

HOUSE BILL 1517

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8lr2106

By: **Delegate Donoghue**

Introduced and read first time: February 20, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 29, 2008

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Respiratory Care Practitioners, Radiation Therapists, Radiographers, and**
3 **Nuclear Medicine Technologists – Various Changes**

4 FOR the purpose of repealing the State Board of Physician's authority to place
5 respiratory care practitioners on inactive status and issue temporary licenses to
6 respiratory care practitioners; altering certain qualifications for consumer
7 members on the Respiratory Care Professional Standards Committee and on
8 the Radiation Therapy, Radiography, and Nuclear Medicine Technology
9 Advisory Committee; requiring the committees to elect chairmen at certain
10 times; altering the duties of the committees; establishing that certain students
11 of respiratory care, radiation therapy, radiography, and nuclear medicine
12 technology who are enrolled and practicing in certain education programs are
13 not required to hold certain licenses; repealing certain provisions regarding
14 veterans in certain respiratory care educational programs; altering certain
15 licensure, renewal, and reinstatement requirements for respiratory care
16 practitioners, radiation therapists, radiographers, and nuclear medicine
17 technologists; repealing a requirement that the Board send certain notice by a
18 certain method; establishing certain civil penalties for failure by respiratory
19 care practitioners, radiation therapists, radiographers, and nuclear medicine
20 technologists to complete certain continuing education credits; establishing that
21 certain licenses may not be renewed for longer than a certain number of years;
22 requiring that certain respiratory care practitioners, radiation therapists,
23 radiographers, and nuclear medicine technologists notify the Board of certain
24 changes of address within a certain time and establishing a certain
25 administrative penalty for failure to comply; establishing that certain Board

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.



1 votes require the affirmative vote of a majority of a quorum; altering certain
 2 causes for disciplining respiratory care practitioners, radiation therapists,
 3 radiographers, and nuclear medicine technologists; establishing an appeal
 4 process for certain persons aggrieved by certain Board decisions; prohibiting
 5 certain physicians, hospitals, related institutions, alternative health systems
 6 and employees from employing certain unlicensed individuals and authorizing
 7 the Board to impose a certain civil penalty; clarifying certain types of radiation
 8 practices regulated by the Board; substituting licensure for certification as the
 9 credential for radiation therapists, radiographers, and nuclear medicine
 10 technologists; establishing that certain individuals employed by the federal
 11 government to practice radiation therapy, radiography, or nuclear medicine
 12 technology are not required to hold certain licenses; repealing a certain
 13 internship program; authorizing the Board to issue certain temporary licenses
 14 to practice radiation therapy, radiography, and nuclear medicine technology;
 15 establishing that certain certified individuals are not required to meet certain
 16 requirements; and generally relating to respiratory care practitioners, radiation
 17 therapists, radiographers, and nuclear medicine technologists.

18 BY repealing and reenacting, with amendments,
 19 Article – Health Occupations
 20 Section 14–5A–01, 14–5A–06, 14–5A–07 through 14–5A–09, 14–5A–13,
 21 14–5A–16, 14–5A–17, 14–5A–19, 14–5A–23, 14–5B–01, 14–5B–03
 22 through 14–5B–10, 14–5B–12 through 14–5B–18, and 14–5B–20
 23 Annotated Code of Maryland
 24 (2005 Replacement Volume and 2007 Supplement)

25 BY repealing
 26 Article – Health Occupations
 27 Section 14–5A–14, 14–5A–15, and 14–5B–11
 28 Annotated Code of Maryland
 29 (2005 Replacement Volume and 2007 Supplement)

30 BY adding to
 31 Article – Health Occupations
 32 Section 14–5A–14, 14–5A–17.1, 14–5A–22.1, 14–5B–11, 14–5B–12.1,
 33 14–5B–14.1, and 14–5B–18.1
 34 Annotated Code of Maryland
 35 (2005 Replacement Volume and 2007 Supplement)

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

38 **Article – Health Occupations**

39 14–5A–01.

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

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

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

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

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

8 **(F) “LICENSEE” MEANS A LICENSED RESPIRATORY CARE**
9 **PRACTITIONER.**

10 [(f)] **(G)** “National certifying board” means the National Board for
11 Respiratory Care or a certifying organization that has certification requirements
12 equivalent to the National Board for Respiratory Care and that has been approved by
13 the Board.

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

19 (2) “Practice respiratory care” includes:

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

22 (ii) Practicing the principles, techniques, and theories derived
23 from cardiopulmonary medicine;

24 (iii) Evaluating and treating individuals whose cardiopulmonary
25 functions have been threatened or impaired by developmental defects, the aging
26 process, physical injury, disease, or actual or anticipated dysfunction of the
27 cardiopulmonary system;

28 (iv) Observing and monitoring physical signs and symptoms,
29 general behavior, and general physical response to respiratory care procedures and
30 determining if initiation, modification, or discontinuation of a treatment regimen is
31 warranted;

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

1 (vi) Using evaluation techniques that include cardiopulmonary
2 function assessments, gas exchange, the need and effectiveness of therapeutic
3 modalities and procedures, and the assessment and evaluation of the need for
4 extended care and home care procedures, therapy, and equipment; and

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

- 7 1. Except for general anesthesia, therapeutic and
8 diagnostic gases;
- 9 2. Prescribed medication for inhalation or direct tracheal
10 installation;
- 11 3. The administration of analgesic agents by
12 subcutaneous injection or inhalation for the performance of respiratory care
13 procedures;
- 14 4. Nonsurgical insertion, maintenance, and removal of
15 artificial airways;
- 16 5. Advanced cardiopulmonary measures;
- 17 6. Cardiopulmonary rehabilitation;
- 18 7. Mechanical ventilation or physiological life support
19 systems;
- 20 8. Collection of body fluids and blood samples for
21 evaluation and analysis;
- 22 9. Insertion of diagnostic arterial access lines; and
- 23 10. Collection and analysis of exhaled respiratory gases.

24 [(h)] (I) "Supervision" means the responsibility of a physician to exercise
25 on-site or immediately available direction for a licensed respiratory care practitioner
26 performing delegated medical acts.

27 [(i) "Temporary license" means a license issued by the Board under and as
28 limited by § 14-5A-15 of this subtitle to practice respiratory care.]

29 14-5A-06.

30 (a) The Committee consists of seven members appointed by the Board as
31 follows:

- 1 (1) Three respiratory care practitioners;
- 2 (2) Three physicians:
- 3 (i) One of whom is a specialist in thoracic surgery;
- 4 (ii) One of whom is a specialist in pulmonary medicine; and
- 5 (iii) One of whom is a specialist in anesthesiology; and
- 6 (3) One consumer member.
- 7 (b) The consumer member of the Committee:
- 8 (1) Shall be a member of the general public;
- 9 (2) May not be or ever have been:
- 10 (i) A respiratory care practitioner;
- 11 (ii) Any health care professional; or
- 12 (iii) In training to be a respiratory care practitioner or other
- 13 health professional; **AND**
- 14 [(3) May not have a household member who is a health professional or
- 15 is in training to be a health professional; and
- 16 (4)] **(3)** May not:
- 17 (i) Participate or ever have participated in a commercial or
- 18 professional field related to respiratory care;
- 19 (ii) Have a household member who participates in a commercial
- 20 or professional field related to respiratory care;
- 21 (iii) Have had within 2 years before appointment a financial
- 22 interest in a person regulated by the Board; or
- 23 (iv) Have had within 2 years before appointment a financial
- 24 interest in the provision of goods or services to respiratory care practitioners or to the
- 25 field of respiratory care.
- 26 (c) (1) The term of a member is 3 years.
- 27 (2) The terms of members are staggered [as required by the terms
- 28 provided for members of the Board on July 1, 1996].

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

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

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

7 14-5A-07.

8 In addition to the powers set forth elsewhere in this subtitle, the Committee
9 shall:

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

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

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

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

18 (i) Criteria for the educational and clinical training of
19 respiratory care practitioners; and

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

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

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

26 [(7)] **(5)** Evaluate the credentials of applicants **AS NECESSARY** and
27 recommend licensure of applicants who fulfill the requirements for a license to
28 practice respiratory care;

29 [(8)] **(6)** Develop and recommend to the Board continuing education
30 requirements for license renewal;

1 [(9)] (7) Provide the Board with recommendations concerning the
2 practice of respiratory care;

3 [(10)] (8) Develop and recommend to the Board criteria related to the
4 practice of respiratory care in the home setting; **AND**

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

7 (12)] (9) Keep a record of its proceedings[; and

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

9 14-5A-08.

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

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

13 (1) **AN** individual employed by the federal government as a
14 respiratory care practitioner while the individual is practicing within the scope of that
15 employment; **OR**

16 (2) **A RESPIRATORY CARE PRACTITIONER STUDENT ENROLLED IN**
17 **AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED**
18 **ACCREDITING ORGANIZATION WHILE PRACTICING RESPIRATORY CARE IN THE**
19 **PROGRAM.**

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

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

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

25 1. Has served on active duty in the United States armed
26 forces;

27 2. Has been honorably discharged; and

28 3. Meets the requirements of this section.

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

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

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

5 (ii) Has practiced in the military with one of the following
6 specialties:

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

9 2. Army 91V; or

10 3. United States Air Force 90450 or United States Air
11 Force 90250 with advanced experience;

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

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

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

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

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

27 (5) Upon graduation from an approved educational program, a
28 veteran:

29 (i) Ceases to qualify to practice respiratory care under this
30 section; and

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

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

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

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

8 14-5A-09.

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

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

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

13 (d) The applicant shall:

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

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

18 (3) Meet the educational and clinical training requirements
19 established by the Committee.]

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

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

24 **(II) CERTIFICATION BY A NATIONAL CERTIFYING BOARD**
25 **APPROVED BY THE BOARD; AND**

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

28 14-5A-13.

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

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

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

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

7 (3) The amount of the renewal fee.

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

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

11 (2)] (1) Pays to the Board a renewal fee set by the Board; [and

12 (3)] (2) Submits to the Board:

13 (i) A renewal application on the form that the Board requires;
14 and

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

18 (3) **MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS**
19 **ESTABLISHED BY THE BOARD.**

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

23 (2) **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**
24 **PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER §**
25 **14-5A-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A**
26 **LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE**
27 **BOARD.**

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

30 (2) **A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN**
31 **2 YEARS.**

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

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

6 ~~(2)~~ **(1)** Meets the renewal requirements of this section; [and

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

8 ~~(4)~~ **(2)** **SUBMITS TO THE BOARD:**

9 **(I) A REINSTATEMENT APPLICATION ON THE FORM THAT**
 10 **THE BOARD REQUIRES; AND**

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

13 ~~(2)~~ **(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED**
 14 **BY THE BOARD FOR REINSTATEMENT.**

15 [14-5A-14.

16 (a) (1) Except for the holder of a temporary license issued under §
 17 14-5A-15 of this subtitle, the Board shall place a licensee on inactive status, if the
 18 licensee submits to the Board:

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

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

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

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

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

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

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

2 **14-5A-14.**

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

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

7 [14-5A-15.

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

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

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

14 (b) A temporary license issued to a respiratory care practitioner authorizes
15 the holder to practice respiratory care only in association with a licensed respiratory
16 care practitioner.

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

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

21 **14-5A-16.**

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

26 **14-5A-17.**

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

- 1 (1) Fraudulently or deceptively obtains or attempts to obtain a license
2 [or temporary license] for the applicant, licensee, [or holder] or for another;
- 3 (2) Fraudulently or deceptively uses a license [or temporary license];
- 4 (3) Is guilty of unprofessional or immoral conduct in the practice of
5 respiratory care;
- 6 (4) Is professionally, physically, or mentally incompetent;
- 7 (5) Abandons a patient;
- 8 (6) Is habitually intoxicated;
- 9 (7) Is addicted to or habitually abuses any narcotic or controlled
10 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 11 (8) Provides professional services while:
 - 12 (i) Under the influence of alcohol; or
 - 13 (ii) Using any narcotic or controlled dangerous substance as
14 defined in § 5–101 of the Criminal Law Article or any other drug that is in excess of
15 therapeutic amounts or without valid medical indication;
- 16 (9) Promotes the sale of services, drugs, devices, appliances, or goods
17 to a patient so as to exploit the patient for financial gain;
- 18 (10) Willfully makes or files a false report or record in the practice of
19 respiratory care;
- 20 (11) Willfully fails to file or record any report as required under law,
21 willfully impedes or obstructs the filing or recording of a report, or induces another to
22 fail to file or record a report;
- 23 (12) Breaches patient confidentiality;
- 24 (13) Pays or agrees to pay any sum or provide any form of remuneration
25 or material benefit to any person for bringing or referring a patient or accepts or
26 agrees to accept any sum or any form of remuneration or material benefit from an
27 individual for bringing or referring a patient;
- 28 (14) Knowingly makes a misrepresentation while practicing respiratory
29 care;

1 (15) Knowingly practices respiratory care with an unauthorized
2 individual or aids an unauthorized individual in the practice of respiratory care;

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

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

10 (18) Fails to meet appropriate standards for the delivery of respiratory
11 care performed in any inpatient or outpatient facility, office, hospital or related
12 institution, domiciliary care facility, patient's home, or any other location in this State;

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

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

18 (ii) The licensed individual:

19 1. Surrendered the license issued by the state or
20 country; or

21 2. Allowed the license issued by the state or country to
22 expire or lapse;

23 (21) Knowingly fails to report suspected child abuse in violation of §
24 5-704 of the Family Law Article;

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

27 (23) Practices or attempts to practice beyond the authorized scope of
28 practice;

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

32 (25)] (24) Refuses, withholds from, denies, or discriminates against an
33 individual with regard to the provision of professional services for which the licensee is
34 licensed and qualified to render because the individual is HIV positive; [or

1 (26)] **(25)** Practices or attempts to practice a respiratory care
2 procedure or uses or attempts to use respiratory care equipment if the [applicant,
3 licensee, or holder] **APPLICANT OR LICENSEE** has not received education and
4 training in the performance of the procedure or the use of the equipment;

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

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

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

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

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

22 **14–5A–17.1.**

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

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

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

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

31 **14–5A–19.**

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

4 **14-5A-22.1.**

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

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

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

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

16 **14-5A-23.**

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

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

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

24 **14-5B-01.**

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

26 (b) "Board" means the State Board of Physicians.

27 [(c) "Certificate" means a certificate issued by the Board to practice as a
28 medical radiation technologist or nuclear medicine technologist.

29 (d) "Certified medical radiation technologist" means a medical radiation
30 technologist who is certified by the Board to practice medical radiation technology.

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

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

6 [(f)] (D) “Committee” means the [Radiation Oncology/Therapy Technology,
7 Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY,** and
8 Nuclear Medicine Technology Advisory Committee of the Board.

9 (E) **“HOLDER OF A TEMPORARY LICENSE” MEANS AN INDIVIDUAL WHO**
10 **IS GRANTED A TEMPORARY LICENSE TO PRACTICE RADIATION THERAPY,**
11 **RADIOGRAPHY, OR NUCLEAR MEDICINE TECHNOLOGY PENDING FULFILLMENT**
12 **OF THE REQUIREMENTS UNDER § 14-5B-09(C) OF THIS SUBTITLE.**

13 (F) **“LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE**
14 **AS A RADIATION THERAPIST, RADIOGRAPHER, OR NUCLEAR MEDICINE**
15 **TECHNOLOGIST.**

16 (G) **“LICENSED NUCLEAR MEDICINE TECHNOLOGIST” MEANS A**
17 **NUCLEAR MEDICINE TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO**
18 **PRACTICE NUCLEAR MEDICINE TECHNOLOGY.**

19 (H) **“LICENSED RADIATION THERAPIST” MEANS A RADIATION**
20 **THERAPIST WHO IS LICENSED BY THE BOARD TO PRACTICE RADIATION**
21 **THERAPY.**

22 (I) **“LICENSED RADIOGRAPHER” MEANS A RADIOGRAPHER WHO IS**
23 **LICENSED BY THE BOARD TO PRACTICE RADIOGRAPHY.**

24 (J) **“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.**

27 (K) **“NATIONAL CERTIFYING BOARD” MEANS:**

28 (1) **THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS;**

29 (2) **THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD;**

30 **OR**

31 (3) **ANOTHER CERTIFYING ORGANIZATION ~~THAT HAS~~**
32 **~~CERTIFICATION EQUIVALENT TO THE AMERICAN REGISTRY OF RADIOLOGIC~~**

1 ~~TECHNOLOGISTS OR THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING~~
2 ~~BOARD APPROVED BY THE BOARD.~~

3 [(g) “Practice medical radiation technology” means to use ionizing radiation
4 to:

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

7 (2) Perform tumor localization radiography; or

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

9 (h)] (L) “Practice nuclear medicine technology” means to:

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

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

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

16 (N) **“PRACTICE RADIOGRAPHY” MEANS TO USE IONIZING RADIATION**
17 **TO:**

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

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

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

25 14-5B-03.

26 The Board shall adopt regulations [for the certification of radiation
27 oncology/therapy technologists, medical radiation technologists, and nuclear medicine
28 technologists and for the practice of radiation oncology/therapy technology, medical
29 radiation technology, and nuclear medicine technology] **TO CARRY OUT THE**
30 **PROVISIONS OF THIS SUBTITLE.**

31 14-5B-04.

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

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

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

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

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

17 14-5B-05.

18 (a) There is a [Radiation Oncology/Therapy Technology, Medical Radiation
19 Technology,] **RADIATION THERAPY, RADIOGRAPHY,** and Nuclear Medicine
20 Technology Advisory Committee within the Board.

21 (b) (1) The Committee consists of eight members appointed by the Board.

22 (2) Of the eight members:

23 (i) One shall be a licensed physician who specializes in
24 radiology;

25 (ii) One shall be a licensed physician who specializes in nuclear
26 medicine;

27 (iii) One shall be a licensed physician who specializes in
28 radiation oncology;

29 (iv) One shall be a [radiation oncology/therapy technologist]
30 **RADIATION THERAPIST**;

31 (v) One shall be a [medical radiation technologist]
32 **RADIOGRAPHER**;

1 (vi) One shall be a nuclear medicine technologist;

2 (vii) One shall be a consumer member; and

3 (viii) One shall be a member of the Board.

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

7 (d) The consumer member of the Committee:

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

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

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

13 (4)] **(3)** May not:

14 (i) [Have a substantial personal, business, professional, or
15 pecuniary connection with a medical field, an institution of medical education, or a
16 health care facility] **PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
17 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RADIATION THERAPY,**
18 **RADIOGRAPHY, OR NUCLEAR MEDICINE TECHNOLOGY;**

19 (ii) Have a household member who participates in a commercial
20 or professional field related to [health care] **RADIATION THERAPY, RADIOGRAPHY,**
21 **OR NUCLEAR MEDICINE TECHNOLOGY;** or

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

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

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

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

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

29 14-5B-06.

1 In addition to the powers set forth elsewhere in this subtitle, the Committee
2 shall:

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

5 (2) **MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF**
6 **ETHICS FOR THE PRACTICE OF RADIATION THERAPY, THE PRACTICE OF**
7 **RADIOGRAPHY, AND THE PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY FOR**
8 **ADOPTION BY THE BOARD;**

9 (3) **ON REQUEST, MAKE RECOMMENDATIONS TO THE BOARD ON**
10 **STANDARDS OF CARE FOR THE PRACTICE OF RADIATION THERAPY, PRACTICE**
11 **OF RADIOGRAPHY, AND PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY;**

12 [(2)] (4) Make recommendations to the Board on the requirements
13 for **LICENSURE AS A** [radiation oncology/therapy technologist, medical radiation
14 technologist,] **RADIATION THERAPIST, RADIOGRAPHER,** or nuclear medicine
15 technologist;

16 [(3)] (5) [Review] **ON REQUEST, REVIEW** applications for
17 [certification] **LICENSURE** as a [radiation oncology/therapy technologist, medical
18 radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER,** or nuclear
19 medicine technologist[, if requested,] and make recommendations to the Board;

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

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

25 [(5)] (7) Advise the Board on matters related to the practice of
26 [radiation oncology/therapy technology, the practice of medical radiation technology,]
27 **RADIATION THERAPY, PRACTICE OF RADIOGRAPHY,** and the practice of nuclear
28 medicine technology; **AND**

29 [(6)] (8) Keep a record of its proceedings[; and

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

31 14-5B-07.

32 (a) (1) A [radiation oncology/therapy technologist, medical radiation
33 technologist, or nuclear medicine technologist] **LICENSEE OR HOLDER OF A**

1 **TEMPORARY LICENSE** may only practice under the supervision of a licensed
2 physician.

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

7 (b) The practice of a [radiation oncology/therapy technologist, medical
8 radiation technologist,] **RADIATION THERAPIST, RADIOGRAPHER, [or] nuclear
9 medicine technologist, OR HOLDER OF A TEMPORARY LICENSE** is limited to those
10 procedures, operations, preparations, and practices listed in regulation.

11 14-5B-08.

12 (a) Except as otherwise provided in this subtitle, an individual shall be
13 [certified] **LICENSED** by the Board before the individual may practice [radiation
14 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,
15 RADIOGRAPHY,** or nuclear medicine technology in this State.

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

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

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

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

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

29 **(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT**
30 **AS A RADIATION THERAPIST, RADIOGRAPHER, OR A NUCLEAR MEDICINE**
31 **TECHNOLOGIST WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF**
32 **THAT EMPLOYMENT; OR**

33 **(2) A RADIATION THERAPY STUDENT, A RADIOGRAPHY STUDENT,**
34 **OR A NUCLEAR MEDICINE TECHNOLOGY STUDENT ENROLLED IN AN EDUCATION**
35 **PROGRAM WHICH IS ACCREDITED BY AN APPROVED ACCREDITING**

1 **ORGANIZATION WHILE PRACTICING RADIATION THERAPY, RADIOGRAPHY, OR**
2 **NUCLEAR MEDICINE TECHNOLOGY IN THAT PROGRAM.**

3 14-5B-09.

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

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

7 (1) Be of good moral character;

8 (2) Be at least 18 years old;

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

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

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

15 (II) **CERTIFICATION.**

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 (c) (1) **THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN**
26 **APPLICANT WHO:**

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

29 (II) **IS SCHEDULED TO TAKE A NATIONAL CERTIFYING**
30 **EXAMINATION WITHIN 3 MONTHS AFTER GRADUATION FROM AN APPROPRIATE**
31 **EDUCATIONAL PROGRAM.**

1 **(2) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE**
2 **ISSUANCE OF TEMPORARY LICENSES TO APPLICANTS IN ACCORDANCE WITH**
3 **THIS SUBSECTION.**

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

10 14-5B-10.

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

12 (1) Submit an application to the Board on the form that the Board
13 requires; and

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

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

17 [14-5B-11.

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

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

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

25 **14-5B-11.**

26 **(A) LICENSURE AS A RADIATION THERAPIST AUTHORIZES AN**
27 **INDIVIDUAL TO PRACTICE RADIATION THERAPY WHILE THE LICENSE IS**
28 **EFFECTIVE.**

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

1 **(C) LICENSURE AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES**
2 **AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE**
3 **LICENSE IS EFFECTIVE.**

4 14-5B-12.

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

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

10 (1) The date on which the current [certificate] **LICENSE** 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] **LICENSE**
13 expires; and

14 (3) The amount of the renewal fee.

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

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

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

20 (3) Submits to the Board:

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

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

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

30 **(2) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100**
31 **PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION UNDER**
32 **§ 14-5B-14 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A**

1 **LICENSEE TO OBTAIN THE CONTINUING MEDICAL EDUCATION CREDITS**
2 **REQUIRED BY THE BOARD.**

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

5 (2) **A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN**
6 **2 YEARS.**

7 (f) The Board shall reinstate the [certificate] **LICENSE** of a [radiation
8 oncology/therapy technologist, medical radiation technologist,] **RADIATION**
9 **THERAPIST, RADIOGRAPHER,** or nuclear medicine technologist who has failed to
10 renew a [certificate] **LICENSE** for any reason if the [radiation oncology/therapy
11 technologist, medical radiation technologist,] **RADIATION THERAPIST,**
12 **RADIOGRAPHER,** or nuclear medicine technologist:

13 [(1) Meets any additional reinstatement requirements required by the
14 Board; and

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

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

17 (I) **A REINSTATEMENT APPLICATION ON THE FORM THAT**
18 **THE BOARD REQUIRES; AND**

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

21 (2) **MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY**
22 **THE BOARD FOR REINSTATEMENT.**

23 **14-5B-12.1.**

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

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

28 **14-5B-13.**

29 Unless the Board agrees to accept the surrender of a [certificate] **LICENSE OR**
30 **TEMPORARY LICENSE,** a [certified radiation oncology/therapy technologist, a certified
31 medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE**

1 **OR HOLDER OF A TEMPORARY LICENSE** may not surrender the [certificate]
2 **LICENSE OR TEMPORARY LICENSE** and the [certificate] **LICENSE OR TEMPORARY**
3 **LICENSE** may not lapse by operation of law while the [certified radiation
4 oncology/therapy technologist, certified medical radiation technologist, or certified
5 nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**
6 is under investigation or while charges are pending against the [certified radiation
7 oncology/therapy technologist, certified medical radiation technologist, or certified
8 nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**.

9 14-5B-14.

10 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON**
11 **THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM** may deny a [certificate]
12 **LICENSE OR TEMPORARY LICENSE** to any applicant [for a certificate], reprimand
13 any [certified radiation oncology/therapy technologist, certified medical radiation
14 technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A**
15 **TEMPORARY LICENSE**, place any [certified radiation oncology/therapy technologist,
16 certified medical radiation technologist, or certified nuclear medicine technologist]
17 **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** on probation, or suspend or
18 revoke a [certificate] **LICENSE** if the applicant[, certified radiation oncology/therapy
19 technologist, certified medical radiation technologist, or certified nuclear medicine
20 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**:

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

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

26 (3) Is guilty of unprofessional or immoral conduct in the practice of
27 [radiation oncology/therapy technology, medical radiation technology,] **RADIATION**
28 **THERAPY, RADIOGRAPHY**, or nuclear medicine technology;

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

30 (5) Abandons a patient;

31 (6) Is habitually intoxicated;

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

34 (8) Provides professional services while:

35 (i) Under the influence of alcohol; or

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

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

6 (10) Willfully makes or files a false report or record in the practice of
7 [respiratory care] **RADIATION THERAPY, RADIOGRAPHY, OR NUCLEAR MEDICINE**
8 **TECHNOLOGY;**

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

12 (12) Breaches patient confidentiality;

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

17 (14) Knowingly makes a misrepresentation while practicing [radiation
18 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**
19 **RADIOGRAPHY,** or nuclear medicine technology;

20 (15) Knowingly practices [radiation oncology/therapy technology,
21 medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY,** or nuclear
22 medicine technology with an unauthorized individual or aids an unauthorized
23 individual in the practice of [radiation oncology/therapy technology, medical radiation
24 technology,] **RADIATION THERAPY, RADIOGRAPHY,** or nuclear medicine technology;

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

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

32 (18) Fails to meet appropriate standards for the delivery of quality
33 [radiation oncology/therapy technology care, medical radiation technology care,]
34 **RADIATION THERAPY, RADIOGRAPHY,** or nuclear medicine technology care
35 performed in any outpatient surgical facility, office, hospital or related institution, or
36 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 [certified] **LICENSED** individual:

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

9 2. Allowed the [certificate or] license issued by the state
10 or country to 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 [radiation
22 oncology/therapy technologist, certified medical radiation technologist, or certified
23 nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**
24 is [certified] **LICENSED** and qualified to render because the individual is HIV positive;
25 [or

26 (26)] **(25)** Practices or attempts to practice a [radiation
27 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**
28 **RADIOGRAPHY,** or nuclear medicine technology procedure or uses [radiation
29 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**
30 **RADIOGRAPHY,** or nuclear medicine technology equipment if the applicant or
31 [certified individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not
32 received education, internship, training, or experience in the performance of the
33 procedure or the use of the equipment;

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

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

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

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

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

19 **14-5B-14.1.**

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

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

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

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

28 **14-5B-15.**

29 (a) Except as provided in subsections (b) and (d) of this section, hospitals,
30 related institutions, alternative health systems as defined in § 1-401 of this article,
31 and employers shall file with the Board a report that the hospital, related institution,
32 alternative health system, or employer limited, reduced, otherwise changed, or
33 terminated any [radiation oncology/therapy technologist, certified medical radiation
34 technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A**

1 **TEMPORARY LICENSE** for any [reasons] **REASON** that might be grounds for
2 disciplinary action under § 14–5B–13 of this subtitle.

3 (b) A hospital, related institution, alternative health system, or employer
4 that has reason to know that a [certified radiation oncology/therapy technologist,
5 medical radiation technologist, or nuclear medical technologist] **LICENSEE OR**
6 **HOLDER OF A TEMPORARY LICENSE** has committed an action or has a condition
7 that might be grounds for reprimand or probation of the [certified radiation
8 oncology/therapy technologist, medical radiation technologist, or nuclear medical
9 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** or suspension or
10 revocation of the [certification] **LICENSURE** because the [certified radiation
11 oncology/therapy technologist, medical radiation technologist, or nuclear medical
12 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is alcohol impaired
13 or drug impaired is not required to report the [technologist] **LICENSEE OR HOLDER**
14 **OF A TEMPORARY LICENSE** to the Board if:

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

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

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

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

29 (ii) The action or condition of the [certified radiation
30 oncology/therapy technologist, medical radiation technologist, or nuclear medical
31 technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not caused
32 injury to any person while the [technologist] **LICENSEE OR HOLDER OF A**
33 **TEMPORARY LICENSE** is practicing [as a certified radiation oncology/therapy
34 technologist, medical technologist, or nuclear medical technologist].

35 (c) (1) If the [certified radiation oncology/therapy technologist, medical
36 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**
37 **TEMPORARY LICENSE** enters, or is considering entering, an alcohol or drug
38 treatment program that is accredited by the Joint Commission on Accreditation of

1 Health Care Organizations or that is certified by the Department, the [certified
2 radiation oncology/therapy technologist, medical radiation technologist, or nuclear
3 medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall
4 notify the hospital, related institution, alternative health system, or employer of the
5 [certified radiation oncology/therapy technologist's, medical radiation technologist's, or
6 nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** decision to enter the
7 treatment program.

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

19 (3) If the [certified radiation oncology/therapy technologist, medical
20 radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**
21 **TEMPORARY LICENSE** is found to be noncompliant with the treatment program's
22 policies and procedures while in the treatment program, the treatment program shall
23 notify the hospital, related institution, alternative health system, or employer of the
24 [certified radiation oncology/therapy technologist's, medical radiation technologist's, or
25 nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance.

26 (4) On receipt of the notification required under paragraph (3) of this
27 subsection, the hospital, related institution, alternative health system, or employer of
28 the [certified radiation oncology/therapy technologist, medical radiation technologist,
29 or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**
30 shall report the [certified radiation oncology/therapy technologist's, medical radiation
31 technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S**
32 noncompliance to the Board.

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

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

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

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

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

5 14-5B-16.

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

8 14-5B-17.

9 (a) Except as otherwise provided in this subtitle, a person may not practice,
10 attempt to practice, or offer to practice [medical radiation technology] **RADIATION**
11 **THERAPY** in this State unless [certified] **LICENSED** to practice [medical radiation
12 technology] **RADIATION THERAPY** 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] **LICENSED** 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]
18 **RADIOGRAPHY** in this State unless [certified] **LICENSED** to practice [radiation
19 oncology/therapy technology] **RADIOGRAPHY** 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 under this subtitle, a person may not represent to the public by
24 title, by description of services, methods, or procedures, or otherwise, that the person
25 is authorized to practice [radiation oncology/therapy technology, medical radiation
26 technology,] **RADIATION THERAPY, RADIOGRAPHY,** or nuclear medicine technology
27 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 care unless the [medical radiation technology care]
32 **RADIATION THERAPY, RADIOGRAPHY,** or nuclear medicine technology care is
33 provided by an individual who is authorized to practice [radiation
34 oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY,**
35 **RADIOGRAPHY,** or nuclear medicine technology 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
 5 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 WITHOUT A LICENSE OR TEMPORARY
 10 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 Act**".

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.