **A REINSTATEMENT APPLICATION ON THE FORM THAT**  
 8 **THE BOARD REQUIRES; AND**

9 (II) **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**  
 10 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

11 (2) **MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY**  
 12 **THE BOARD FOR REINSTATEMENT.**

13 **14-5B-12.1.**

14 (A) **A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE**  
 15 **IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

16 (B) **A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS**  
 17 **SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

18 **14-5B-13.**

19 Unless the Board agrees to accept the surrender of a [certificate] **LICENSE OR**  
 20 **TEMPORARY LICENSE**, a [certified radiation oncology/therapy technologist, a certified  
 21 medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE**  
 22 **OR HOLDER OF A TEMPORARY LICENSE** may not surrender the [certificate]  
 23 **LICENSE OR TEMPORARY LICENSE** and the [certificate] **LICENSE OR TEMPORARY**  
 24 **LICENSE** may not lapse by operation of law while the [certified radiation  
 25 oncology/therapy technologist, certified medical radiation technologist, or certified  
 26 nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**  
 27 is under investigation or while charges are pending against the [certified radiation  
 28 oncology/therapy technologist, certified medical radiation technologist, or certified  
 29 nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE.**

30 **14-5B-14.**

31 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**  
 32 **THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM** may deny a [certificate]

1 **LICENSE OR TEMPORARY LICENSE** to any applicant [for a certificate], reprimand  
2 any [certified radiation oncology/therapy technologist, certified medical radiation  
3 technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A**  
4 **TEMPORARY LICENSE**, place any [certified radiation oncology/therapy technologist,  
5 certified medical radiation technologist, or certified nuclear medicine technologist]  
6 **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** on probation, or suspend or  
7 revoke a [certificate] **LICENSE** if the applicant[, certified radiation oncology/therapy  
8 technologist, certified medical radiation technologist, or certified nuclear medicine  
9 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**:

10 (1) Fraudulently or deceptively obtains or attempts to obtain a  
11 [certificate] **LICENSE OR TEMPORARY LICENSE** for the applicant, [certified]  
12 **LICENSED** individual, **HOLDER OF A TEMPORARY LICENSE**, or for another;

13 (2) Fraudulently or deceptively uses a [certificate] **LICENSE OR**  
14 **TEMPORARY LICENSE**;

15 (3) Is guilty of unprofessional or immoral conduct in the practice of  
16 [radiation oncology/therapy technology, medical radiation technology,] **RADIATION**  
17 **THERAPY, RADIOGRAPHY, ~~OR~~ nuclear medicine technology, OR RADIOLOGY**  
18 **ASSISTANCE**;

19 (4) Is professionally, physically, or mentally incompetent;

20 (5) Abandons a patient;

21 (6) Is habitually intoxicated;

22 (7) Is addicted to or habitually abuses any narcotic or controlled  
23 dangerous substance as defined in § 5–101 of the Criminal Law Article;

24 (8) Provides professional services while:

25 (i) Under the influence of alcohol; or

26 (ii) Using any narcotic or controlled dangerous substance as  
27 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of  
28 therapeutic amounts or without valid medical indication;

29 (9) Promotes the sale of services, drugs, devices, appliances, or goods  
30 to a patient so as to exploit the patient for financial gain;

31 (10) Willfully makes or files a false report or record in the practice of  
32 [respiratory care] **RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE**  
33 **TECHNOLOGY, OR RADIOLOGY ASSISTANCE**;

1 (11) Willfully fails to file or record any report as required under law,  
2 willfully impedes or obstructs the filing or recording of a report, or induces another to  
3 fail to file or record a report;

4 (12) Breaches patient confidentiality;

5 (13) Pays or agrees to pay any sum or provide any form of remuneration  
6 or material benefit to any person for bringing or referring a patient or accepts or  
7 agrees to accept any sum or any form of remuneration or material benefit from an  
8 individual for bringing or referring a patient;

9 (14) Knowingly makes a misrepresentation while practicing [radiation  
10 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**  
11 **RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE**;

12 (15) Knowingly practices [radiation oncology/therapy technology,  
13 medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear  
14 medicine technology, **OR RADIOLOGY ASSISTANCE** with an unauthorized individual  
15 or aids an unauthorized individual in the practice of [radiation oncology/therapy  
16 technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~  
17 nuclear medicine technology, **OR RADIOLOGY ASSISTANCE**;

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

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

25 (18) Fails to meet appropriate standards for the delivery of quality  
26 [radiation oncology/therapy technology care, medical radiation technology care,]  
27 **RADIATION THERAPY, RADIOGRAPHY,** ~~or~~ nuclear medicine technology, **OR**  
28 **RADIOLOGY ASSISTANCE** care performed in any outpatient surgical facility, office,  
29 hospital or related institution, or any other location in this State;

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

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

35 (ii) The [certified] **LICENSED** individual:





1 individual against whom the action is contemplated an opportunity for a hearing  
2 before the Board in accordance with the hearing requirements of § 14–405 of this title.

3 (c) (1) On the filing of certified docket entries with the Board by the  
4 Office of the Attorney General, the Board shall order the suspension of a [certified  
5 individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** if the [individual]  
6 **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is convicted of or pleads guilty  
7 or nolo contendere with respect to a crime involving moral turpitude, whether or not  
8 any appeal or other proceeding is pending to have the conviction or plea set aside.

9 (2) After completion of the appellate process if the conviction has not  
10 been reversed or the plea has not been set aside with respect to a crime involving  
11 moral turpitude, the Board shall order the revocation of a [certificate] **LICENSE OR**  
12 **TEMPORARY LICENSE** on the certification by the Office of the Attorney General.

13 **14–5B–14.1.**

14 (A) (1) **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**  
15 **BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD**  
16 **OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

17 (2) **THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**  
18 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

19 (B) **AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

20 (C) **THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**  
21 **MODIFIES ITS ORDER.**

22 **14–5B–15.**

23 (a) Except as provided in subsections (b) and (d) of this section, hospitals,  
24 related institutions, alternative health systems as defined in § 1–401 of this article,  
25 and employers shall file with the Board a report that the hospital, related institution,  
26 alternative health system, or employer limited, reduced, otherwise changed, or  
27 terminated any [radiation oncology/therapy technologist, certified medical radiation  
28 technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A**  
29 **TEMPORARY LICENSE** for any [reasons] **REASON** that might be grounds for  
30 disciplinary action under § 14–5B–13 of this subtitle.

31 (b) A hospital, related institution, alternative health system, or employer  
32 that has reason to know that a [certified radiation oncology/therapy technologist,  
33 medical radiation technologist, or nuclear medical technologist] **LICENSEE OR**  
34 **HOLDER OF A TEMPORARY LICENSE** has committed an action or has a condition  
35 that might be grounds for reprimand or probation of the [certified radiation

1 oncology/therapy technologist, medical radiation technologist, or nuclear medical  
2 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** or suspension or  
3 revocation of the [certification] **LICENSURE** because the [certified radiation  
4 oncology/therapy technologist, medical radiation technologist, or nuclear medical  
5 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is alcohol impaired  
6 or drug impaired is not required to report the [technologist] **LICENSEE OR HOLDER**  
7 **OF A TEMPORARY LICENSE** to the Board if:

8 (1) The hospital, related institution, alternative health system, or  
9 employer knows that the [certified radiation oncology/therapy technologist, medical  
10 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**  
11 **TEMPORARY LICENSE** is:

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

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

17 (2) (i) The hospital, related institution, alternative health system,  
18 or employer is able to verify that the [certified radiation oncology/therapy technologist,  
19 medical radiation technologist, or nuclear medical technologist] **LICENSEE OR**  
20 **HOLDER OF A TEMPORARY LICENSE** remains in the treatment program until  
21 discharge; and

22 (ii) The action or condition of the [certified radiation  
23 oncology/therapy technologist, medical radiation technologist, or nuclear medical  
24 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not caused  
25 injury to any person while the [technologist] **LICENSEE OR HOLDER OF A**  
26 **TEMPORARY LICENSE** is practicing [as a certified radiation oncology/therapy  
27 technologist, medical technologist, or nuclear medical technologist].

28 (c) (1) If the [certified radiation oncology/therapy technologist, medical  
29 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**  
30 **TEMPORARY LICENSE** enters, or is considering entering, an alcohol or drug  
31 treatment program that is accredited by the Joint Commission on Accreditation of  
32 Health Care Organizations or that is certified by the Department, the [certified  
33 radiation oncology/therapy technologist, medical radiation technologist, or nuclear  
34 medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall  
35 notify the hospital, related institution, alternative health system, or employer of the  
36 [certified radiation oncology/therapy technologist's, medical radiation technologist's, or  
37 nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** decision to enter the  
38 treatment program.

1           (2) If the [certified radiation oncology/therapy technologist, medical  
2 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**  
3 **TEMPORARY LICENSE** fails to provide the notice required under paragraph (1) of this  
4 subsection, and the hospital, related institution, alternative health system, or  
5 employer learns that the [certified radiation oncology/therapy technologist, medical  
6 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**  
7 **TEMPORARY LICENSE** has entered a treatment program, the hospital, related  
8 institution, alternative health system, or employer shall report to the Board that the  
9 [certified radiation oncology/therapy technologist, medical radiation technologist, or  
10 nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**  
11 has entered a treatment program and has failed to provide the required notice.

12           (3) If the [certified radiation oncology/therapy technologist, medical  
13 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**  
14 **TEMPORARY LICENSE** is found to be noncompliant with the treatment program's  
15 policies and procedures while in the treatment program, the treatment program shall  
16 notify the hospital, related institution, alternative health system, or employer of the  
17 [certified radiation oncology/therapy technologist's, medical radiation technologist's, or  
18 nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance.

19           (4) On receipt of the notification required under paragraph (3) of this  
20 subsection, the hospital, related institution, alternative health system, or employer of  
21 the [certified radiation oncology/therapy technologist, medical radiation technologist,  
22 or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**  
23 shall report the [certified radiation oncology/therapy technologist's, medical radiation  
24 technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S**  
25 noncompliance to the Board.

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

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

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

34           (g) (1) The Board may impose a civil penalty of up to \$1,000 for failure to  
35 report under this section.

36           (2) The Board shall remit any penalty collected under this subsection  
37 into the General Fund of the State.

1 14-5B-16.

2 On the application of an individual whose [certificate] **LICENSE** has been  
3 revoked, the Board may reinstate a revoked [certificate] **LICENSE**.

4 14-5B-17.

5 (a) Except as otherwise provided in this subtitle, a person may not practice,  
6 attempt to practice, or offer to practice [medical radiation technology] **RADIATION**  
7 **THERAPY** in this State unless [certified] **LICENSED** to practice [medical radiation  
8 technology] **RADIATION THERAPY** by the Board.

9 (b) Except as otherwise provided in this subtitle, a person may not practice,  
10 attempt to practice, or offer to practice nuclear medicine technology in this State  
11 unless [certified] **LICENSED** to practice nuclear medicine technology by the Board.

12 (c) Except as otherwise provided in this subtitle, a person may not practice,  
13 attempt to practice, or offer to practice [radiation oncology/therapy technology]  
14 **RADIOGRAPHY** in this State unless [certified] **LICENSED** to practice [radiation  
15 oncology/therapy technology] **RADIOGRAPHY** by the Board.

16 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON**  
17 **MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE**  
18 **RADIOLOGY ASSISTANCE IN THIS STATE UNLESS LICENSED TO PRACTICE**  
19 **RADIOLOGY ASSISTANCE BY THE BOARD.**

20 14-5B-18.

21 (a) Unless authorized to practice [radiation oncology/therapy technology,  
22 medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~** nuclear  
23 medicine technology, **OR RADIOLOGY ASSISTANCE** under this subtitle, a person may  
24 not represent to the public by title, by description of services, methods, or procedures,  
25 or otherwise, that the person is authorized to practice [radiation oncology/therapy  
26 technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~**  
27 nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** in this State.

28 (b) A person may not provide, attempt to provide, offer to provide, or  
29 represent that the person provides [radiation oncology/therapy technology care,  
30 medical radiation technology care,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~**  
31 nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** care unless the [medical  
32 radiation technology care] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~** nuclear  
33 medicine technology, **OR RADIOLOGY ASSISTANCE** care is provided by an individual  
34 who is authorized to practice [radiation oncology/therapy technology, medical  
35 radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~** nuclear medicine  
36 technology, **OR RADIOLOGY ASSISTANCE** under this subtitle.

1 **14-5B-18.1.**

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED  
3 PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING  
4 RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR  
5 RADIOLOGY ASSISTANCE WITHOUT A LICENSE OR TEMPORARY LICENSE.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,  
7 RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY  
8 NOT EMPLOY AN INDIVIDUAL PRACTICING RADIATION THERAPY, RADIOGRAPHY,  
9 ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE WITHOUT A  
10 LICENSE OR TEMPORARY LICENSE.

11 (C) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR  
12 EMPLOYING AN INDIVIDUAL WITHOUT A LICENSE OR TEMPORARY LICENSE  
13 UNDER THIS SECTION.

14 (D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS  
15 SECTION INTO THE GENERAL FUND OF THE STATE.

16 **14-5B-20.**

17 This subtitle may be cited as the “Maryland [Radiation Oncology/Therapy  
18 Technologists, Medical Radiation Technologists,] **RADIATION THERAPY,**  
19 **RADIOGRAPHY, ~~and~~ Nuclear Medicine [Technologists] TECHNOLOGY, AND**  
20 **RADIOLOGY ASSISTANCE** Act”.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2008.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.