

SENATE BILL 580

J2

8lr2017

By: **Senators Conway, Colburn, Lenett, and Stoltzfus**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Radiation Oncology/ Therapy Technologists, Medical Radiation**
3 **Technologists, Radiologist Assistants, and Nuclear Medicine**
4 **Technologists – Licensure**

5 FOR the purpose of requiring the State Board of Physicians to adopt certain
6 regulations for the licensure of radiologist assistants and the licensure instead
7 of certification of radiation oncology/therapy technologists, medical radiation
8 technologists, and nuclear medicine technologists; requiring the Board to set
9 certain fees; altering the name and membership of the Radiation
10 Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear
11 Medicine Technology Advisory Committee; requiring the Committee to make
12 certain recommendations, review certain applications, investigate certain
13 complaints, and provide certain advice regarding radiologist assistants;
14 providing for the supervision of certain radiologist assistants; requiring the
15 Board to determine certain duties of certain radiologist assistants; requiring
16 that certain individuals be licensed by the Board to practice radiology
17 assistance on or before a certain date; establishing certain qualifications for
18 certain radiologist assistants; providing for the renewal and reinstatement of
19 certain licenses for radiologist assistants; authorizing the Board to deny,
20 reprimand, place on probation, or suspend or revoke the licensure of a
21 radiologist assistant under certain circumstances; requiring certain reports to
22 be filed by certain health care institutions regarding radiologist assistants;
23 allowing certain exceptions to filing certain reports; requiring certain
24 notification of entrance into certain treatment programs; prohibiting the
25 unauthorized practice of radiology assistance; prohibiting the practice or
26 representation of the ability to practice radiology assistance without a certain
27 license; substituting licensure for certification as the professional credential for
28 medical radiation technologists and nuclear medicine technologists; requiring
29 that the Board issue certain licenses to certain certified medical radiation
30 technologists and nuclear medicine technologists at the time certain certificates
31 expire and in accordance with certain renewal requirements; authorizing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain certified medical radiation technologists and nuclear medicine
2 technologists to continue to practice until certain licenses are issued; making
3 certain technical changes; defining certain terms; and generally relating to the
4 licensure of radiologist assistants.

5 BY repealing and reenacting, with amendments,
6 Article – Health Occupations
7 Section 14–5B–01, 14–5B–03 through 14–5B–18, and 14–5B–20
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2007 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Health Occupations
12 Section 14–5B–02, 14–5B–19, and 14–5B–21
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2007 Supplement)

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

17 **Article – Health Occupations**

18 14–5B–01.

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

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

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

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

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

27 [(f)] (C) “Committee” means the Radiation Oncology/Therapy Technology,
28 Medical Radiation Technology, **RADIOLOGY ASSISTANCE**, and Nuclear Medicine
29 Technology Advisory Committee of the Board.

30 (D) **“LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE**
31 **AS A MEDICAL RADIATION TECHNOLOGIST OR NUCLEAR MEDICINE**
32 **TECHNOLOGIST.**

1 **(E) “LICENSED MEDICAL RADIATION TECHNOLOGIST” MEANS A**
2 **MEDICAL RADIATION TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO**
3 **PRACTICE MEDICAL RADIATION TECHNOLOGY.**

4 **(F) “LICENSED NUCLEAR MEDICINE TECHNOLOGIST” MEANS A**
5 **NUCLEAR MEDICINE TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO**
6 **PRACTICE NUCLEAR MEDICINE TECHNOLOGY.**

7 **(G) “LICENSED RADIOLOGIST ASSISTANT” MEANS AN INDIVIDUAL WHO**
8 **IS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE UNDER THE SUPERVISION**
9 **OF A LICENSED PHYSICIAN WHO:**

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

11 **(2) IS CERTIFIED BY:**

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

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

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

15 **(IV) THE CANADIAN COLLEGE OF PHYSICIANS AND**
16 **SURGEONS.**

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

19 **(1) Demonstrate portions of the human body to assist in the diagnosis**
20 **or localization of disease or injury;**

21 **(2) Perform tumor localization radiography; or**

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

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

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

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

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

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

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

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

5 **(3) PATIENT MANAGEMENT.**

6 **[(j)] (L) “Supervision” means the responsibility of a licensed physician to**
7 **exercise on-site or immediately available direction for a [certified] LICENSED medical**
8 **radiation technologist or a [certified] LICENSED nuclear medicine technologist.**

9 14-5B-02.

10 This subtitle does not limit the right of an individual to practice a health
11 occupation that the individual is authorized to practice under this article.

12 14-5B-03.

13 The Board shall adopt regulations for the [certification] **LICENSURE** of
14 radiation oncology/therapy technologists, medical radiation technologists,
15 **RADIOLOGIST ASSISTANTS**, and nuclear medicine technologists and for the practice
16 of radiation oncology/therapy technology, medical radiation technology, **RADIOLOGY**
17 **ASSISTANCE**, and nuclear medicine technology.

18 14-5B-04.

19 (a) (1) The Board shall set reasonable fees for the issuance of and renewal
20 of [certificates] **LICENSES** and other services it provides to radiation oncology/therapy
21 technologists, medical radiation technologists, **RADIOLOGIST ASSISTANTS**, and
22 nuclear medicine technologists.

23 (2) The fees charged shall be set so as to produce funds to approximate
24 the cost of maintaining the [certification] **LICENSURE** program and the other services
25 provided to radiation oncology/therapy technologists, medical radiation technologists,
26 **RADIOLOGIST ASSISTANTS**, and nuclear medicine technologists.

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

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

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

4 14-5B-05.

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

8 (b) (1) The Committee consists of [eight] **10** members appointed by the
9 Board.

10 (2) Of the [eight] **10** members:

11 (i) One shall be a licensed physician who specializes in
12 radiology;

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

15 [(ii)] **(III)** One shall be a licensed physician who specializes in
16 nuclear medicine;

17 [(iii)] **(IV)** One shall be a licensed physician who specializes in
18 radiation oncology;

19 [(iv)] **(V)** One shall be a radiation oncology/therapy
20 technologist;

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

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

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

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

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

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

27 (d) The consumer member of the Committee:

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

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

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

5 (4) May not:

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

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

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

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

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

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

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

18 14-5B-06.

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

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

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

26 (3) Review applications for [certification] **LICENSURE** as a radiation
27 oncology/therapy technologist, medical radiation technologist, **RADIOLOGIST**
28 **ASSISTANT**, or nuclear medicine technologist, if requested, and make
29 recommendations to the Board;

30 (4) At the request of the Board, investigate complaints against
31 [certified] **LICENSED** radiation oncology/therapy technologists, [certified] **LICENSED**

1 medical radiation technologists, **LICENSED RADIOLOGIST ASSISTANTS**, and
2 **[certified] LICENSED** nuclear medicine technologists;

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

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

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

9 14-5B-07.

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

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

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

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

23 (I) **INTERPRET IMAGES;**

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

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

26 14-5B-08.

27 (a) (1) Except as otherwise provided in this subtitle, an individual shall
28 be **[certified] LICENSED** by the Board before the individual may practice radiation
29 oncology/therapy technology, medical radiation technology, or nuclear medicine
30 technology in this State.

31 (2) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR**
32 **BEFORE OCTOBER 1, 2009, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD**

1 **BEFORE THE INDIVIDUAL MAY PRACTICE RADIOLOGY ASSISTANCE IN THIS**
2 **STATE.**

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

7 (c) Except as otherwise provided in this subtitle, a hospital, related
8 institution, alternative health system, or employer may not employ an individual
9 practicing radiation oncology/therapy technology, medical radiation technology,
10 **RADIOLOGY ASSISTANCE**, or nuclear medicine technology without a [certificate]
11 **LICENSE**.

12 (d) (1) The Board may impose a civil penalty of up to \$1,000 for employing
13 an [uncertified] **UNLICENSED** individual under this section.

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

16 14-5B-09.

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

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

21 (1) Be of good moral character;

22 (2) Be at least 18 years old;

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

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

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

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

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

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

10 (E) **TO QUALIFY FOR A LICENSE TO PRACTICE AS A RADIOLOGIST**
11 **ASSISTANT, AN APPLICANT SHALL:**

12 (1) **BE ISSUED A GENERAL LICENSE TO PERFORM MEDICAL**
13 **RADIATION TECHNOLOGY;**

14 (2) **COMPLETE AN ADVANCED ACADEMIC PROGRAM WITH A**
15 **NATIONALLY RECOGNIZED RADIOLOGY CURRICULUM THAT RESULTS IN A**
16 **BACCALAUREATE DEGREE, POST BACCALAUREATE CERTIFICATE, OR**
17 **GRADUATE DEGREE AND INCORPORATES A RADIOLOGIST-DIRECTED CLINICAL**
18 **PRECEPTORSHIP;**

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

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

22 14-5B-10.

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

24 (1) Submit an application to the Board on the form that the Board
25 requires; and

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

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

29 14-5B-11.

30 (a) [Certification] **LICENSURE** as a medical radiation technologist
31 authorizes an individual to practice medical radiation technology while the
32 [certificate] **LICENSE** is effective.

1 (b) [Certification] **LICENSURE** as a nuclear medicine technologist authorizes
2 an individual to practice nuclear medicine technology while the [certificate] **LICENSE**
3 is effective.

4 (c) [Certification] **LICENSURE** as a radiation oncology/therapy technologist
5 authorizes an individual to practice radiation oncology/therapy technology while the
6 [certificate] **LICENSE** is effective.

7 **(D) LICENSURE AS A RADIOLOGIST ASSISTANT AUTHORIZES AN**
8 **INDIVIDUAL TO PRACTICE AS A RADIOLOGIST ASSISTANT WHILE THE LICENSE IS**
9 **EFFECTIVE.**

10 14-5B-12.

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

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

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

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

20 (3) The amount of the renewal fee.

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

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

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

26 (3) Submits to the Board:

27 (i) A renewal application on the form that the Board requires;
28 and

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

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

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

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

11 (1) Meets any additional reinstatement requirements required by the
12 Board; and

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

14 14-5B-13.

15 Unless the Board agrees to accept the surrender of a [certificate,] **LICENSE**, a
16 [certified] **LICENSED** radiation oncology/therapy technologist, a [certified] **LICENSED**
17 medical radiation technologist, **LICENSED RADIOLOGIST ASSISTANT**, or [certified]
18 **LICENSED** nuclear medicine technologist may not surrender the [certificate] **LICENSE**
19 and the [certificate] **LICENSE** may not lapse by operation of law while the [certified]
20 **LICENSED** radiation oncology/therapy technologist, [certified] **LICENSED** medical
21 radiation technologist, **LICENSED RADIOLOGIST ASSISTANT**, or [certified]
22 **LICENSED** nuclear medicine technologist is under investigation or while charges are
23 pending against the [certified] **LICENSED** radiation oncology/therapy technologist,
24 [certified] **LICENSED** medical radiation technologist, **LICENSED RADIOLOGIST**
25 **ASSISTANT**, or [certified] **LICENSED** nuclear medicine technologist.

26 14-5B-14.

27 (a) Subject to the hearing provisions of § 14-405 of this title, the Board may
28 deny a [certificate] **LICENSE** to any applicant for a [certificate,] **LICENSE**, reprimand
29 any [certified] **LICENSED** radiation oncology/therapy technologist, [certified]
30 **LICENSED** medical radiation technologist, **LICENSED RADIOLOGIST ASSISTANT**, or
31 [certified] **LICENSED** nuclear medicine technologist, place any [certified] **LICENSED**
32 radiation oncology/therapy technologist, [certified] **LICENSED** medical radiation
33 technologist, **LICENSED RADIOLOGIST ASSISTANT**, or [certified] **LICENSED** nuclear
34 medicine technologist, on probation, or suspend or revoke a [certificate] **LICENSE** if
35 the applicant, [certified] **LICENSED** radiation oncology/therapy technologist,

1 [certified] **LICENSED** medical radiation technologist, **LICENSED RADIOLOGIST**
2 **ASSISTANT**, or [certified] **LICENSED** nuclear medicine technologist:

3 (1) Fraudulently or deceptively obtains or attempts to obtain a
4 [certificate] **LICENSE** for the applicant, certified individual, or for another;

5 (2) Fraudulently or deceptively uses a [certificate] **LICENSE**;

6 (3) Is guilty of unprofessional or immoral conduct in the practice of
7 radiation oncology/therapy technology, medical radiation technology, **RADIOLOGY**
8 **ASSISTANCE**, or nuclear medicine technology;

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

10 (5) Abandons a patient;

11 (6) Is habitually intoxicated;

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

14 (8) Provides professional services while:

15 (i) Under the influence of alcohol; or

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

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

21 (10) Willfully makes or files a false report or record in the practice of
22 respiratory care;

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

26 (12) Breaches patient confidentiality;

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

1 (14) Knowingly makes a misrepresentation while practicing radiation
2 oncology/therapy technology, medical radiation technology, **RADIOLOGY ASSISTANCE**,
3 or nuclear medicine technology;

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

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

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

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

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

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

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

27 1. Surrendered the certificate or license issued by the
28 state or country; or

29 2. Allowed the certificate or license issued by the state or
30 country to expire or lapse;

31 (21) Knowingly fails to report suspected child abuse in violation of §
32 5-704 of the Family Law Article;

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

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

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

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

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

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

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

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

32 14–5B–15.

33 (a) Except as provided in subsections (b) and (d) of this section, hospitals,
34 related institutions, alternative health systems as defined in § 1–401 of this article,
35 and employers shall file with the Board a report that the hospital, related institution,
36 alternative health system, or employer limited, reduced, otherwise changed, or
37 terminated any **LICENSED** radiation oncology/therapy technologist, [certified]
38 **LICENSED** medical radiation technologist, **LICENSED RADIOLOGIST ASSISTANT**, or

1 [certified] **LICENSED** nuclear medicine technologist for any reasons that might be
2 grounds for 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] **LICENSED** radiation oncology/therapy
5 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
6 medical technologist has committed an action or has a condition that might be grounds
7 for reprimand or probation of the [certified] **LICENSED** radiation oncology/therapy
8 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
9 medical technologist or suspension or revocation of the [certification] **LICENSURE**
10 because the [certified] **LICENSED** radiation oncology/therapy technologist, medical
11 radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist is
12 alcohol impaired or drug impaired is not required to report the technologist to the
13 Board if:

14 (1) The hospital, related institution, alternative health system, or
15 employer knows that the [certified] **LICENSED** radiation oncology/therapy
16 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
17 medical technologist is:

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

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

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

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

33 (c) (1) If the [certified] **LICENSED** radiation oncology/therapy
34 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
35 medical technologist enters, or is considering entering, an alcohol or drug treatment
36 program that is accredited by the Joint Commission on Accreditation of Health Care
37 Organizations or that is certified by the Department, the [certified] **LICENSED**
38 radiation oncology/therapy technologist, medical radiation technologist,
39 **RADIOLOGIST ASSISTANT**, or nuclear medical technologist shall notify the hospital,

1 related institution, alternative health system, or employer of the [certified] **LICENSED**
2 radiation oncology/therapy technologist's, medical radiation technologist's,
3 **RADIOLOGIST ASSISTANT'S**, or nuclear medical technologist's decision to enter the
4 treatment program.

5 (2) If the [certified] **LICENSED** radiation oncology/therapy
6 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
7 medical technologist fails to provide the notice required under paragraph (1) of this
8 subsection, and the hospital, related institution, alternative health system, or
9 employer learns that the [certified] **LICENSED** radiation oncology/therapy
10 technologist, medical radiation technologist, **RADIOLOGIST ASSISTANT**, or nuclear
11 medical technologist has entered a treatment program, the hospital, related
12 institution, alternative health system, or employer shall report to the Board that the
13 [certified] **LICENSED** radiation oncology/therapy technologist, medical radiation
14 technologist, **RADIOLOGIST ASSISTANT**, or nuclear medical technologist has entered
15 a treatment program and has failed to provide the required notice.

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

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

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

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

36 (f) A report made under this section is not subject to subpoena or discovery
37 in any civil action other than a proceeding arising out of a hearing and decision of the
38 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 in this State
11 unless [certified] **LICENSED** to practice medical radiation technology by the Board.

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

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

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

23 14-5B-18.

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

30 (b) A person may not provide, attempt to provide, offer to provide, or
31 represent that the person provides radiation oncology/therapy technology care,
32 medical radiation technology care, **RADIOLOGY ASSISTANCE CARE**, or nuclear
33 medicine technology care unless the **RADIATION ONCOLOGY/THERAPY**
34 **TECHNOLOGY CARE**, medical radiation technology care, **RADIOLOGY ASSISTANCE**
35 **CARE**, or nuclear medicine technology care is provided by an individual who is

1 authorized to practice radiation oncology/therapy technology, medical radiation
2 technology, **RADIOLOGY ASSISTANCE**, or nuclear medicine technology under this
3 subtitle.

4 14-5B-19.

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

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

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

12 14-5B-20.

13 This subtitle may be cited as the “Maryland Radiation Oncology/Therapy
14 Technologists, Medical Radiation Technologists, **RADIOLOGIST ASSISTANTS**, and
15 Nuclear Medicine Technologists Act”.

16 14-5B-21.

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That for individuals certified
22 by the State Board of Physicians before October 1, 2008, to practice radiation
23 oncology/therapy technology, medical radiation technology, or nuclear medicine
24 technology:

25 (1) at the time the certificate expires, the Board shall issue a license to
26 replace the certificate in accordance with the renewal requirements under § 14-5B-12
27 of the Health Occupations Article; and

28 (2) the individual may continue to practice radiation oncology/therapy
29 technology, medical radiation technology, or nuclear medicine technology as a certified
30 radiation oncology/therapy technologist, medical radiation technologist or nuclear
31 medicine technologist until a license is issued.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2008.